



ASSESSMENT and
QUALIFICATIONS
ALLIANCE

Mark scheme January 2004

GCE

Government and Politics

Unit GOV4

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CRITERIA FOR MARKING

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 principals 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.

GENERIC MARK SCHEME for Question 1 part (a) (Total: 8 marks)

	Knowledge and Understanding: Recall, Select & Deploy	Skills: Analysis & Evaluation	Communication
	AO1	AO2	AO3
	<p>Levels 3-4 (2 marks) 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>Levels 3-4 (3-4 marks) 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>Levels 3-4 (2 marks) 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>Levels 1-2 (1 mark) 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>Levels 1-2 (1-2 marks) 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>Levels 1-2 (1 mark) 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>

GENERIC MARK SCHEME for Question 1 part (b) (Total: 12 marks)

	Knowledge and Understanding: Recall, Select & Deploy	Skills: Analysis & Evaluation	Communication
	AO1	AO2	AO3
	<p>Level 4 (5-6 marks) 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>Levels 3-4 (3-4 marks) 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>Levels 3-4 (2 marks) 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>Level 3 (3-4 marks) 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>		

	Knowledge and Understanding: Recall, Select & Deploy	Skills: Analysis & Evaluation	Communication
	AO1	AO2	AO3
	<p>Levels 1-2 (1-2 marks) The candidate demonstrates slight to basic knowledge and understanding of political concepts, institutions and processes. The candidate makes a very limited to 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>Levels 1-2 (1-2 marks) 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>Levels 1-2 (1 mark) 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>

GENERIC MARK SCHEME for Question 1 part (c) (Total: 20 marks)

	Knowledge and Understanding: Recall, Select & Deploy	Skills: Analysis & Evaluation	Communication
	AO1	AO2	AO3
	<p>Level 4 (7-8 marks) 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>Level 4 (7-8 marks) 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>Level 4 (4 marks) 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>Level 3 (5-6 marks) 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>Level 3 (5-6 marks) 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>Level 3 (3 marks) 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>

	Knowledge and Understanding: Recall, Select & Deploy	Skills: Analysis & Evaluation	Communication
	AO1	AO2	AO3
	<p>Level 2 (3-4 marks) 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 at addressing the question and demonstrates contextual awareness covering part of the question.</p> <p>The answer includes simple examples to illustrate points made.</p>	<p>Level 2 (3-4 marks) 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>Level 2 (2 marks) 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>Level 1 (1-2 marks) 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>Level 1 (1-2 marks) 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>Level 1 (1 mark) 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>

GENERIC MARK SCHEME for Questions 2, 3 and 4 (Maximum 40 marks)

	Knowledge and Understanding: Recall, Select & Deploy	Skills: Analysis & Evaluation	Communication
	AO1	AO2	AO3
	<p>Level 4 (13-16 marks) 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>Level 4 (13-16 marks) 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 of concepts are used and developed.</p>	<p>Level 4 (7-8 marks) 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>Level 3 (9-12 marks) 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>Level 3 (9-12 marks) 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>Level 3 (5-6 marks) 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>

	Knowledge and Understanding: Recall, Select & Deploy	Skills: Analysis & Evaluation	Communication
	AO1	AO2	AO3
	<p>Level 2 (5-8 marks) 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 at addressing 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>Level 2 (5-8 marks) 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>Level 2 (3-4 marks) 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>Level 1 (1-4 marks) 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. 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>Level 1 (1-4 marks) 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 is superficial and naïve.</p>	<p>Level 1 (1-2 marks) 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 term *oversight (scrutiny)*. (8 marks)

Scrutiny of the executive. Weak in the UK but strong in the USA. Function of all legislatures to oversee and check the work of the executive. Done through the medium of congressional committees in the USA and select committees in the UK. Difficulties of oversight = lack of resources/executive dominance/secrecy. Related to concepts of accountability/answerability.

- (b) Using the extract and your own knowledge, compare the extent to which parties influence the behaviour of MPs and members of Congress. (12 marks)

Importance of party: In UK dominant influence over MP's behaviour in the Commons. Related to importance of party line/party loyalty and party discipline. Role of party manifesto and party mandates. Strong whipping system (in extract) "carrots and sticks" sanctions (eg whip withdrawal) or promotion (pay roll vote). Need for re-election using party resources.

In USA influence less strong (though arguments that it is growing). Although the party label is important in election most congressmen are "independent political entrepreneurs" not dependent on the party for re-election finance or a "party line". Lack of sanctions in the US Congress to enforce discipline and, because of the separation of powers, members of Congress cannot be "controlled" by the executive. Existence of whips but no sanctions to enforce discipline or control voting. Greater importance of the "folks back home" in influencing congressional VB.

- (c) Compare the extent to which Parliament and Congress can control the exercise of executive power. (20 marks)

COMPARISON OF THE EXTENT is the key question. Can be argued/debated. Depends on circumstances/events/personalities of the time. Involves knowledge of executive/legislative relations and the extent of power. UK: Importance of concept of executive dominance and executive power expressed through the parliamentary majority (which varies) and party discipline. Also control of the Parliamentary timetable and importance of the power of mandates.

Associated weakness of Parliament (Lords and Commons) in exercising "control". Lack of time, lack of resources, therefore knowledge and weaknesses in the legislative and scrutiny processes (numerous). Some recent changes to attempt to redress the power balance (work of Robin Cook as Leader of the House) and examples of back bench rebellions and successful "checking" of government legislation.

But limited success in conditions of modern "big government" and excessive executive power.

Candidates may also stress the weakness of the House of Lords as the Upper unelected chamber BUT also mention examples of the Lords exercising their power of amendment and delay.

In comparative terms the US Congress is more of a powerful check on the executive. Examples include the blocking of executive appointments, gridlocked legislation and the power of Congressional committees to block, pigeon-hole and veto Presidential legislation and budgets. Difficulties faced by Presidents in carrying out their domestic agenda in particular. In foreign policy, the executive may be given more leeway and ability to act. The strength of the answer will depend on the use of examples and evidence from both countries.

2

Total for this question: 40 marks

Compare the role played by the judiciary in the protection of citizens' rights in the UK and the USA.
(40 marks)

Candidates demonstrate their understanding of the concept of citizen or individual rights and their protection in the UK compared to the USA. They show knowledge of the role of the judiciary in both countries, and the differences that are apparent because of the different systems. In the UK there is awareness of the arguments concerning the incorporation of the European Convention of Human Rights into British Law through the 1998 Human Rights Act, and the differences this has brought to the role of judges in protecting and defending those rights compared with the past, eg the “declaration of incompatibility” if Acts of parliament conflict with the HRA. Cases of greater judicial involvement as in sentencing, asylum seekers or privacy, for example and, also, of a new “Human Rights culture” in the UK should be used as evidence.

However, it should be understood that UK citizens unlike the USA do not have entrenched guaranteed rights and the judges cannot challenge Acts of Parliament. The only possibility of challenge is through “ultra vires” cases. Comparisons are made with the entrenched rights guaranteed by the first 10 amendments to the US constitution, and their protection by the 9 justices of the Supreme Court whose role is to interpret the constitution. At the higher levels this may be developed through understanding of the roles played by different courts, such as judicial activism and restraint, and strict and loose constructionism.

Candidates may stress that in the UK we may still be subjects of the crown rather than citizens with guaranteed rights. Candidates should be able to refer to specific rights both in the UK and the USA, and the ways that these rights are protected by the courts in both countries, with the strength of the answer determined by the use of specific cases as illustrative evidence. The focus of the question should be clearly on the **roles of the judiciaries in both countries**.

3

Total for this question: 40 marks

Compare the resources and support available to the US President and the UK Prime Minister as heads of their respective executives. *(40 marks)*

Here the focus is on the resources available to executives NOT their role or powers. The role of the executive is to execute the laws, co-ordinate the executive branch and be the main policy initiators. As such, huge resources are needed to carry out this role. The executive is different in both countries as the USA has a single person executive, the president, and all power is vested in him (Art 2). In contrast, the UK executive is a collective executive and there is (in theory at least) collective decision making and collective power (Cabinet and PM). In both countries the growth of “big government” and increasingly complex issues has led to the need for greater resources to carry out their role/functions. In both countries institutions have developed to help them carry out this role.

In the USA candidates would be able to identify the role of the Vice-President (which is variable and dependent on the president) and the Cabinet (which has developed by usage and has no constitutional status). The Cabinet plays a (variable) advisory role and cabinet members head the huge federal government departments with their large bureaucracies (technically under the control of the president – but arguments about “agency capture” and “going native”). Recent addition (2002) of the new Dept of Homeland Security (T Ridge) – this kind of evidence is expected at the top of Level 4.

The key role today is played by EXOP, its role developing from the 30s and FDR’s “New Deal” (“The President needs help”). Different departments have been added at different times, but candidates should be aware of the key role of the White House Office with President’s key aides, the NSC and the OMB. Conflicts between the advice of the Cabinet and EXOP (different priorities and loyalties). Key role of the chief of Staff in the WHO.

By contrast, in the UK the “core executive” has fewer resources as these tend to be more concentrated in the Whitehall Civil Service whose role is to advise Ministers who head Departments of State. The Cabinet and PM is a collective executive who share resources (such as the Cabinet Office and Cabinet Committees). But increasing evidence of the “presidentialisation” of resources and a concentration of those resources around the office of PM (cf the cabinet). Reference could be made to the use of “kitchen cabinets” and the increasing role of “special advisers”. In particular, the growth in power and influence of the “Prime Ministers Office” and the “Number 10 Policy Unit” as evidence of increasing resources for the PM (cf EXOP). Also the importance of the Number 10 Press Office and the development of the office of PM’s “Chief of Staff”. It is argued that these developments concentrate power around the PM rather than the cabinet and lead to a “Napoleonic” or “Americanised” concentration of power though these resources.

4

Total for this question: 40 marks

“In the UK sovereignty lies with Parliament, whilst in the USA the Constitution is sovereign.”
Discuss. (40 marks)

Candidates understand the concept of sovereignty in the sense of ultimate power within a State, and also the **extent** to which sovereignty is found in Parliament in the UK, and within the Constitution in the USA. In the UK, Parliament can be analysed within the context of an uncodified constitution where Parliamentary sovereignty has existed since 17th century. This concept should be discussed in the sense of there being no higher body within the state, the supremacy of statute law, and the inability of parliament to bind a future Parliament or to be bound by a past Parliament. The role of the judiciary in the UK is subordinate and judges must enforce law passed by Parliament.

This position must be compared with the USA, where the codified constitution lays down the rules of government and determines the powers of the **branches** (separation of powers) and **layers** of government (federalism). The importance of the constitution to the conduct of government in the USA should be stressed with the use of examples of its provisions.

However, the question invites challenge to the statement. Candidates at the highest level should show awareness of challenges to the doctrine of parliamentary sovereignty, not the least from Europe and the supremacy of European law over laws passed by Parliament (Factortame case). Also, the challenges arising from the incorporation of the European convention on human rights into British law. The devolution of power has not changed the doctrine; however, many good candidates may incorporate this argument into their case. Similarly it is open to candidates to argue that it is ‘executive sovereignty’ today, or even ‘popular sovereignty’ through the increasing use of referendums.

In the USA the role of the Supreme Court in interpreting the meaning of the constitution is important to stress as a major difference between the countries. However, the Court does not initiate cases and waits for them to be referred to the Court in cases such as the constitutionality of the Line Item veto. Good candidates may indicate the parts of US government that operate by convention rather than constitutional provisions, such as the existence of the Cabinet or the power of Congressional committees. Recent events after September 11th may allow some candidates to argue that certain constitutional freedoms guaranteed through the constitutional amendments may have been violated as attention is focused on national security and presidential power (not intended by the constitution itself).

The answers will be distinguished by their analytical nature, as opposed to mere description of the constitution in the USA and Parliament in the UK. A strong understanding of the concept of sovereignty is essential in the higher level, as is the selection of strong evidence and examples from both countries.