Cambridge International A Level

Cambridge International Examinations
Cambridge International Advanced Level

THINKING SKILLS **9694/43**

Paper 4 Applied Reasoning **May/June 2017**

MARK SCHEME

Maximum Mark: 50

Published

This mark scheme is published as an aid to teachers and candidates, to indicate the requirements of the examination. It shows the basis on which Examiners were instructed to award marks. It does not indicate the details of the discussions that took place at an Examiners' meeting before marking began, which would have considered the acceptability of alternative answers.

Mark schemes should be read in conjunction with the question paper and the Principal Examiner Report for Teachers.

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Question	Answer	Marks
1(a)	*Award marks from any evaluative point, to a maximum of 3.* The convictions might not have been in the year of release **[1]**. This is particularly likely if the judicial process takes a long time **[1]**. Others might have been 'wrongfully convicted' but were not released **[1]** because evidence to that effect did not emerge. **[1]** Some wrongfully-convicted individuals might have been executed before release **[1]**. There may be other reasons for release **[1]** (such as receiving a pardon or being released in error).	**3**
1(b)	*Credit 1 mark for any of the following:* • Some might have died of other causes before release • Some might still have been awaiting execution • The death penalty (in some states) might have been abolished • The release may have been due to a reinterpretation of old evidence, rather than the emergence of new evidence	**2**

Question	Answer	Marks
2	*1 mark for each element (maximum 4 if MC not identified).* **MC** – The Declaration should not have identified "the right to freedom of opinion and expression" as a fundamental human right. **IC** – (Rather than defending freedom of expression,) law-makers have a moral obligation to limit it, for the sake of public safety. **IC** –belief in the right to freedom of expression encourages intolerance and discrimination based on race and religion. **IC** – (So) we must abandon belief in freedom of expression as a fundamental human right. **IC** – [the expression of offensive opinions] should not be allowed. **CA** – (Supporters of freedom of expression often claim that) religion should not be protected from verbal attack. **IC** – (So) any principle which would allow the free expression of offensive anti-religious sentiments is seriously flawed **IC** – (So) individual freedom must not extend to making untrue and unfair comments about other people. **CA** – they had a moral duty to reveal them (, because they revealed corruption and abuse of power) **IC** – the freedom of speech of people in such positions of trust must be drastically curtailed.	**6**

Question	Answer	Marks
3	*2 marks for a developed version of any of the following points.* *1 mark for a weak or incomplete version of any of the following points.* *Paragraph1 (and throughout argument)* • Assumption: that the rights identified in the UNUDHR should not have unpalatable consequences. *Paragraph 2* • Conflation between "freedom of expression" and "freedom of speech" / The example given by Oliver Wendell Holmes is not the expression of an opinion. • Because Oliver Wendell Holmes states that the right to free speech would **not** cover his example, it does not support the claim. *Paragraph 3* • Assumption: that "reports of hate speech and incitement" are "based on race and religion". • Causal flaw: the increase in such reports may not have been caused by the introduction of human rights laws. • Assumption: that an increase in **reports** of hate speech and incitement is evidence of an increase in the **occurrence** of such events. • Assumption: that "laws protecting human rights" include the right to freedom of expression. • The fifth sentence is a slippery slope, from slightly reducing restrictions on free speech to genocide. • False dichotomy between allowing genocide and abandoning belief in freedom of expression as a fundamental human right. *Paragraph 4* • The appeal to history in the third sentence is flawed: just because offensive opinions were followed by persecution in one episode of history does not prove that the same consequences would occur on another occasion. • False dichotomy between the rights to security of person and rights to freedom of expression – it is possible for both to coexist despite one threatening the other.	**9**

Question	Answer	Marks
	Paragraph 5 • The second sentence is an appeal to pity. • Assumption: that things which cause pain to people should not be permitted. *Paragraph 6* • The reasoning in the second sentence is circular. *Paragraph 7* • Assumption: that revealing corruption puts the safety of the realm at risk. • The last line appeals to fear.	

Question	Answer	Marks
4	**'People who use their freedom of expression to cause harm should be severely punished.'** ***Specimen Level 4 Answers*** *Support (669 words)* As indicated in paras 3 and 4 of Doc 1, the exercise of the right to freedom of expression can lead to hate crimes and incitement to violence and discrimination. These cause harm. The causal fallacy in para 3 does not invalidate the points being made. The author goes too far in inferring that freedom of expression should not be recognised as a human right. Rather, it is necessary to recognise that rights sometimes conflict, and hard choices may need to be made. Freedom of expression should not be allowed to cause harm. Although Doc 2 makes some important points about the value of freedom of expression, its bias (as an organisation devoted to defending freedom of expression) prevents it from acknowledging the circumstances under which that right should be restricted. Admittedly, restrictions on the right of freedom of expression should meet a heavy burden of proof. Merely being offended by the expression of views which disagree with one's own does not normally constitute sufficient harm to justify criminalising the expression of such views. However, Doc 4 describes an extreme case of opinions which offended many people a great deal, which is why the judge imposed a prison sentence. Under such extreme circumstances, the harm caused by offending and distressing many members of the public can be greater than the harm of suppressing freedom of speech. This is also the key to forming a right judgment on the issue highlighted in Doc 5. "Homophobic, sexist and racist language" has on many occasions been used in order to provoke harm to members of particular groups. This is rightly prohibited by law. But, as the author of Doc 5 implies in his final paragraph, censoring the expression of students' opinions runs contrary to one of the central purposes of universities. The example of the Israeli ambassador's cancelled lecture is an unacceptable restriction on someone's right to freedom of expression. Presumably, the basis for the students' action was a belief that the Israeli government or people were causing harm, but no harm would have been caused to anyone by allowing the lecture to continue. Students who did not want to hear his views were free to absent themselves from the event, but they should not have prevented other people from hearing him and engaging with his arguments.	**30**

Question	Answer	Marks
	Blasphemy is a particular case of personal opinions, which (as Doc 1 para 5 rightly points out), are particularly sensitive to many people. But religious opinions have no right to special status or protection. People should be free to propagate non-religious philosophies and to criticise religious doctrines and institutions. However, there should be limits. The case described in Doc 3 is extreme. If the group had performed its obscene anti-religious protest song outside the Cathedral, perhaps it should have been protected by the right to freedom of expression, but doing it inside a building which many people regard as sacred caused extreme offence and actually prevented other people from practising their religion in peace, both of which infringed their own rights. This extreme exercise of free expression did cause harm, and it was therefore right to punish it. It appears from Doc 3 that the group probably really was punished for the blasphemy, rather than its political views, as some people have alleged. Although Doc 1 para 6 argues very weakly in favour of its claim that people should not be allowed to make "untrue and unfair comments about other people", the underlying point being made is right: freedom of expression should not be abused to justify lying about other people. Malicious lies can cause not only distress, but actual harm, such as losing one's job, or even violence from those who believe the lies. As these comments show, freedom of expression should be recognised as a fundamental human right, and it should not be restricted except in order to protect people who might be harmed by it. There is no point in imposing weak punishments for any law-breaking, since they are ineffective and a waste of effort. So people who use their right to freedom of expression to cause harm should be punished severely. *Challenge (724 words)* The expression "human right" has come to mean a right which applies to all human beings, whether the law in the state where they live recognises it or not. It can therefore be used as a criterion for evaluating legal systems, and it is not incoherent to accuse some states of offending against human rights. These rights are often described as "fundamental" and "inalienable" (in other words, they need not be earned and cannot be forfeited). As Doc 1 para 1 points out, the right to freedom of expression is a right of this kind. Doc 2 shows how important this right is, but some have argued that the exercise of this right should not extend to harming other people. Merely being offended by the expression of views which disagree with one's own does not constitute sufficient harm to justify criminalising the expression of such views. Doc 4 describes an extreme case of opinions which offended many people a great deal, but of the two interpretations quoted in the document, I agree with the MEP, not the judge. The harm caused by offending and distressing many members of the public is less than the harm of suppressing freedom of speech. So even though the exercise of free speech caused harm, I do not believe it should have been punished.	

Question	Answer	Marks
	Doc 5 identifies other opinions which some people and institutions believe should never be expressed. Admittedly, "homophobic, sexist and racist language" has (as Doc 1 points out in paras 3 and 4) sometimes been used in order to provoke harm to members of particular groups. But violence and discriminatory actions are already (and rightly) prohibited by law, and therefore need no additional safeguards; that is as far as the law should go. As the author of Doc 5 implies in his final paragraph, censuring the expression of students' opinions runs contrary to one of the central purposes of universities. So no student should be punished for expressing opinions which offend others, and there is no reason not to extend that freedom to everyone else. Blasphemy is a particular case of personal opinions, which (as Doc 1 para 5 rightly points out), are particularly sensitive to many people. But religious opinions have no right to special status or protection. People should be free to propagate non-religious philosophies and to criticise religious doctrines and institutions. Even the extreme actions described in Doc 3 should not have been punished. This is even more the case if the real reason for the prosecution and sentence was that the group and its song were criticising the government. Tolerance of political dissent is a feature of democratic states. Some of the issues discussed in Doc 1 are not matters of "freedom of expression" at all. Although Doc 1 para 6 argues very weakly in favour of its claim that people should not be allowed to make "untrue and unfair comments about other people", the underlying point being made is right: people should be prohibited from telling lies about other people. Malicious falsehoods can cause not only distress, but actual harm, such as losing one's job, or even violence from those who believe the lies. But libel and slander are not really "opinions". For example, anyone is entitled to express a minority opinion criticising a work of art which is generally regarded as a masterpiece, but it would be quite different if they were to allege falsely that the author or artist had copied the work from someone else. So laws against libel and slander do not infringe the right to freedom of expression, and those who are guilty of either of these crimes would not be justified in appealing to that right in their defence. Similarly, state secrets are not "opinions". So the fact that – as Doc 1 para 7 rightly acknowledges – people with access to such secrets are prohibited from revealing them does not infringe their right to freedom of expression. Since libel, slander and breaches of national security are not covered by the right to freedom of expression, there is no reason not to punish them. Conversely, the harm of punishing the expression of opinions would be greater than any harm which might be done by the expression of opinions themselves. So people who use their right to freedom of expression to cause harm should not be severely punished.	

Level	Structure	Max 8	Quality of argument	Max 8	Use of documents	Max 8	Treatment of counter positions	Max 6
4	Precise conclusion and accomplished argument structure with consistent use of intermediate conclusions. Likely to include at least two of the following: • strands of reasoning • suppositional reasoning • analogy • evidence • examples Argument is structured so the thought process is made clear. Uses vocabulary of reasoning appropriately and effectively to support argument.	7–8	Cogent and convincing reasoning which answers the question which was asked. Subtle thinking about the issue. Use of relevant own ideas and ideas from documents. Very few significant gaps or flaws.	7–8	Perceptive, relevant and accurate use of documents to support reasoning. References 3+ documents. Sustained and confident evaluation of documents to support reasoning. (Two or more valid **evaluative** references to documents). Able to combine information from two or more documents and draw a precise inference.	7–8	Consideration of key counter arguments and effective response to these. Use of own ideas in response to counter arguments not mentioned in the documents. Use of valid critical tools to respond to counter arguments. Effective use of appropriate terminology.	5–6
3	Clear conclusion that is more than “I agree”. Clear argument structure, which may be simple and precise or attempt complexity with some success. Appropriate use of intermediate conclusions. Use of other argument elements to support reasoning. Generally makes thinking clear. Appropriate use of vocabulary of reasoning.	5–6	Effective and persuasive reasoning which answers the question which was asked. (Although there may be some irrelevance or reliance on dubious assumptions.) Use of own ideas and ideas from documents. Few significant gaps or flaws.	5–6	Relevant and accurate use of documents which supports reasoning. References 3+ documents. Some evaluation **and** comparison of documents to support reasoning. Inference drawn from at least 1 document.	5–6	Consideration of key counter arguments and effective response to these. Response uses own ideas or is developed from documents. Some use of appropriate terminology.	3–4

Level	Structure	Max 8	Quality of argument	Max 8	Use of documents	Max 8	Treatment of counter positions	Max 6
2	Conclusion stated but may be "I agree". Sufficient clarity for meaning to be clear throughout. Structure may be easy to follow but brief or a longer argument which has a less clear structure. Uses reasons. Some appropriate use of vocabulary of reasoning.	3–4	A reasoned stance which attempts to answer the question which was asked. Some support for the conclusion. (Although there may be considerable irrelevance or reliance on dubious assumptions.) Some thinking/own ideas about the issue. Use of rhetorical questions and emotive language. Some significant gaps or flaws.	3–4	Some relevant use of documents to support reasoning, but some documents used indiscriminately. Some comparison of documents **or** some critical evaluation of documents **or** reasoned inference drawn from document.	3–4	Inclusion of counter argument or counter assertion. Response is direct but weak or taken entirely from documents.	2
1	Attempt to construct an argument. Unclear conclusion, multiple conclusions or no conclusion. Disjointed, incoherent reasoning. Use of examples in place of reasoning. Possibly a discourse or a rant. Reasons presented with no logical connection. Documents considered sequentially. Substantial irrelevant material.	1–2	Attempt to answer the general thrust of the question. Attempt to support their view. Excessive use of rhetorical questions and emotive language. Ideas which are contradictory.	1–2	Some, perhaps implicit, use of documents. No attempt at critical evaluation. No comparison of documents.	1–2	Inclusion of counter argument or counter assertion. Response is direct but ineffective.	1