

General Certificate of Education
January 2003
Advanced Level Examination



GOVERNMENT AND POLITICS
Unit 4 Comparative UK/USA Government

GOV4

Tuesday 28 January 2003 Afternoon Session

In addition to this paper you will require:
a 12-page answer book.

Time allowed: 1 hour 30 minutes

Instructions

- Use blue or black ink or ball-point pen. Pencil should only be used for drawing.
- Write the information required on the front of your answer book. The *Examining Body* for this paper is AQA. The *Paper Reference* is GOV4.
- Answer **Question 1** and **one** other question.

Information

- The maximum mark for this paper is 80.
- Mark allocations are shown in brackets.
- You will be assessed on your ability to use an appropriate form and style of writing, to organise relevant information clearly and coherently, and to use specialist vocabulary, where appropriate. The degree of legibility of your handwriting and the level of accuracy of your spelling, punctuation and grammar will also be taken into account.

Advice

- You are advised to spend approximately 10 minutes reading the examination paper before you attempt the questions.
- You are advised to spend the same amount of time on each question.

Answer **Question 1** and **one** other question.

1 Study the extract below and answer parts (a), (b) and (c) which follow.

Total for this question: 40 marks

THE JUDICIARY IN THE UK AND USA

The role of the judiciary is to enforce the laws made by the executive and legislature and the rules of the political system.

In the United States, the Supreme Court can rule acts of Congress and actions of the President unconstitutional. It not only has this ‘watchdog role’, but also shows how the Constitution of the United States is kept ‘alive’ and reinterpreted to adapt to changing social, economic and political conditions. The judiciary in the USA has been significant in shaping the way in which citizens’ rights have developed and what the relationship between the state and the individual is. In this sense, the judiciary is making laws as much as it is enforcing them. Thus, the Supreme Court is a political body – or at least a body performing a political role – as much as a judicial one.

In Britain, no such constitutional power exists for the High Court or the Law Lords, but they can rule on whether or not an action is lawful. This happened to the Home Secretary, Michael Howard, over his recommendations regarding the sentence to be served by the children found guilty of the killing of James Bulger in 1993. In this sense, the role of the UK judiciary is perhaps less openly political than in the USA. However, the UK judiciary still makes law through its interpretation of statute and through judicial precedent. This has become increasingly important since the passage of the Human Rights Act 1998.

Since the role of the judiciary is very important to the functioning of a democratic state, the issue of the selection of the members of the judiciary becomes crucial. In particular, the issues of *judicial independence* and accountability are of central importance. Judges have as important a role in making laws as in interpreting them and, therefore, their independence from the political system becomes of crucial importance.

In both Britain and the USA, judges are appointed by the executive, which opens up the possibility of ‘political’ appointments. The defence of such a system is that judges remain in office long after those who appointed them have gone, but the system could still be criticised as being unfairly weighted in favour of the executive.

Although, in the USA, Supreme Court judges are appointed by the President, subject to approval by Congress, appointees have often asserted their independence once appointed. Against this, it has been said that the Supreme Court judges of the 80s and 90s demonstrated conservatism in their rulings, a possible reflection of those who appointed them.

Source: adapted from BARRIE AXFORD et al, *Politics: An Introduction* (Routledge) 1997

- (a) Explain what is meant by the term *judicial independence* used in the extract. (8 marks)
- (b) Using the extract and your own knowledge, compare the way in which the appointment of senior judges is a ‘political process’ in the UK and the USA. (12 marks)
- (c) Contrast the ways in which the judiciary in the UK and the USA are “making laws as much as enforcing them”. (20 marks)

Answer either **Question 2** or **Question 3** or **Question 4**.

- 2 “The USA is a federal state with governmental powers distributed between the states and the federal government. The UK is a unitary state with political power concentrated within central government.”

How far is this the case today?

(40 marks)

- 3 “The bureaucracy is the engine room of government.”

Assess the decision-making role played by the US federal bureaucracy compared with that of the UK civil service.

(40 marks)

- 4 Compare and contrast the role and power of committees in the US Congress and the UK Parliament.

(40 marks)

END OF QUESTIONS