



## General Certificate of Education

# Government and Politics 5151/6151

*GOV4 Comparative UK/USA Government*

## Mark Scheme

*2006 examination –January series*

Mark schemes are prepared by the Principal Examiner and considered, together with the relevant questions, by a panel of subject teachers. This mark scheme includes any amendments made at the standardisation meeting attended by all examiners and is the scheme which was used by them in this examination. The standardisation meeting ensures that the mark scheme covers the candidates' responses to questions and that every examiner understands and applies it in the same correct way. As preparation for the standardisation meeting each examiner analyses a number of candidates' scripts: alternative answers not already covered by the mark scheme are discussed at the meeting and legislated for. If, after this meeting, examiners encounter unusual answers which have not been discussed at the meeting they are required to refer these to the Principal Examiner.

It must be stressed that a mark scheme is a working document, in many cases further developed and expanded on the basis of candidates' reactions to a particular paper. Assumptions about future mark schemes on the basis of one year's document should be avoided; whilst the guiding principles of assessment remain constant, details will change, depending on the content of a particular examination paper.

## CRITERIA FOR MARKING AS/A2 GOVERNMENT AND POLITICS

### Introduction

The AQA's revised Government and Politics specification has been designed to be objectives-led in that questions are set which address the assessment objectives published in the specification. The assessment objectives for A Level and AS are the same, but the weightings are different at AS and A2. Details of the weightings are given in paragraphs 7.2 and 8.4 of the specification.

The schemes of marking reflect these objectives. The mark scheme which follows is of the *levels of response* type showing that candidates are expected to demonstrate their mastery of the skills required in the context of their knowledge and understanding of Government and Politics. Mark schemes provide the necessary framework for examiners but they cannot cover all eventualities. Candidates should be given credit for partially complete answers. Where appropriate, candidates should be given credit for referring to recent and contemporary developments in Government and Politics.

Consistency of marking is of the essence in all public examinations. It is therefore of vital importance that assistant examiners apply the marking scheme as directed by the Principal Examiner in order to facilitate comparability with the marking of other options.

Before scrutinising and applying the detail of the specific mark scheme which follows, assistant examiners are required to familiarise themselves with the general principles of the mark scheme as contained in the Assessment Matrix.

### Using a levels of response mark scheme

Good examining is about the **consistent** application of judgement. Mark schemes provide a framework within which examiners exercise their judgement. This is especially so in subjects like Government and Politics which in part rely upon analysis, evaluation, argument and explanation. With this in mind, examiners should use the Assessment Matrix alongside the detailed mark scheme for each question. The Assessment Matrix provides a framework ensuring a consistent, generic, source from which the detailed mark schemes are derived. This supporting framework ensures a consistent approach within which candidates' responses are marked according to the level of demand and context of each question.

Examiners should initially make a decision about which Level any given response should be placed in. Having determined the appropriate Level the examiners must then choose the precise mark to be given within that Level. In making a decision about a specific mark to award, it is vitally important to think first of the mid-range within the Level, where that Level covers more than two marks. Comparison with other candidates' responses to the same question might then suggest whether the middle mark is unduly generous or severe.

In making decisions away from the middle of the Level, examiners should ask themselves questions relating to candidate attainment, including the quality of language. The more positive the answers, the higher should be the mark awarded. We want to avoid "bunching" of marks. Levels mark schemes can produce regression to the mean, which should be avoided. A candidate's script should be considered by asking "Is it:

- precise in its use of factual information?
- appropriately detailed?
- factually accurate?
- appropriately balanced or markedly better in some areas than others?
- generally coherent in expression and cogent in development (as appropriate to the level awarded)?
- well presented as to general quality of language?"

The overall aim is to mark positively, giving credit for what candidates know, understand and can do.

**A2 GOVERNMENT AND POLITICS, EXCLUDING SYNOPTIC UNIT  
(GOV4, GOV5, GOV6, GOV7)  
GENERIC MARK SCHEME for Question 1 part (a) (Total: 8 marks)**

	<b>Knowledge and Understanding: Recall, Select &amp; Deploy</b>	<b>Skills: Analysis &amp; Evaluation</b>	<b>Communication</b>
	<b>AO1</b>	<b>AO2</b>	<b>AO3</b>
	<p><b>Levels 3–4 (2 marks)</b> The candidate demonstrates a good to excellent knowledge and understanding of political data, concept(s) or term(s). Where appropriate, the candidate produces accurate and/or relevant examples to illustrate points made.</p>	<p><b>Levels 3–4 (3–4 marks)</b> The candidate applies a good to excellent range of developed concepts and uses appropriate political theory to construct a clear and cogent explanation or argument.</p>	<p><b>Levels 3–4 (2 marks)</b> The candidate communicates clearly and effectively using appropriate political vocabulary. The answer has a clear sense of direction, is focused on the question and, where appropriate, has a conclusion which flows from the discussion.</p>
	<p><b>Levels 1–2 (1 mark)</b> The candidate demonstrates limited knowledge and understanding of political data, concept(s) or term(s). The candidate produces few or inaccurate examples and/or limited evidence to illustrate points made.</p>	<p><b>Levels 1–2 (1–2 marks)</b> The candidate applies a limited range of concepts and makes little or limited use of political theory or ideas in developing an explanation or argument.</p>	<p><b>Levels 1–2 (1 mark)</b> The candidate communicates explanations or arguments with limited clarity and effectiveness using limited political vocabulary. The answer may lack either a clear focus on the question or a sense of direction. A conclusion, where appropriate, may be offered but its relationship to the preceding discussion is modest or implicit.</p>

**A2 GOVERNMENT AND POLITICS, EXCLUDING SYNOPTIC UNIT  
(GOV4, GOV5, GOV6, GOV7)  
GENERIC MARK SCHEME for Question 1 part (b) (Total: 12 marks)**

	<b>Knowledge and Understanding: Recall, Select &amp; Deploy</b>	<b>Skills: Analysis &amp; Evaluation</b>	<b>Communication</b>
	<b>AO1</b>	<b>AO2</b>	<b>AO3</b>
	<p><b>Level 4 (5–6 marks)</b> The candidate demonstrates a comprehensive knowledge and understanding of political concepts, institutions and processes. The candidate fully addresses the requirements of the question and provides developed and effective to comprehensive interpretation. The answer also provides clear to accurate evidence and, where appropriate, good to excellent examples to illustrate points made.</p>	<p><b>Levels 3–4 (3–4 marks)</b> The candidate applies a good to excellent range of developed concepts and uses appropriate political theory to construct a clear and cogent explanation or argument.</p>	<p><b>Levels 3–4 (2 marks)</b> The candidate communicates clearly and effectively using appropriate political vocabulary. The answer has a clear sense of direction, is focused on the question and, where appropriate, has a conclusion which flows from the discussion.</p>
	<p><b>Level 3 (3–4 marks)</b> The candidate demonstrates sound knowledge and understanding of political concepts, institutions and processes. The candidate clearly addresses the requirements of the question and provides sound interpretation and contextual awareness. The answer includes good examples to illustrate points made.</p>		
	<p><b>Levels 1–2 (1–2 marks)</b> The candidate demonstrates slight to basic knowledge and understanding of political concepts, institutions and processes. The candidate makes a very limited attempt to address the requirements of the question and provides little to partial and reasonably effective interpretation. Answers offer limited or little evidence and few or inaccurate examples to illustrate points made.</p>	<p><b>Levels 1–2 (1–2 marks)</b> The candidate applies a limited range of concepts and makes little or limited use of political theory or ideas in developing an explanation or argument.</p>	<p><b>Levels 1–2 (1 mark)</b> The candidate communicates explanations or arguments with limited clarity and effectiveness using limited political vocabulary. The answer may lack either a clear focus on the question or a sense of direction. A conclusion, where appropriate, may be offered but its relationship to the preceding discussion is modest or implicit.</p>

**A2 GOVERNMENT AND POLITICS, EXCLUDING SYNOPTIC UNIT  
(GOV4, GOV5, GOV6, GOV7)  
GENERIC MARK SCHEME for Question 1 part (c) (Total: 20 marks)**

	<b>Knowledge and Understanding: Recall, Select &amp; Deploy</b>	<b>Skills: Analysis &amp; Evaluation</b>	<b>Communication</b>
	<b>AO1</b>	<b>AO2</b>	<b>AO3</b>
	<p><b>Level 4 (7–8 marks)</b> The candidate demonstrates a comprehensive knowledge and understanding of political concepts/theories/institutions and processes and the relationships between them. The answer fully addresses the requirements of the question and demonstrates excellent contextual awareness.</p> <p>The answer includes excellent examples to illustrate points made.</p>	<p><b>Level 4 (7–8 marks)</b> The candidate displays excellent awareness of the implications and demands of the question. There is an excellent focus on the specific question asked. There is a clear evaluation of political institutions, processes and behaviour which displays a sophisticated awareness of viewpoints and issues.</p> <p>Appropriate parallels and connections are clearly identified together with comparisons. A wide range of concepts is used.</p>	<p><b>Level 4 (4 marks)</b> The candidate communicates arguments, explanations and conclusions with clarity. Excellent use is made of political vocabulary to construct cogent and coherent arguments. The answer has a clear sense of direction, culminating in a conclusion that flows from the preceding discussion.</p>
	<p><b>Level 3 (5–6 marks)</b> The candidate demonstrates sound knowledge and understanding of political concepts/theories/institutions and processes and the relationships between them. The answer clearly addresses the requirements of the question and demonstrates sound contextual awareness.</p> <p>The answer includes good examples to illustrate points made.</p>	<p><b>Level 3 (5–6 marks)</b> The candidate displays sound awareness of the implications and demands of the question. There is a clear focus on the question. There is a sound evaluation of political institutions, processes and behaviour which displays good awareness of viewpoints and issues. There is good recognition of parallels and comparisons. Appropriate concepts are used.</p>	<p><b>Level 3 (3 marks)</b> The candidate communicates arguments, explanations and conclusions well. Good use is made of political vocabulary to construct clear arguments and explanations.</p> <p>The candidate produces an answer with a conclusion linked to the preceding discussion.</p>

**GENERIC MARK SCHEME for Question 1 part (c) (continued)**

	<b>Knowledge and Understanding: Recall, Select &amp; Deploy</b>	<b>Skills: Analysis &amp; Evaluation</b>	<b>Communication</b>
	<b>AO1</b>	<b>AO2</b>	<b>AO3</b>
	<p><b>Level 2 (3–4 marks)</b> The candidate demonstrates outline knowledge and understanding of political concepts/theories/institutions and processes and some awareness of the relationships between them. The answer makes a limited attempt to address the question and demonstrates contextual awareness covering part of the question.</p> <p>The answer includes simple examples to illustrate points made.</p>	<p><b>Level 2 (3–4 marks)</b> The candidate displays limited awareness of the implications and demands of the question resulting in a restricted focus. There is a limited evaluation of political institutions, processes and behaviour which displays partial awareness of viewpoints and issues.</p> <p>There is some recognition of basic parallels and comparisons with a limited use of concepts.</p>	<p><b>Level 2 (2 marks)</b> The candidate communicates arguments and conclusions adequately with a limited use of political vocabulary.</p> <p>A conclusion is offered but its relationship to the preceding discussion may be modest or implicit.</p>
	<p><b>Level 1 (1–2 marks)</b> The candidate demonstrates a slight and incomplete knowledge and understanding of political institutions and processes and a limited awareness of the relationships between them. There is little attempt to address the requirements of the question.</p> <p>The answer includes few, if any, examples which may be inaccurately reported or inappropriately used.</p>	<p><b>Level 1 (1–2 marks)</b> The candidate displays little awareness of the implications and demands of the question and focus is lacking. Evaluation of political institutions, processes and behaviour is superficial, with little awareness of viewpoints and issues.</p> <p>There is little, if any, recognition of parallels and comparisons. The use of concepts is superficial and naïve.</p>	<p><b>Level 1 (1 mark)</b> The answer relies upon narrative, which is not fully coherent. There is little or no use of political vocabulary.</p> <p>A conclusion, if present, is not adequately related to the preceding discussion.</p>

**A2 GOVERNMENT AND POLITICS, EXCLUDING SYNOPTIC UNIT  
(GOV4, GOV5, GOV6, GOV7)  
GENERIC MARK SCHEME for Questions 2, 3 and 4 (Maximum 40 marks)**

	<b>Knowledge and Understanding: Recall, Select &amp; Deploy</b>	<b>Skills: Analysis &amp; Evaluation</b>	<b>Communication</b>
	<b>AO1</b>	<b>AO2</b>	<b>AO3</b>
	<p><b>Level 4 (13–16 marks)</b> The candidate demonstrates a comprehensive knowledge and understanding of political concepts/theories/institutions and processes and the relationships between them. The answer fully addresses the requirements of the question and demonstrates excellent contextual awareness.</p> <p>The answer includes excellent examples to illustrate points made. The answer includes detailed and comprehensive interpretations or explanations as well as accurate evidence and relevant examples to illustrate points made.</p>	<p><b>Level 4 (13–16 marks)</b> The candidate displays excellent awareness of the implications and demands of the question. There is an excellent and sustained focus on the specific question asked. There is clear and full evaluation of political institutions, processes and behaviour which displays a sophisticated awareness of differing viewpoints and recognition of issues.</p> <p>Appropriate parallels and connections are clearly identified together with well-developed comparisons. A wide range of concepts is used and developed.</p>	<p><b>Level 4 (7–8 marks)</b> The candidate communicates arguments, explanations and conclusions with clarity. Excellent use is made of political vocabulary to construct cogent and coherent arguments and explanations. The answer has a clear sense of direction, culminating in a conclusion that flows from the preceding discussion.</p>
	<p><b>Level 3 (9–12 marks)</b> The candidate demonstrates sound knowledge and understanding of political concepts/theories/institutions and processes and the relationships between them. The answer clearly addresses the requirements of the question and demonstrates sound contextual awareness.</p> <p>The answer includes developed and effective interpretations or explanations and also clear evidence and good examples to illustrate points made.</p>	<p><b>Level 3 (9–12 marks)</b> The candidate displays sound awareness of the implications and demands of the question. There is a clear focus on the question. There is a sound evaluation of political institutions, processes and behaviour which displays good awareness of differing viewpoints and recognition of issues. There is good recognition of parallels and comparisons. Appropriate concepts are used and developed.</p>	<p><b>Level 3 (5–6 marks)</b> The candidate communicates arguments, explanations and conclusions well. Good use is made of political vocabulary to construct clear arguments and explanations.</p> <p>The candidate produces an answer with a conclusion linked to the preceding discussion.</p>

**GENERIC MARK SCHEME for Questions 2, 3 and 4 (continued)**

	<b>Knowledge and Understanding: Recall, Select &amp; Deploy</b>	<b>Skills: Analysis &amp; Evaluation</b>	<b>Communication</b>
	<b>AO1</b>	<b>AO2</b>	<b>AO3</b>
	<p><b>Level 2 (5–8 marks)</b> The candidate demonstrates outline knowledge and understanding of political concepts/theories/institutions and processes and some awareness of the relationships between them. The answer makes a limited attempt to address the question and demonstrates contextual awareness covering part of the question.</p> <p>The answer includes a partial and reasonably effective attempt at interpretation or explanation with some examples to illustrate points made.</p>	<p><b>Level 2 (5–8 marks)</b> The candidate displays little awareness of the implications and demands of the question resulting in a restricted focus. There is a limited evaluation of political institutions, processes and behaviour which displays a partial awareness of differing viewpoints and issues.</p> <p>There is some recognition of basic parallels and comparisons. Arguments and explanations are undeveloped with a limited use of concepts.</p>	<p><b>Level 2 (3–4 marks)</b> The candidate communicates arguments and conclusions adequately with a limited use of political vocabulary.</p> <p>A conclusion is offered but its relationship to the preceding discussion may be modest or implicit.</p>
	<p><b>Level 1 (1–4 marks)</b> The candidate demonstrates a slight and incomplete knowledge and understanding of political institutions and processes and a limited awareness of the relationships between them. There is little attempt to address the requirements of the question. There is only superficial awareness, if any, of the context of the question, with little interpretation and few, if any, examples often inaccurately reported or inappropriately used.</p>	<p><b>Level 1 (1–4 marks)</b> The candidate displays little awareness of the implications and demands of the question and focus is lacking. Evaluation of political institutions, processes and behaviour is superficial.</p> <p>Analysis shows little awareness of differing viewpoints and issues. There is little, if any, recognition of parallels and comparisons. Arguments, explanations and use of concepts are superficial and naïve.</p>	<p><b>Level 1 (1–2 marks)</b> The answer relies upon narrative, which is not fully coherent. There is little or no use of political vocabulary.</p> <p>A conclusion, if present, is not adequately related to the preceding discussion.</p>

**1****Total for this question: 40 marks**

- (a) Using the extract, explain the differences between a *codified* and an *uncodified* constitution. (8 marks)

Codified as in a written document. Written in 1787. Reference can be made to the Constitution and its various amendments. Product of a 'sharp turn in history'. Uncodified does not mean unwritten but found in various sources **not** one document. Product of UK's evolution over centuries. Sources = great constitutional documents eg Magna Carta, statute law relating to the constitution eg 1998 Scotland and Wales Act and the numerous constitutional conventions. Leads to differences in change ie flexibility/rigidity arguments.

- (b) Using the extract and your own knowledge, compare the ways in which citizens' rights are protected in the UK and the USA. (12 marks)

Protection of rights in the USA by the entrenched Bill of Rights where rights are inalienable and guaranteed eg "Congress shall make no law" as in the 1<sup>st</sup> amendment. Protected by the power of interpretation of the Supreme Court. Passage refers to knowledge of US Citizens of their rights where proposals can be 'instantly' measured against the provisions of the constitution. In the UK there are no guaranteed rights because of Parliamentary sovereignty (implied in the extract eg 'the erosion of ancient rights of the accused in the courts' and a simple majority in Parliament can take away our most basic liberties). Knowledge also required of Human Rights Act and the incorporation of the ECHR's into UK law. Debates and disputes, however, about its protection given Parliamentary Sovereignty and the Government's 'derogation' of parts of the convention. Examples of cases in both countries would provide an effective discriminator, for example the recent Anti Terror legislation in the UK and the Patriot Act in the US.

- (c) Compare the extent to which the power of governments in both the UK and the USA is constrained by their constitutions. (20 marks)

Candidates should discuss whether constitutions constrain government power or not (and of key importance is the **extent** to which they do). In the USA, the principles entrenched in the constitution (eg the separation of powers, checks and balances, federalism) and entrenched rights, lead to arguments that the Constitution **does** constrain the government and the concept of limited government applies to the USA through the application (numerous examples) of these principles. In the UK, it can be argued that no such constitutional principles provide an effective constraint on a government with a large majority in the House of Commons. Instead the centralised (despite devolution) and concentrated power in the UK leads to the argument that the UK Constitution is simply 'whatever happens' or whatever the government wants it to be. Could stress the weakness of the 'checks and balances' eg the opposition, House of Lords, the PM's use of the royal prerogative, for example. The better candidates would be able to recognise the fact that the constitution has been ignored in the USA (with examples) and also that numerous restrictions can limit the power of government in the UK through constitutional rules, eg 5 year terms for parliament, or the power of the constitutional conventions, eg Callaghan resigning after the Vote of NO Confidence in 1979.

At the higher level of response, candidates should recognise the differences between theory and practice in both countries and the fact that the exercise of power by governments is dependent upon the events and circumstances of the time, eg Post 9-11 in the US.

2

**Total for this question: 40 marks**

‘Too big, too powerful and too uncontrolled by elected officials.’

Discuss with reference to the role of the federal bureaucracy in the USA and that of the civil service in the UK. (40 marks)

Stress is on the word **too** allowing for discrimination between candidates. The question invites a critique of the two bureaucracies and how far this can be taken. It may be accurate in one country but less so in the other. In both countries, there will be awareness of the function of bureaucracies in advising elected governments in carrying out the functions of the State, running the machinery of government and advising governments on the drawing up and implementation of their policy. In the USA, this is the executive agencies (eg the CIA) and the Executive Departments (such as State and Defence) whose personnel may not be permanent but political appointees and, in the UK, the permanent, neutral and expert Whitehall Civil Service (and the Next Steps Agencies). Candidates should make reference to these characteristics which distinguish them from their elected and responsible masters. There may be discussions of a ‘politicised’ bureaucracy and the increasing use in both countries of unelected ‘special advisers’. In the USA candidates may refer to the increasing role played by EXOP. At the very highest level of analysis, candidates may refer to the debate about ‘iron triangles’, ‘clientelism’ and ‘agency capture’ in the USA and ‘departmental views’ and the arguments in the UK surrounding ‘strong’ civil servants and ‘weak’ ministers. The characteristics in the quote need addressing explicitly and candidates should be aware of the debate surrounding the nature of bureaucratic power within liberal democracies with systems of ‘big government’. Role of Special Advisers and the growth of their role in the UK, particularly under Blair’s Government.

**3****Total for this question: 40 marks**

Consider the main factors which determine the successful passage of legislation in the UK Parliament and the US Congress. *(40 marks)*

The focus of the question is on the legislative processes of the UK Parliament (both Lords and Commons) and the US Congress (Senate, House and the role of the White House). The key word is **successful** and this discriminates between the descriptive and the evaluative. The question also demands knowledge of the executive/legislative relationship, eg the sources of legislation (White House and cabinet) State of the Union Address and the Queen's Speech where, the legislative proposals originate. This may involve discussion of the role of manifestos and mandates in the UK.

The question demands knowledge and understanding of the legislative **processes** in both countries but beyond mere description is the focus on the executive dominance in the UK which normally (but not always) sees the **successful** passage of the government's legislative proposals. Examples would be given of both success (Higher Education Funding Bill) and lack of it (eg the Shops Bill of 1986). References are expected to the weakness of standing committees and the House of Lords in protecting legislation from either change or defeat. The Royal Assent is now automatic (cf the President's veto or pocket veto). By contrast it will be argued that Congress, with its Article I powers from the constitution, can be a 'legislative labyrinth' and most proposals fail to pass in numerous stages in either the House (eg Rules Committee) or Senate (eg the filibuster) or both (eg Conference Committee). The **reason** for this should be apparent at the higher level of response. At the higher level of response expect reference to concepts such as Divided Government, the Salisbury Convention and party discipline (or its absence). At the lower level of response expect a description of the legislative processes in both countries.

4

**Total for this question: 40 marks**

‘Politicians sitting on a Bench.’

To what extent does this description apply to the senior members of the judiciary in the UK and the USA?  
(40 marks)

This question is a way of asking about the extent of the politicisation of the judiciary, or the extent to which the judiciary plays a political role, in both countries where numerous changes have taken place in the role of the judiciary in recent years. The quote is a famous and challenging description of the role of the US Supreme Court and needs to be backed up by evidence relating to either the appointment process of SC justices or judicial philosophy (such as activism or restraint, loose or strict construction, which would be known by the higher level candidates). Examples could be given, such as the Florida decision in 2000 Bush v Gore which many believed challenged the idea of the neutrality of the Court. Other cases could be given as evidence of the ‘political’ nature of the courts decisions such as Roe V Wade. In comparison, candidates may point to the growing ‘activism’ of the courts in the UK with evidence of growing cases of judicial review, and the impact of the Human Rights Act in ‘politicising’ judges. Arguments over the role of a UK Supreme Court may be relevantly introduced in particular in light of the fact that changes may have taken place to the Law Lords, for example in 2006. Role of the Lord Chancellor could also be addressed. The focus must be clearly on the **to what extent** part of the question as a discriminator.