

## General Certificate of Education

# Government and Politics

## 5151/6151

*GOV4 Comparative UK/USA Government*

# Mark Scheme

*2005 examination - June 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.

## Government and Politics

### CRITERIA FOR MARKING AS/A2

#### 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, 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 but 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 a 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 candidate 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 candidate 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 limited use of concepts.</p>	<p><b>Level 2 (2 marks)</b> The candidate communicates arguments and conclusions adequately with 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 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 candidate 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 a 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 candidate makes a limited attempt to address the question and demonstrates contextual awareness covering part of the question.</p> <p>The answer includes a partial but 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 limited use of concepts.</p>	<p><b>Level 2 (3–4 marks)</b> The candidate communicates arguments and conclusions adequately with 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>

## Comparative UK/USA Government GOV4

1.

**Total for this question: 40 marks**

(a) Explain the term *judicial review* used in the extract.

(8 marks)

Key political/judicial concept. Weak in the UK where parliamentary sovereignty excludes challenges to Acts of Parliament unless the challenge is through ‘ultra vires’ cases. Several examples of this in recent years. In the USA knowledge of Marbury vs Madison in 1803 which established judicial review which means challenge is possible to Acts of Congress if this clashes with the constitution (Constitutional sovereignty), ie legislation can be ‘unconstitutional’. Several examples in recent years where the Supreme Court has declared parts of Acts void. Judicial review was **not** established by the Constitution itself.

(b) Using the extract and your own knowledge, compare the selection and appointment of senior members of the judiciary on the UK and the USA.

(12 marks)

Selection and appointment process and its highly political nature in the USA and less political nature in the UK. In the USA selection is by the President and confirmation is by the Senate. Both can be shown to have a political agenda in the process with emphasis on ‘liberal’ or ‘conservative’ appointments. Difficulties arise when the branches have divided control and the appointment process becomes highly political. Numerous examples from recent years of difficulties in the appointment process. In the UK selection of judges is entirely an executive function with no input from the legislature. The appointment process in the past involved the Lord Chancellor and the PM with ‘soundings’ and secrecy. New selection will involve a new Judicial Appointments Commission and the process may become more open and less criticised. In both countries the higher ranks of the judiciary are dominated by white, upper middle-class males, which could be argued is a feature of the selection process. At the top level candidates may write about judicial philosophy as a factor particularly in the USA.

(c) Compare the extent to which the ‘politicisation of the judiciary’ has occurred in the UK and the USA.

(20 marks)

The ‘politicisation’ of the judiciary is much debated and candidates may approach this question from a number of angles, perhaps challenging the idea of a political role (as opposed to a judicial role) especially in the UK. The US Supreme Court has a much more significant political role because of its power of constitutional interpretation of the codified constitution, a role not open to the UK judiciary. This inevitably brings the Supreme Court into the political arena and candidates at the highest levels will be illustrating their arguments with cases demonstrating ‘judicial activism’ as opposed to ‘judicial restraint’ and the importance of judicial philosophy (liberal or conservative) in influencing decisions made by the Court. Also, the Supreme Court follows judicial procedures, eg precedent. In contrast, Parliamentary sovereignty found in the UK lessens the ‘politicised’ nature of judges (Law Lords), but recent developments have seen the Human Rights Act and the Judges ‘declarations of incompatibility’ along with a growing ‘human rights culture’ bringing UK judges into the political arena. The differing constitutional frameworks of both countries are the key to understanding the differences. References may also be made to the backgrounds of judges in both countries. The use of examples to illustrate the analysis is crucial and references to recent changes in the UK system should be rewarded.

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**2.****Total for this question: 40 marks**

‘Devolution of power has brought the UK closer to the federal system of government found in the USA.’  
Assess the accuracy of this statement. (40 marks)

The question is looking for the key differences between federal and unitary states within the respective constitutions of the UK and the USA and the changes that have been made over time to both constitutional principles. The UK may appear to be less of a unitary state since the devolution of power downwards to the devolved institutions, and to some extent because of the transfer of power upwards to the European institutions. The principle of centralised (or de-centralised in the USA) and concentrated (or dispersed in the USA) power is essential to the discussion. However, it will be recognised that the UK remains a unitary state, under a sovereign parliament where power that has been devolved can be taken back again (as with Stormont). In the UK, for example, the political movement is for an independent Scotland and not a federal Scotland. Federalism is not on the UK agenda unless the EU context is being considered.

In the USA the federal principle dominates and the constitution regulates the relationship between the federal government and the States (with knowledge of reserved and implied powers and the importance of the 10<sup>th</sup> amendment). There may be reference to the concepts of States Rights in the USA with evidence of different laws in the States. However, developments in federalism, eg ‘New federalism’ or ‘creative federalism’ particularly relating to issues of finance, shows that the concept itself is not fixed, but is constantly changing. At the top level, analysis will be distinguished by the strong use of evidence and examples from both countries to illustrate arguments.

3.

**Total for this question: 40 marks**

‘Executive dominance over Parliament prevails in the UK, but congress dominates in the USA.’ Discuss.  
(40 marks)

The question is looking for knowledge and understanding of the variable powers and influence of the UK Parliament compared to the US Congress in their respective systems of government. The answer should contain an analysis of the term ‘executive dominance’ and the relationship between the executive and Parliament in the UK which is affected by the size of the parliamentary majority, party discipline through the whips, the initiation of legislation through the executive (manifestos and mandates) and other factors. This can be argued leads to ‘elective dictatorship’, a ‘lobby fodder’ analysis of MP’s and the idea that Parliament is simply a ‘rubber stamp’ for the wishes of the executive with weak scrutiny and little control over executive actions. However, candidates may argue that this is **not** always the case and there are many examples of back bench rebellions, House of Lords obstruction and executive weakness in the face of these, particularly in conditions of ‘Hung Parliament’ or small majority. Norton’s ‘policy-making/’policy influencing’ distinction may be referred to in order to illuminate the degrees of executive dominance.

In contrast, the US Congress is certainly ‘powerful’ with the Constitutional powers given by Article 1 arguably making Congress the most powerful legislature in the world with legislative power and oversight power over the executive branch and the ‘power of purse’ (which extends its power into foreign policy). Party discipline is weak and the executive has no power which would allow it to ‘control’ Congress because of the separation of powers and the checks and balances laid down by the constitution.

Of course candidates may challenge this analysis also by indicating that Congress may not always ‘dominate’ the political process and may often ‘defer’ to the executive branch. The presidential veto and pocket veto powers of the President and the power of judicial review held by Supreme Court may also challenge the idea of congressional ‘dominance’.

The broad nature of the question allows the strong candidates to draw evidence from the decision making processes of both countries and a clear comparative approach is evident in the answer at the top level.

4.

**Total for this question: 40 marks**

‘The only similarity between the UK and US Cabinets lies in the name.’ Discuss. (40 marks)

The question demands an analysis of the role of the Cabinet in the UK and the USA and the reasons for the differences in their constitutional positions and powers. Crucial to understanding is that the USA has presidential not cabinet government, and the cabinet has **no** constitutional status (operates by convention) and there is **no** collective decision making and **no** collective responsibility. The cabinet **does** have functions (policy advice, co-ordination of the executive branch) and Presidents use it in different ways (numerous examples) depending on circumstances and personalities. There may be reference to the growing power of EXOP and President’s preference for policy advice from here to avoid what has been called ‘going native’ and the power of the ‘iron triangles’ of American government.

In the UK the constitutional status of the cabinet gives it a clear role in theory at least, and the notion of ‘Cabinet Government’ should be clearly understood. However, recent developments within the ‘Core executive’ and the increasing role and power of the PM with arguments relating to the ‘presidentialisation’ of UK politics may lead to arguments that there may be similarities between the two cabinets in terms of political weakness and lack of influence. The key factor however, relates to the variables involved, particularly the relationships involved, and the events and circumstances of the time. Analysis and evaluation should be backed up by the use of relevant and perceptive evidence and examples from both countries.