

GCE 2004  
*June Series*



# Mark Scheme

## Government and Politics *A2 Unit 4 - Comparative UK/USA Government (GOV4)*

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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.

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## 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, 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>		

**GENERIC MARK SCHEME for Question 1 part (b) (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>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 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 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 are 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 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 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>

**June 2004****Unit GOV4 – Comparative UK/USA Government****1****Total for this question: 40 marks**

(a) Using the extract, explain the term *checks and balances*. (8 marks)

Key feature of the US constitution (Role of Madison). Powers are separated (legislative, executive and judicial) and then checked and balanced. Recognition that power is used to check power and built into the constitutional system. Numerous examples of checks and balances in practice. By contrast, the UK has fewer checks and balances in the absence of a codified constitution and the fusion rather than the separation of powers. Evidence should be given of both systems (strong in the US, weaker in the UK).

(b) Using the extract and your own knowledge, compare the circumstances in which the UK Prime Minister and the US President may be removed from office. (12 marks)

In the USA the only possibility of removal is through death (Kennedy in 1963), defeat in election (Bush in 1992), a two-term Presidency (Clinton in 2000), or **successful** impeachment (in extract) through the process laid down in the constitution for ‘high crimes and misdemeanors’. Impeachment is for personal, rather than political reasons such as policy failures. This has not happened in the 20<sup>th</sup> Century, but almost happened to Clinton in 1998 and Nixon over Watergate in 1974. It will be recognised that there are no other circumstances that a President may be removed by either Congress or the people. In this sense, a US President may be more secure than a UK Prime Minister. By contrast, as stated in the extract, “Parliament has the ultimate power to remove the government”. Specifically, this is achieved by a successful vote of no confidence after which, by convention, the Government resigns, as the Callaghan government did in 1979. The UK Prime Minister, unlike the US President, has to keep the confidence of the legislature (and their own party) but most Prime Ministers and governments are protected from removal by large parliamentary majorities. Prime Ministers may also be removed by their own party, as Thatcher was in 1990, and Major could have been in 1995. All Prime Ministers will be removed after a General Election defeat.

(c) “The UK system suffers from ‘elective dictatorship’ whilst the US system suffers from ‘gridlock’.” Discuss. (20 marks)

Need for explanations of the **causes** of these two outcomes of the two systems of government and the constitutional rules, and the **extent** to which it occurs (the “discuss” part of the question). The extent of both will depend on the political circumstances of the time in the two countries, the US system is not always “gridlocked” and the UK does not always have an “elective dictatorship”. It is possible to challenge the existence of both terms. In the USA “gridlock” arises because of the constitutional provisions which fragment power and make it difficult to exercise (numerous examples). Frequently divided government in Washington and weak parties add to the difficulty of making and carrying out laws and policies (but NOT always).

By contrast, the UK system with its fusion of legislative and executive power, its strongly disciplined parties and often large parliamentary majorities, frequently (but **not** always) results in ‘executive dominance’ (and parliamentary weakness), with very few checks and balances and almost total control by the government of the political and legislative agenda.

Top answers should contain comprehensive interpretations of the two political and constitutional systems with strong evidence and examples to substantiate the arguments.

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

Examine the view that the US Constitution is too difficult to change whilst the UK constitution can be changed too easily. (40 marks)

Here it is up to candidates to present the arguments and analysis for these assertions, either of which can be accepted or challenged with strong evidence and examples.

The US Constitution is described as written, codified and entrenched. Candidates are expected to explain the meaning of these descriptions and how they lead to a description of ‘**rigidity**’ within the US system. This is related to the Founding Father’s fear of hasty, ill-thought out change. Hence the inclusion of a difficult **amendment process**, deliberately made to deter such changes, and to force compromise, consensus and thought into the process. Supermajorities are needed for constitutional change. Evidence would be needed of changes (17 since 1791) and of those which were **not** passed (such as the ERA). One argument is that this has brought stability to the system as the constitution is protected from constant change.

But, the Constitution can also be changed through **other** means, such as usage or convention (such as the existence of the Cabinet, the use of primary elections or the power of congressional committees).

The Constitution has **also** been changed by constitutional interpretation by the Supreme Court (cases given as evidence of this) which have changed the working of the constitution (Judicial activism).

So, the US Constitution is **not** as rigid as it seems and has **adapted** to the changing needs of the USA since the 18<sup>th</sup> century. It has been described as “a living constitution” and highly adaptable to changing conditions.

By contrast, the UK constitution is **not** codified (unwritten is not really an accurate description) and is described as being more flexible, constantly evolving and changing over time. Its sources are in Statute Law, treaties, common law, authoritative writings and in the very important constitutional **conventions**.

The key principle and feature which leads to this relative **flexibility** is the sovereignty of parliament, as there are **no** limits to the power of parliament to make or change law, thus providing flexibility to the ever evolving constitution (e.g. changes to the House of Lords, electoral changes, the use of referendums and the devolution of power).

The key importance in this question is the need to illustrate constitutional change and, therefore, flexibility through the ever changing conventions of the constitution, such as changes to the conventions of IMR and CCR, and the growing argument that the UK constitution is simply “whatever happens”, or whatever the current government wants it to be (Hennessy), because of its ability to ignore conventions when they are inconvenient to the government.

However, the flexibility of the UK constitution can be exaggerated. Candidates could refer to the role of backbenchers, the opposition in the Commons and the role of the Lords in protecting constitutional rules and principles. Also, pressure groups such as “Liberty” in the UK and the ACLU in the US. Traditions are not easily broken, constitutional rules have evolved and governments have to win elections where “popular sovereignty” prevails.

3

**Total for this question: 40 marks**

To what extent are the rights of citizens better protected by the judiciary in the USA than in the UK?  
(40 marks)

In the USA, the crucial role of entrenched rights in the Bill of Rights (ratified 1791) is known. These rights are guaranteed and unalienable and also codified in the Constitution. They have never been changed or amended and are examples of positive rights. In particular, the First amendment and its guarantees play a key role in US society.

The crucial role of the Supreme Court (Article 3) in protecting and defending these rights, in particular the court's role in **constitutional interpretation** and, since 1803, in **judicial review**. As a result US citizens are more likely to assert their rights and look towards their protection by the judiciary (although it may be recognised that the Supreme Court must balance individual rights against the public interest).

BUT candidates may argue that the US was slow to protect the rights of black Americans until the civil rights era, and may point to more modern examples, such as the rights of prisoners held in Guantanamo Bay. Good candidates will also be aware of the provisions of the Patriot Act (and be aware of the recent Supreme Court decision over Guantanamo Bay).

There is much debate over such amendments as the right to bear arms (2) and the right to silence (5).

In the UK, there are no entrenched, guaranteed, codified rights of citizens contained within a written constitution. Importance here of the doctrine of Parliamentary Sovereignty and the existence of negative rights. Laws passed by parliament may restrict rights or take them away altogether (right to silence). Examples would need to be given (e.g. Criminal Justice Act 1994). Candidates should be aware of the changes brought about by the incorporation of the European Convention on Human Rights into UK law by the Human Rights Act of 1998 (in force 2000) and use examples of this act in asserting and protecting rights (such as the right to privacy).

Candidates may stress the difficulties of using the HRA (e.g. the lack of a tradition of asserting rights or the lack of a 'rights culture' as in the USA) and also be aware of the lesser role of the judiciary in the UK (Parliamentary Sovereignty) but evidence of growing judicial activism/*ultra vires* cases (recent examples concerning Blunkett and the judiciary). They should also know of the significance of the declaration of incompatibility that can be declared by Judges when UK law conflicts with the Convention or the recent derogation of the Convention. In both countries, citizens may also raise rights issues with their elected representatives to be raised in the legislatures.

The role of pressure groups is also relevant here, particularly in the US where they may present 'amicus curiae' brief to the Court.

Candidates may introduce arguments relating to increasing calls in the UK for an entrenched Bill of Rights, as found in the USA, which would bring the UK judiciary a more 'political' role. The importance of judicial review may also be incorporated into the answer and its role in both the UK (which is increasing) and USA.

The focus of the answer should be clearly on the roles of the judiciary in both countries in relation to the protection of rights. Good use of examples is necessary of the protection (or lack of) of rights in both countries.

However, there is a view that the UK needs a written, codified constitution to protect its citizens against over-powerful governments.

It could also be noted that the UK's more flexible system avoids a key role for its judiciary in constitutional affairs.

4

**Total for this question: 40 marks**

Compare the roles, powers and influence of UK MPs with those of members of the US House of Representatives. (40 marks)

Although both are elected as representatives of the people, there are differences in their terms of office, how they are elected and what they are expected to do when in office.

Although both have legislative and scrutiny functions within the legislatures and work to redress the grievances of their constituents, it is recognised that members of the House of Representatives have much more legislative power than their UK counterparts. Their roles vis-à-vis their parties is also addressed.

The relative **lack** of power of British MPs is likely to be mentioned ('lobby fodder' analysis), which affects their role as legislators and scrutinisers within the Commons. Argument that they are elected on party manifestos (theory of the mandate), are subject to strong party discipline cf. US legislators with legislative initiative (cf. private members bills in the UK) and powerful committee assignments, through which they may 'pork-barrel' and bring home the bacon. They are **not** dependent on the executive (separation of powers) for advancement as are UK MPs (pay roll vote) and there is no executive dominance over their behaviour.

Candidates are able to offer explanations for the differences in role/power/influence between the two elected representatives and for the relative political and constitutional weakness of MPs (who may at times assert their power and influence, such as rebelling) and the relative political and constitutional strength of Representatives (who at times may be more docile and willing to follow the wishes of the executive branch, such as after September 11<sup>th</sup> and during the war with Iraq).

The focus is on their relationships with the executive, and also with the people that they have been elected to represent, their constituents or, in the USA, 'the folks back home'.

Expect reference to the Burkeian Notion of Representation and the role of Representatives and Delegates/Trustees in the higher levels of response.

NB: the focus of this question should be on Representatives (MP and Members of Congress) and should **not** be focussed on the institutions of Parliament and Congress.