



Philosophy & Reason 2025 v1.2

IA3: Sample assessment instrument

This sample has been compiled by the QCAA to assist and support teachers in planning and developing assessment instruments for individual school settings.

Student name	sample only
Student number	sample only
Teacher	sample only
Issued	sample only
Due date	sample only

Marking summary

Criterion	Marks allocated	Provisional marks
Using and Explaining	7	
Interpreting and Analysing	7	
Organising, Synthesising and Evaluating	8	
Creating and Communicating	3	
Overall	25	

Conditions

Technique	Analytical essay
Unit	Unit 4: Social and political philosophy
Topic/s	Topic 1: Rights
Duration	Approximately 15 hours of class time
Mode / length	Written: up to 2000 words
Individual / group	Individual
Other	Students can develop their responses in class time and their own time
Resources	See attached stimulus material

Context

A generally agreed upon right is the right to feel safe as we go about our daily business — excluding people whose job it is to be in harm's way at times, such as police and firefighters. However, these people also have the right to be as safe as possible in the course of their work.

The issue then arises that some people in Australia, as in other countries such as the United States of America, believe that personal gun ownership is one way to optimise personal safety. However, others feel that widespread gun ownership within society contributes to individuals feeling unsafe and hence infringes on the rights of all to feel safe.

Task

To what extent is an individual's right to personal safety able to be upheld through government control of personal gun ownership in Australia? Present your response in the form of an analytical essay that draws on the provided stimulus material, as well as your knowledge and understanding of social and political philosophy.

To complete this task, you must:

- use terminology of argumentation and relevant terminology relating to rights, and social and political philosophy
- interpret and explain concepts, methods, principles and theories relating to rights relevant to the issue
- determine relationships within or between ideas, arguments and/or theories relevant to rights
- deconstruct arguments relating to rights relevant to the issue
- evaluate relevant philosophical claims, arguments, theories and views relating to rights
- construct a philosophical argument on the extent to which an individual's right to personal safety is able to be upheld through government control of personal gun ownership in Australia
- ensure the provided stimulus material is used in your response
- adhere to the genre conventions of an analytical essay in Philosophy & Reason, including language and referencing conventions.

Stimulus

See attached stimulus material.

Checkpoints

- ☐ At approximately 3 of 15 hours: Initial planning check
- ☐ At approximately 7 of 15 hours: Second progress check
- ☐ At approximately 12 of 15 hours: Draft due
- ☐ At approximately 15 of 15 hours: Final submission due

Authentication strategies

- You will be provided class time for task completion.
- Your teacher will conduct interviews or consultations as you develop the response.
- You must acknowledge all sources.
- Your teacher will collect and annotate a draft.
- You will use plagiarism-detection software to submit your response.

Instrument-specific marking guide (IA3): Analytical essay response (25%)

Using and Explaining	Marks
The student work has the following characteristics:	
<ul style="list-style-type: none"> • astute understanding of meaning demonstrated through employing relevant terminology relating to rights • sustained and accurate use of terminology of argumentation • comprehensive and accurate descriptions and explanations of concepts, methods, principles and theories relating to rights 	6–7
<ul style="list-style-type: none"> • substantial understanding of meaning demonstrated through employing relevant terminology relating to rights • sustained and accurate use of terminology of argumentation, with minor errors or omissions • comprehensive descriptions and explanations of concepts, methods, principles and theories relating to rights that are accurate in most key aspects 	4–5
<ul style="list-style-type: none"> • basic understanding of meaning demonstrated through employing relevant terminology relating to rights • some accurate use of terminology of argumentation • descriptions and explanations of concepts, methods, principles and theories relating to rights are evident, but with inaccuracies or omissions 	2–3
<ul style="list-style-type: none"> • rudimentary understanding of meaning demonstrated through employing some terminology relating to rights • use of terminology of argumentation is limited • significant inaccuracies or omissions in descriptions and explanations of concepts, methods, principles and theories relating to rights are evident throughout the response. 	1
The student work does not satisfy any of the descriptors above.	0

Interpreting and Analysing	Marks
The student work has the following characteristics:	
<ul style="list-style-type: none"> • detailed and perceptive interpretation of significant ideas and information relating to rights • precise and accurate deconstruction of relevant arguments relating to rights • insightful determination of relationships within or between ideas, arguments and/or theories relevant to rights 	6–7
<ul style="list-style-type: none"> • informed interpretation of significant ideas and information relating to rights • accurate deconstruction of relevant arguments relating to rights • effective determination of relationships within or between ideas, arguments and/or theories relevant to rights 	4–5
<ul style="list-style-type: none"> • interpretation of ideas and information relating to rights • deconstruction of relevant arguments relating to rights • identification of relationships within or between ideas, arguments and/or theories relevant to rights 	2–3
<ul style="list-style-type: none"> • simplistic interpretation of ideas and information relating to rights • partial deconstruction of arguments relating to rights • minimal identification of relationships within or between ideas, arguments and/or theories relevant to rights. 	1
The student work does not satisfy any of the descriptors above.	0

Organising, Synthesising and Evaluating	Marks
The student work has the following characteristics:	
<ul style="list-style-type: none"> coherent and thorough synthesis of ideas and information relating to rights and the contemporary issue in which all key aspects have been considered and resolved insightful evaluation of philosophical claims, arguments, theories and views relating to rights using discerning criteria constructs a sophisticated argument relating to rights 	7–8
<ul style="list-style-type: none"> substantial synthesis of ideas and information relating to rights and the contemporary issue in which most key aspects have been considered and resolved considered evaluation of philosophical claims, arguments, theories and views relating to rights using appropriate criteria constructs an effective argument relating to rights 	5–6
<ul style="list-style-type: none"> partial synthesis of ideas and information relating to rights and the contemporary issue in which some key aspects have been considered and resolved evaluation of philosophical claims, arguments, theories and views relating to rights using criteria constructs a feasible argument relating to rights 	3–4
<ul style="list-style-type: none"> superficial synthesis of ideas and information relating to rights and the contemporary issue superficial evaluation of philosophical claims, arguments, theories and views relating to rights provides a conclusion relating to rights with simplistic justification. 	1–2
The student work does not satisfy any of the descriptors above.	0

Creating and Communicating	Marks
The student work has the following characteristics:	
<ul style="list-style-type: none"> conveys relevant ideas and arguments purposefully and fluently consistently demonstrates features of the analytical essay genre minimal errors in spelling, grammar and punctuation 	3
<ul style="list-style-type: none"> conveys relevant ideas and arguments purposefully generally demonstrates features of the analytical essay genre some errors in spelling, grammar and/or punctuation 	2
<ul style="list-style-type: none"> conveys ideas and/or arguments sporadically demonstrates features of the analytical essay genre frequent errors in spelling, grammar and/or punctuation impede communication of ideas and arguments. 	1
The student work does not satisfy any of the descriptors above.	0

Stimulus

Source 1: Bentham on rights

Bentham's views on rights are, perhaps, best known through the attacks on the concept of 'natural rights' that appear throughout his work. These criticisms are especially developed in his *Anarchical Fallacies* (a polemical attack on the declarations of rights issued in France during the French Revolution), written between 1791 and 1795 but not published until 1816, in French. Bentham's criticisms here are rooted in his understanding of the nature of law. Rights are created by the law, and law is simply a command of the sovereign. The existence of law and rights, therefore, requires government. Rights are also usually (though not necessarily) correlative with duties determined by the law and, as in Hobbes, are either those which the law explicitly gives us or those within a legal system where the law is silent. The view that there could be rights not based on sovereign command and which pre-exist the establishment of government is rejected.

According to Bentham, then, the term 'natural right' is a 'perversion of language'. It is 'ambiguous', 'sentimental' and 'figurative' and it has anarchical consequences. At best, such a 'right' may tell us what we ought to do; it cannot serve as a legal restriction on what we can or cannot do. The term 'natural right' is ambiguous, Bentham says, because it suggests that there are general rights — that is, rights over no specific object — so that one would have a claim on whatever one chooses. The effect of exercising such a universal, natural 'right' would be to extinguish the right altogether, since 'what is every man's right is no man's right'. No legal system could function with such a broad conception of rights. Thus, there cannot be any general rights in the sense suggested by the French declarations.

Moreover, the notion of natural rights is figurative. Properly speaking, there are no rights anterior to government. The assumption of the existence of such rights, Bentham says, seems to be derived from the theory of the social contract. Here, individuals form a society and choose a government through the alienation of certain rights. But such a doctrine is not only unhistorical, according to Bentham, it does not even serve as a useful fiction to explain the origin of political authority. Governments arise by habit or by force, and for contracts (and, specifically, some original contract) to bind, there must already be a government in place to enforce them.

Finally, the idea of a natural right is 'anarchical'. Such a right, Bentham claims, entails a freedom from all restraint and, in particular, from all legal restraint. Since a natural right would be anterior to law, it could not be limited by law, and (since human beings are motivated by self-interest) if everyone had such freedom, the result would be pure anarchy. To have a right in any meaningful sense entails that others cannot legitimately interfere with one's rights, and this implies that rights must be capable of enforcement. Such restriction, as noted earlier, is the province of the law.

Bentham concludes, therefore, that the term 'natural rights' is 'simple nonsense: natural and imprescriptible rights, rhetorical nonsense, — nonsense upon stilts'. Rights — what Bentham calls 'real' rights — are fundamentally legal rights. All rights must be legal and specific (that is, having both a specific object and subject). They ought to be made because of their conduciveness to 'the general mass of felicity', and correlatively, when their abolition would be to the advantage of society, rights ought to be abolished. So far as rights exist in law, they are protected; outside of law, they are at best 'reasons for wishing there were such things as rights'. While Bentham's essays against natural rights are largely polemical, many of his objections continue to be influential in contemporary political philosophy.

Nevertheless, Bentham did not dismiss talk of rights altogether. There are some services that are essential to the happiness of human beings and that cannot be left to others to fulfill as they see fit, and so these individuals must be compelled, on pain of punishment, to fulfill them. They must, in other words, respect the rights of others. Thus, although Bentham was generally suspicious of the concept of rights, he does allow that the term is useful, and in such work as *A General View*

of a *Complete Code of Laws*, he enumerates a large number of rights. While the meaning he assigns to these rights is largely stipulative rather than descriptive, they clearly reflect principles defended throughout his work.

There has been some debate over the extent to which the rights that Bentham defends are based on or reducible to duties or obligations, whether he can consistently maintain that such duties or obligations are based on the principle of utility, and whether the existence of what Bentham calls 'permissive rights' — rights one has where the law is silent — is consistent with his general utilitarian view. This latter point has been discussed at length by H.L.A. Hart (1973) and David Lyons (1969).

From: Sweet, W, (n.d.). *Jeremy Bentham (1748–1832): Rights*. Internet Encyclopedia of Philosophy. www.iep.utm.edu/bentham/#SH5b. Used in accordance with website copyright notice www.iep.utm.edu/home/copyright

Source 2: What would count as natural rights?

In conversation, people use the word 'natural' in many different contexts: natural as meaning handed down from God (theological); natural as meaning as existed for pre-societal humans (anthropological); natural as meaning in keeping with human nature or those characteristics typical of humans (psychological); and natural as meaning as exists in nature (universal). However, in each of these contexts, natural was intended to mean the opposite of 'specific to a particular culture' — 'natural' implies universal or independent from culture.

In the theological context, natural rights are defined by the obligations that God passes down to man. In an example from the Bible, the 'natural' right to life is established by God's commandment, 'Thou shall not kill.' For example, Locke's right to property is based on the theological assumptions that (1) God 'gave the world in common to all mankind' and (2) individuals are under an obligation to respect the rights of others because they are all God's works.

The idea of a 'natural' right provided by a God, an entity, by definition, outside of nature, is inconsistent. Theological beliefs are also identifiable with specific cultures (e.g., a Christian culture, Buddhist Culture, or Aztec Culture). Each of these cultures had and has very specific and different views about human rights. Because rights defined on theological terms are provided from outside nature and are culturally specific, it seems inappropriate to label rights derived using theology as natural.

In the anthropological context, a natural right would imply those obligations that ancient humans, in a primitive existence long past, took upon themselves on behalf of their fellows. Hobbes, Locke, Rousseau and other philosophers, have used the pre-societal condition, not to analyse the moral existence of Neolithic man, but to suggest how humans might have behaved if they had existed in a state without a specific culture. In this sense, there is nothing very 'natural' about the anthropological context at all, since no humans exist outside of a specific culture. And as humans, and man's closest genetic relatives, the upper primates evolved and exist today as social animals, there likely never was a time during man's evolution when man did not exist as a social animal.

Occasionally, we do read of weird cases of children raised without socialisation, for example by wolves or by abusive parents. However, the fact that the children in these cases rarely fit into society afterwards demonstrates that this way is not 'natural'. While there are also those who voluntarily forgo a social existence (e.g. monks, pioneers, ...) this way of life does seem very untypical. As Aristotle in the *Politics* states, 'he...who has no need for the state because he is sufficient for himself must be either a beast or a god.' Further, rights can only be defined with respect to society and cannot exist in a pre-societal condition. In the pre-societal context, the idea of 'natural' rights is not meaningful.

The psychological context defines 'natural' as based on 'human nature'. The idea of human nature is difficult to grasp. To many, human nature is defined by the way humans might act in the pre-societal context described above. To me, this seems neither natural or useful. I think that it is more useful to consider human nature as the typical psychological behaviour of humans across specific cultures. Unfortunately, attempts to define human behaviour as being for good or for evil or as generous or selfish are gross oversimplifications of very complex and very diverse behaviour.

Using this definition of human nature, natural rights would be understood as the typical rights that humans grant each other across all societies and cultures. Natural rights are those rights in 'common' to human societies. One problem with this approach is that there are likely no rights that are in common to all societies. It is easy to think of societies that have denied universal rights to life, liberty, and property (e.g. any slave society). Further, the idea of natural rights as common rights seems to very strongly imply that natural rights are not different or more special than cultural rights (the opposition of natural rights).

The universal context defines 'nature' as the entire physical universe. Everything that exists, exists in nature. All rights that we respected in the past, currently, or at any time in the future will be respected in the state of nature. Thus, all rights are 'natural' rights. Unfortunately, while this definition may be logical it doesn't capture the meaning of 'natural' that is important in the specialness of 'natural rights'. It does, however, demonstrate the difficulties of reasoning out things that are natural.

From: Chudnow, A. (1994). Natural rights. *Philosophy Now*, 10, 22–24. https://philosophynow.org/issues/10/Natural_Rights. Used with permission.

Source 3: Locke on the right to resist tyrannical rulers (from *Second Treatise of Government*, 1690)

CHAPTER XVIII: Of Tyranny

199. As usurpation is the exercise of power, which another hath a right to; so tyranny is the exercise of power beyond right, which nobody can have a right to. And this is making use of the power anyone has in his hands, not for the good of those who are under it, but for his own private separate advantage. When the governor, however entitled, makes not the law, but his will, the rule; and his commands and actions are not directed to the preservation of the properties of his people, but the satisfaction of his own ambition, revenge, covetousness, or any other irregular passion.

201. It is a mistake, to think this fault is proper only to monarchies; other forms of government are liable to it, as well as that: for wherever the power, that is put in any hands for the government of the people, and the preservation of their properties, is applied to other ends, and made use of to impoverish, harass, or subdue them to the arbitrary and irregular commands of those that have it; there it presently becomes tyranny, whether those that thus use it are one or many...

202. Wherever law ends, tyranny begins, if the law be transgressed to another's harm; and whosoever in authority exceeds the power given him by the law, and makes use of the force he has under his command, to compass that upon the subject, which the law allows not, ceases in that to be a magistrate; and, acting without authority, may be opposed, as any other man, who by force invades the right of another.

...

222. The reason why men enter into society, is the preservation of their property... whenever the legislators endeavour to take away, and destroy the property of the people, or to reduce them to slavery under arbitrary power, they put themselves into a state of war with the people, who are

thereupon absolved from any farther obedience, and are left to the common refuge, which God hath provided for all men, against force and violence. Whensoever therefore the legislative shall transgress this fundamental rule of society; and either by ambition, fear, folly or corruption, endeavour to grasp themselves, or put into the hands of any other, an absolute power over the lives, liberties, and estates of the people; by this breach of trust they forfeit the power the people had put into their hands for quite contrary ends, and it devolves to the people, who have a right to resume their original liberty, and, by the establishment of a new legislative, (such as they shall think fit) provide for their own safety and security, which is the end for which they are in society.

CHAPTER XIX: Of the Dissolution of Government

232. Whosoever uses force without right... who does it without law, puts himself into a state of war with those against whom he so uses it; and in that state all former ties are cancelled, all other rights cease, and everyone has a right to defend himself, and to resist the aggressor.

...

242. If a controversy arise between a prince and some of the people, in a matter where the law is silent, or doubtful, and the thing be of great consequence, I should think the proper umpire, in such a case, should be the body of the people: for in cases where the prince hath a trust reposed in him, and is dispensed from the common ordinary rules of the law; there, if any men find themselves aggrieved, and think the prince acts contrary to, or beyond that trust, who so proper to judge as the body of the people, (who, at first, lodged that trust in him) ...

From: Locke, J. *Second Treatise of Government*. Project Gutenberg, December 25, 2021, <https://gutenberg.org/ebooks/7370>

Source 4

Freedom is not empowerment [...] Anybody can grab a gun and be empowered.

From: O'Rourke, P.J. (n.d.). *P.J. O'Rourke, Quotes, Quotable Quote*. Goodreads. www.goodreads.com/quotes/37028-freedom-is-not-empowerment-empowerment-is-what-the-serbs-have.

Source 5

This source has been redacted due to copyright restrictions. Reference is made to the issue of weapon ownership in the United States and its implications in Warren, E. (2014). *A Fighting Chance*. Metropolitan Books. p.237.

Source 6

God may have made men, but Samuel Colt * made them equal.

* Samuel Colt was an American gun manufacturer who patented a revolver mechanism for guns.

From: Harcourt, B.E. (Ed.) (2003). *Guns, Crime, and Punishment in America*. NYU Press. p.5.



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