

General marking principles for Higher Philosophy

Always apply these general principles. Use them in conjunction with the specific marking instructions, which identify the key features required in candidates' responses.

- (a) Always use positive marking. This means candidates accumulate marks for the demonstration of relevant skills, knowledge and understanding; marks are not deducted for errors or omissions.
- (b) If a candidate response does not seem to be covered by either the principles or specific marking instructions, and you are uncertain how to assess it, you must seek guidance from your team leader.

15. Read the following:

'Late one night a parent discovers that their child has a very severe headache and decides to take the child to hospital by car. They come to a junction where the traffic lights are at red. Seeing that there are no other cars at the junction, the parent decides to cross the red light. This is seen by police officers who stop the parent, question and breathalyse them. This is standard procedure for any driver stopped for committing a traffic offence. After issuing the parent with a fine for crossing the red light, they allow them to go on their way to hospital. Because they were stopped, they arrived later than they would have done if they had waited for the lights to change.'

Analyse and evaluate how utilitarians might respond to the parent's decision to cross the red light.

In your answer you should make clear the difference between act and rule utilitarianism.

Moral philosophy situation holistic marking criteria

Mark essays holistically according to the criteria using a 'best fit' approach. These must be applied in conjunction with the detailed marking instructions for each question.

A response worth 26-30 marks will typically contain:

- ◆ a detailed and clear understanding of the relevant information and the moral theory
- ◆ a detailed, methodical and sophisticated response to the situation
- ◆ well-developed evaluative comments that are likely to be the basis of discussion rather than just being described
- ◆ either implicitly or explicitly, a clear, well-supported personal position on the issues raised by the situation fully consistent with the descriptive and evaluative material the candidate presents in their response.

A response worth 21-25 marks will typically contain:

- ◆ relevant, accurate and detailed descriptive information in relation to the moral theory that clearly addresses the question
- ◆ a detailed and methodical response to the situation
- ◆ several well-explained and developed evaluative comments that may themselves be evaluated
- ◆ a clear and well-supported personal judgement on issues raised by the situation (this need not be in the form of a concluding paragraph and may be implicit rather than explicit).

A response worth 18-20 marks will typically contain:

- ◆ relevant, mainly accurate and detailed descriptive information in relation to the moral theory that clearly addresses the question
- ◆ a response to the situation which, in the main, shows detail and relevance
- ◆ several well-explained evaluative comments
- ◆ a well-supported personal view on issues raised by the situation, although this will vary in quality.

A response worth 15-17 marks will typically contain:

- ◆ the essential descriptive material, although this may be undeveloped and contain some inaccuracies
- ◆ reference to the situation but with little depth
- ◆ at least one appropriate evaluative comment
- ◆ a personal view on issues raised by the situation that is not necessarily well supported.

A response worth 12-14 marks will typically contain:

- ◆ some relevant but basic descriptive material
- ◆ fragmented information
- ◆ no evaluative comment.

A response worth 9-11 marks will typically contain:

- ◆ some relevant but poorly expressed material
- ◆ no evaluative comment
- ◆ a very fragmented structure.

A response worth 5-9 marks will typically contain:

- ◆ occasionally relevant but very poorly expressed material
- ◆ no evaluative comment
- ◆ no structure.

An answer gaining 0 – 4 marks will be a poor answer lacking in detail and/or accuracy. Candidates should be awarded 1 mark up to a maximum of 4 marks for each relevant point that they make.

Detailed marking instructions for this question

These must be applied in conjunction with the holistic marking criteria for the moral philosophy situation essay.

Note: Candidates will be neither credited nor penalised for stating that Mill was a rule utilitarian. Candidates who equate rule utilitarianism with Mill's higher and lower pleasures will have this inaccuracy count against them when the answer is considered according to the whether it contains 'relevant, mainly accurate and detailed descriptive information'. Accuracy aside, in the context of this question any discussion of higher and lower pleasures is also irrelevant.

Knowledge, understanding and analysis points that a candidate might make regarding utilitarianism:

- ◆ Bentham's hedonic calculus – properties of the happiness (intensity, duration, certainty & propinquity); properties of the action (fecundity & purity, ie a consideration of future consequences); extent, ie the need to calculate the effects on all those affected by the action
- ◆ act utilitarianism – an action is right if it maximises happiness
- ◆ rule utilitarianism – an action is right if it conforms to a rule that is in place because having that rule maximises happiness
- ◆ the rules that rule utilitarians advocate are not necessarily the same as the laws of the land
- ◆ act utilitarians will advocate the use of rules as a way of ensuring that people end up performing actions which maximise happiness.

In relation to the scenario candidates may discuss:

- ◆ superficially it might be thought that crossing the red light was the right thing to do because it would cause no problems to anyone else and reduce the suffering of the child
- ◆ difficulties of predicting consequences – a general problem for utilitarianism illustrated in the scenario in that the parents were not to know that they would then be delayed by the police. The problem goes deeper because it may be that if the police hadn't stopped them they would have arrived at the next junction just as somebody else jumped the lights causing an accident. If that were the case this action did minimise pain. Before the event utilitarians have to predict all future possibilities but after the event only one series has been realised and it is still unknown what the other options might have entailed
- ◆ intended consequences vs actual consequences. It might be argued that as a result of the consequences the parent's actions were wrong but because they intended a course of action that might reasonably have been expected to minimise pain the decision was morally right. There may be a distinction between what is the morally right choice and what turns out to be the right choice
- ◆ long term vs short term consequences. It might be argued that both rule and act utilitarians would advocate stopping at the red light but would do so for different

reasons. The rule utilitarian might argue that having a rule 'stop when the lights are red' or more generally 'obey the highway code' or even more generally 'obey the laws of the land' is the right thing to do because having that law will, in the

long run maximise happiness and minimise pain. All the individual then has to do is follow the rule. The act utilitarian might note that in the short term it might seem a good idea to ignore the red light but in the long term (nb purity) the breaking of the law might lead to more people breaking the law and a resulted decrease in happiness

- ◆ the use of rules to avoid bias in calculations. A general difficulty with utilitarianism is the difficulty in calculating happiness and in a scenario such as this it might be unreasonable to expect the parent to make the calculation in an unbiased way. Act utilitarians may advocate the use of rules as a way of more reliably selecting the action that maximises happiness or minimises pain □ the ignoring of special responsibilities. A general criticism of utilitarianism which is highlighted in the scenario because it may be argued that the parent has a special responsibility to their child. A theory that asks them to ignore that and perform a dispassionate calculation is unrealistic. This might be taken further in that perhaps they shouldn't even have a car to take their child to hospital because they should have spent the money saving the lives of children elsewhere in the world.