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Question 1 - Marking guidelines:

The following items of evidence should be considered:

- Lamont L
- Duty Manager DM
- Doorman Drm
- Law firm JKL
- Doctor Doc.
- Business associate BA
- Hotel spokesperson HS
- Claim investigator CI
- Photograph/physical facts Ph
- (Any other relevant evidence AOE)

Candidates should make the following points: (1 mark each)

- L Story plausible and consistent with facts. But reliability low due to self-interest, esp. because business is in poor shape. He may have made up the whole story, or may have exaggerated his injuries and losses.
- DM Neutral statement, in the sense that no judgements about blame are made, therefore probably reliable. Notes L's apparent injuries, but leaves open whether he is faking or not.
- Drm Suggests L's injuries are less than serious, but may have been influenced by L's not having given a tip.
- JKL Supports L's claim, but obviously motivated by self interest, esp. given the no-win-no-fee promise in the advertisement. Assertion of blame supported by facts and by HS's statement.
- Doc. *Possibly* prompted by self interest, though professional status at risk if s/he actually falsifies evidence. Anyway, statement carefully qualified: alleged injuries 'consistent' with a fall, but no hard medical evidence offered. Could be described as sitting on the fence to protect him/herself.
- BA Fits in with facts about L's business, but otherwise unreliable. It is hearsay (we don't even know who 'heard' it). Also it is innuendo/sarcasm, rather than an explicit accusation. Also BA has reason for negative feeling towards L, which may colour his judgement.

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- HS Employed by hotel, so not impartial. Ten-year record not relevant since alleged cause (soap dispensers) much more recent. Claims dispensers were installed for hygiene, but lets slip that cost may have been the motive, thus strengthening JKL's claim.
- CI Reliable, professional, neutral, expert, etc. Qualified ('possible') support for L re. non-slip surface. This is best corroboration L has, but still inconclusive.
- Ph Hard evidence. Position of the soap and the hand rail consistent with L's version of events; and confirms that it was necessary to stand up in the bath to get soap. However, doesn't prove L fell or that he was injured.

(AOE 1 extra mark available *either* for an additional relevant point not listed above, *or* for extension of one of the above.)

Total 10 for: *sound, thorough coverage of all major points.*

Evaluation

- Although unreliable because of self-interest and financial circumstances, L's story is generally plausible and consistent with physical facts (photo, etc.) Therefore quite probable that he did slip. (1 or 2 marks)
- No solid evidence that L sustained alleged injuries or that these necessitated time off work, or caused real financial losses, given the negative fact about the business. Strong *possibility* that L exaggerated, even if he didn't invent whole story. Would need further information to decide whether \$30k was a justified claim. (1 or 2 marks)
- If accident occurred, strong grounds for JKL's claim that hotel was culpable for 'cost cutting at expense of safety'. Fact that soap dispensers were removed after the incident is significant. (1 or 2 marks.)

(Max. 4 marks)

Conclusion/decision

One mark for saying **either** that Lamont's claim for compensation should be accepted **or** for saying that Lamont's claim for compensation should be rejected.

(Max. 1 mark)

Total marks for Question 1: 15

Question 2 – Answers

1 In the first paragraph a dilemma [two-sided problem] is explained. What are the two sides of the dilemma?

- That many people would love to see the paintings **[1]**
- That they are damaged by breath of (even a few) visitors **[1]**

Paraphrases of these two claims are acceptable, provided they include the point about access and the point about damage caused by allowing access.

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2a Write down the sentence which expresses the main conclusion of the whole passage.

The right thing to do with the cave paintings is to open them to the public. [1]

b Identify three of the main reasons the author gives in support of the conclusion.

Any 3 from:

- The priority for archaeologists should be to open sites to the public wherever possible. [1]
- The paintings belong to all of us, (not to archaeologists etc.); we are all descendents of the prehistoric painters. [1]
- The paintings were found this century/the people of this century should have the good fortune. [1]
- Locking up the paintings means no-one gets the benefit/is like keeping a football pitch and never playing on it. [1]
- Allowing only a few people in is unfair/benefits only the privileged minority/does not benefit the bulk of the population [1]
- The paintings were painted for enjoyment/no artist wants their work sealed up in the dark. [1]

3 What does the author claim to be the top priority when an important archaeological find has been made, and what reason, or reasons, are given for the claim?

To open the site to the general public whenever it is feasible. [1]

Because the paintings belong to all of us/not just to archaeologists and landowners [1]

4 What point does the author make by using the football-pitch analogy? How effective do you consider the analogy to be, and why?

That if something is kept for the future, no one ever gets the benefit of it [1]

It is an effective analogy, because although the examples are very different, they have in common the absurdity of never using something because you don't want to spoil it. [1-2]

Alternatively it could be argued that the analogy is less than fully effective because it implies that no one uses the pitch or sees the paintings, whereas there is the possibility that a few could see the paintings/play on the pitch without spoiling them. [1-2]

Maximum: 3 marks

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- 5 Would it either strengthen or weaken the argument (or neither) if experts agreed that the paintings are some of the most beautiful and creative examples of prehistoric art ever discovered? Give at least one reason for your answer.**

It would weaken it in the sense that a great work of art would be lost if it were open to the public [1]; but equally it would strengthen it in the sense that everyone should get to see it if it is so special [1]

For observing both and saying that they balance out/cancel out, and that therefore the claim neither weakens nor strengthens the argument [3]

- 6 Suppose you were an archaeologist who wanted to restrict access to the caves. Briefly give two arguments that you would use against the passage.**

[1 for each of two points; or 2 if the point is supported by a reason, explanation, clarification, qualification, etc.]

E.g.

- If a few people are allowed in measures could be taken that would be impossible if the general public were allowed -such as breathing apparatus... [2]
- The argument claims archaeologists are being selfish, when really they are just being sensible, responsible. [1]
- Archaeologists have earned the right to special status in relation to the finds because of the work and study they have done over many years. The public just want to enjoy the paintings without any of the responsibility/hard work. [2]
- Prehistoric painters possibly/probably did not have the same attitudes/vanities as modern painters; it is likely they painted on the walls to express their own feelings, or to bring luck on the hunt, etc. [2]

Maximum: 4 marks

Total marks for Question 2: 18

Question 3 – Marking guidelines

Structure of the argument

Conclusion:

The suggestion that the minimum age for driving should be raised to 18 is not sensible.

Reasons:

There are five strands in the reasoning:-

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Question 3

Mark grid

Evaluation ⇒	Level 3: thorough critical evaluation of the argument, in terms of e.g . soundness, strengths, weaknesses, status of claims, assumptions, flaws. <i>At least 3 of these must be included.</i>	Level 2: critical evaluation of some key points in the argument	Level 1: some evaluation or relevant discussion of the argument	Level 0: some relevant discussion of the passage
Component A:				
Analysis ↓				
Level 3: L2 + evident understanding of form / structure / techniques	12-13	10-11	8-9	6-7
Level 2: identifying the main conclusion , and ALL or MOST of the key reasons	10-11	8-9	6-7	4-5
Level 1: recognising the general direction of the argument, and some of the reasons	8-9	6-7	4-5	2-3
Level 0: summary of the text / parts of text	N/A	4-5	2-3	1
Component B: Further argument (max 4)	relevant and well developed	relevant		
for each point up to 2, (or for 2 best points):	add 2	add 1		

A mark for both components should appear on the script .

**The A mark is a pairing of the level of analysis and of the level of evaluation.
The B mark is then added. E.g.**

(L1 analysis, L2 evaluation): **7 + (F/A) 3 = 10**

Marks should be justifiable entirely in terms of these descriptors to ensure consistency.

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Question 3

Notes

Analysis

The general conclusion of the argument is that the principle of not profiting from crime should apply to all whose criminal past has helped them to get rich.

This conclusion is expressed at the end of the first paragraph and again in the last paragraph, i.e.

- The Law does not go far enough: it should apply to criminals who achieve celebrity status.
- If the principle... means anything, all income should be confiscated from anyone whose criminal past has helped them to get rich.
-

(Either or both should be credited, or any reasonable paraphrase.)

The main reasons are:

- R1 Ex convicts wouldn't have had such careers except for their criminal pasts
- R2 A notorious gangster needs no talent
- R3 (IC from 1 and 2) Direct or indirect, it is still profit from crime.
- R4 Victims also have rights; (woolly liberals forget this)
- R5 One right is not to see criminals as celebrities
- R6 Victims don't get the same chance to become rich and famous

The first 2 sentences of paragraph 1 are strictly speaking introductory. However, credit could be given for citing this as part of the reasoning:

- R7 It is a ...principle that convicts should not benefit from their crimes.

Part of the argument consists of anticipating and responding to two objections; and some recognition of this is needed for a full analysis (Level 3) The first is that celebrity money is indirect income and a legitimate reward for talent. The reply is that, indirect or not, it is still derived from crime because talent is not needed; and that the producers 'take a cut', (implying they have vested interest).

The second objection is that criminals should have a fresh start. This is countered by claiming that the objection comes from woolly-minded liberals; that it ignores the rights of victims; and that it is unjust because victims don't get the same opportunities.

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Levels of analysis:

There is evidence that the candidate has:

Level 1:

recognised the **general direction** of the argument and some (two or more) of the supporting reasons

Level 2:

identified the **main conclusion**, AND noted all or most of the **important reasons**

Level 3:

achieved L2 and showed some understanding of the **form / structure / techniques** of the reasoning: [e.g. noted the presence of intermediate conclusions; one or both of the objections / counter-arguments.]

Evaluation

Strengths:

The main strength of the argument is that it takes a principle and applies it to a range of cases that are, arguably, subject to it. If the principle does hold, then clearly there is a case for saying that indirect as well as direct profit from crime should be forfeit. The objection that the reward is for talent is also quite strongly rebutted: if, as seems likely, reputation is the real attraction for audiences, then it does seem fair to say that crime is paying in this instance.

Weakness, flaws, assumptions

There are, however, many dubious claims and steps in the argument. For example:

(1) The conclusion is very sweeping. It is not really established that if the principle means *anything* then *all* income should be confiscated from *anyone* The IC claims only that the law should be extended to ex-convict celebrities, and this is what the argument seeks to support. So C is really too strong / generalised (and/or the reasoning is too particular to support it).

(2) There is an assumption in paragraph 2 that ex-convicts who become celebrities. don't have any talent. The explicit claim is that they don't *need* talent, but this is insufficient to imply that none *have* relevant talents. In fact it is perfectly plausible that certain criminal skills (e.g. deception) are very adaptable / could be 'redirected' to the entertainment business. The assumption is therefore a questionable one, which could be seen as a flaw in the argument. Some ex-convicts *could* be earning their money legitimately.

(3) The way in which the first objection is met could be criticised for being an *ad hominem* argument – i.e. an attack on the source of the objection which is not a valid refutation of the objection itself. (**However**, the other way we could see this is that the rejection is making a relevant point about the unreliability of the producers' claim. The claim is that the money 'is a legitimate reward for talent, and attracting audiences', and depends upon two assumptions - that the gangsters are talented, and that they attract audiences. The latter assumption is not in dispute - the argument objects to the idea that this legitimises the rewards. The point of referring to the producers' profits may be intended to cast doubt on the truth of the assumption that gangsters are talented, and on the truth of the claim that that is why they are being rewarded. So the rejection of the counter argument may not be so illegitimate or so *ad hominem* after all.)

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(4) The response to the second objection clearly is *ad hominem*: the fact that it is typical of woolly-minded liberals does not imply that it is wrong.

(5) Paragraph 4 could also be criticised for raising a 'straw man'. The fresh start argument does not mean ignoring / 'forgetting' victims' rights, as suggested; and it is a cheap argument to imply that its proponents do.

(6) There is an assumption in paragraph 4 that victims should have the same chance to be celebrities as criminals do, since it is allegedly unjust that they do not. This is obviously a questionable assumption; and possibly contradictory, since having such a chance would give victims a benefit not shared by non-victims. Where would be the justice in that!

(7) There is a certain amount of rhetorical language used in the argument: 'glitzy new careers', 'crooked past', 'woolly minded', 'mega-dollar income', 'strutting about enjoying...' These make a direct appeal to the feelings of the reader, over and above the reasoning. For example, 'glitzy' creates an impression of cheapness, emptiness, worthlessness, which may or may not be accurate, for example in the case of an ex-convict who writes a serious book about prison life.

Typical further argument

In support:

It sets a bad example to young people / encourages people to become criminals if they think that it is glamorous or can lead to fame, wealth etc.

Extn of Obj (2): It is all very well for criminals to start again with a clean sheet, and be considered equal to everyone else, but if criminals are often singled out for celebrity jobs, that puts them on an unequal footing, by giving them a head start on others who have not broken the law, and not harmed anyone else.

Against

Once a sentence is served a criminal has repaid debt to society and should therefore be treated like any other citizen, and that includes making the most of their experience, talents, skills etc. It is no more unfair for a criminal to exploit their past than for a well educated person to exploit theirs.