

Mark Scheme (Results)

Summer 2007

GCE

GCE Government and Politics (6502) 01

Unit Test 6 - Comparative UK and US Politics

1. Compare and contrast the power of US and UK pressure groups.

Indicative Content

Candidates should recognise that pressure groups advance their agendas using whatever opportunities are afforded to them by the political system within which they operate.

The access point which UK pressure groups are most used to exploiting is the central government, based in Westminster. Once a decision has been taken and announced as government policy, there is relatively little likelihood of it being changed as the governing party almost always enjoys a majority in Parliament and MP's usually support their party. Insider pressure groups which influence policy before an announcement is made, therefore, have a high probability of changing the law.

Influencing the other, newer, access points requires different strategies. In the European Union, pressure is best exerted through associations of pressure groups from across Europe. Achieving objectives through these associations requires a willingness to compromise with many different interests: Britain groups, which operate in a winner-take-all political culture find this approach alien which, coupled with a sceptical attitude towards the EU, limits their influence on EU policy-making.

There is also little evidence that pressure groups have adapted to the opportunities arising from the establishment of devolved assemblies, especially the Scottish Parliament which has law-making powers. Pre-legislative consultation is designed to be open and participatory, allowing access to the decision-making process and national pressure groups clearly have an interest in demonstrating that successful policies in Scotland can be applied to the whole of Britain but this point does not appear to have been widely grasped.

In the USA there are no access points where a pressure group can have as dramatic an impact as insider groups do in the UK. Even presidential initiatives, influenced by those groups with close ties to the White House, rarely get through Congress without substantial amendments. This means that US groups tend to adopt one of two strategies to make the most of the access points available to them: specialising in making a major impact on one access point, or becoming large enough to make an impact on all of them.

Smaller pressure groups do not, on the whole, make a dramatic impact but may have a dramatic impact on society. For example, in winning the case of *Brown v. Board of Education*, the NAACP Legal Defense Fund may have done more to reshape US society than any other single pressure group initiative in modern times.

Larger pressure groups can become prominent participants in the political process, recruiting millions of members, building up huge funds, employing large teams of well-paid lobbyists in Washington DC and in State capitols, producing publications and actively marketing their message.

It is this kind of prominence which creates the impression that they wield a disproportionate amount of influence in US politics and suggests that they are much more effective than their British counterparts. However, pressure group effectiveness should be measured by achievement of goals, rather than size and visibility, and there is a case for arguing that insider groups in the UK and small specialist groups in the USA are every bit as effective as the largest US pressure groups.

Level Three Synoptic Skills (33-50 marks)

A high level of ability in drawing together knowledge, understanding and skills learned in the Advanced Subsidiary GCE and in Units 4 and 5 of this route and full understanding of connections between these different areas of study. A high level of skill demonstrated in analysis, interpretation and evaluation; arguments and explanations expressed in a clearly structured manner, making appropriate use of political vocabulary and an excellent standard of written communication. The strongest candidates will demonstrate a recognition that pressure groups should be measured by outcome, not size and visibility. Answers which fail to develop an argument throughout, only drawing comparisons in the conclusion, cannot reach this level, however well expressed.

Level Two Synoptic Skills (18-32 marks)

A sound ability to draw together knowledge, understanding and skills learned in the Advanced Subsidiary GCE and in Units 4 and 5 of this route and an awareness of connections between these different areas of study. A sound ability in analysis, interpretation and evaluation; arguments and explanations expressed in a structured manner, making some use of political vocabulary and a reasonable level of written communication. Candidates at the top of this range may have demonstrated considerable political knowledge and made appropriate comparisons, but failed to develop a sophisticated argument, preferring to provide an explanation of how one political system works, followed by the other with the analytic limited to the conclusion.

Level One Synoptic Skills (1-17 marks)

A limited ability to draw together knowledge, understanding and skills learned in the Advanced Subsidiary GCE and in Units 4 and 5 of this route and some awareness of connections between these different areas of study. A limited level of skill demonstrated in analysis, interpretation and evaluation; arguments and explanations expressed in a less structured manner, making occasional use of political vocabulary and a basic level of written communication. Answers may be unbalanced and make few meaningful comparisons.

2. “Neither the British nor American constitutions effectively protect civil rights.” Discuss.

Indicative Content

Candidates may choose to broadly agree with the statement in respect of the UK, while challenging it in respect of the USA. If so, they may focus on the structure of the two constitutions: the American constitution, designed to protect rights through Separation of Powers, checks and balances, Federalism and a Bill of Rights, all to prevent tyranny, and its inflexibility to safeguard these mechanisms; the British constitution which has evolved from origins of the unchallenged rule of the monarch, and its flexibility with few effective mechanisms to constrain the power of the Executive. These answers should also demonstrate awareness that there is significant flexibility in the American constitution, due to Supreme Court interpretation, and as the Court tends to reflect the values of its time the civil rights of many groups have not been protected until they have campaigned for them. Conversely, the British constitution is becoming less flexible, with the EU playing a role in civil rights, especially at the workplace, and the incorporation of the European Convention on Human Rights into British law.

Alternatively, candidates may choose to agree with the statement, drawing on their study of race and American politics and anti-terrorism legislation in both countries since 9/11; or to argue that, in their different ways, both systems are extremely effective in the protection of civil rights as evidenced by the absence of tyranny in both countries over the past two centuries.

Whichever choice made by a candidate, an awareness should be demonstrated of alternative views to produce a balanced, rounded argument.

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A high level of ability in drawing together knowledge, understanding and skills learned in the Advanced Subsidiary GCE and in Units 4 and 5 of this route and full understanding of connections between these different areas of study. A high level of skill demonstrated in analysis, interpretation and evaluation; arguments and explanations expressed in a clearly structured manner, making appropriate use of political vocabulary and an excellent standard of written communication. The strongest candidates will demonstrate a recognition of political trends and illustrate their points with relevant, current examples. Answers which fail to develop an argument throughout, only drawing comparisons in the conclusion, cannot reach this level, however well expressed.

Level Two Synoptic Skills (18-32 marks)

A sound ability to draw together knowledge, understanding and skills learned in the Advanced Subsidiary GCE and in Units 4 and 5 of this route and an awareness of connections between these different areas of study. A sound ability in analysis, interpretation and evaluation; arguments and explanations expressed in a structured manner, making some use of political vocabulary and a reasonable level of written communication. Candidates at the top of this range may have demonstrated considerable political knowledge and made appropriate comparisons, but failed to develop a sophisticated argument, preferring to provide an explanation of how one political system works, followed by the other with the conclusions limited to the conclusion.

Level One Synoptic Skills (1-17 marks)

A limited ability to draw together knowledge, understanding and skills learned in the Advanced Subsidiary GCE and in Units 4 and 5 of this route and some awareness of connections between these different areas of study. A limited level of skill demonstrated in analysis, interpretation and evaluation; arguments and explanations expressed in a less structured manner, making occasional use of political vocabulary and a basic level of written communication. Answers may be unbalanced and make few meaningful comparisons.

3. 'Judges in both the USA and UK judges are "politicians in robes"'. Discuss.

Indicative Content

Candidates should demonstrate awareness that in both the USA and UK, courts have the power of judicial review which gives them the power to invalidate acts of the legislative and executive branches of government. This gives them, potentially, substantial power to influence society.

The use of this power has long been a matter of controversy in the USA. Some argue that judges should demonstrate restraint, using the power of judicial review should be used as little as possible because "there is not a syllable in the Constitution which gives the Supreme Court any discretionary power to fashion policies". Others argue that it is the responsibility of judges to make use of the power of judicial review because, while the constitution provides a guide, but it must be interpreted to understand what it means in the modern world. Judicial decisions conforming to either philosophy are generate political controversy, from *Plesy v. Ferguson* (1896), which upheld a Louisiana law that provided for "equal but separate [train] accommodations for the white and colored races" to *Lawrence v. Texas* (2003) which recognised gay rights.

Comparable controversies in the British legal system used to focus mainly on the extent of the neutrality of judges and candidates should still be credited for exploring this debate. In recent decades, however, developments have provided means for using the courts to shape society in a manner similar to the USA.

When Britain joined the European Union in 1973, the government had to submit to the rules and regulations of that organisation. Failure to do so could result in the government having to appear before the European Court of Justice in a case which could be brought by an individual or business.

Then, in the 1990's, government ministers found themselves facing a growing number of challenges in court in which it was claimed that they had exceeded their powers as defined by an Act of Parliament. As the issues covered by legislation has become more complex over time, the scope to challenge exactly what the terms of an Act may mean has grown. High Court judges are presiding with increasing frequency over judicial review cases in which they evaluate ministerial decisions.

This trend was reinforced by the decision by the UK Government to incorporate the European Convention on Human Rights into British law in the Human Rights Act of 1998. This meant that judges, for the first time, had the right to use judicial review to over-rule an Act of Parliament if it contravened the human rights. In 2003 the High Court ruled against a government policy which made political asylum harder to claim. Then, indefinite detention was over-ruled by the Law Lords in 2004. This would suggest that over time, the power of Judicial Review may lead to the UK

judiciary gaining significant political power along similar lines to their US counterparts. Just as US judges are accused of “legislating from the bench”, so UK judges are being denounced as “dictators in wigs”. Candidates may legitimately emphasise either the traditional differences between the two system or emerging similarities.

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A high level of ability in drawing together knowledge, understanding and skills learned in the Advanced Subsidiary GCE and in Units 4 and 5 of this route and full understanding of connections between these different areas of study. A high level of skill demonstrated in analysis, interpretation and evaluation; arguments and explanations expressed in a clearly structured manner, making appropriate use of political vocabulary and an excellent standard of written communication. The strongest candidates will demonstrate a recognition of political trends and illustrate their points with relevant, current examples. Answers which fail to develop an argument throughout, only drawing comparisons in the conclusion, cannot reach this level, however well expressed.

Level Two Synoptic Skills (18-32 marks)

A sound ability to draw together knowledge, understanding and skills learned in the Advanced Subsidiary GCE and in Units 4 and 5 of this route and an awareness of connections between these different areas of study. A sound ability in analysis, interpretation and evaluation; arguments and explanations expressed in a structured manner, making some use of political vocabulary and a reasonable level of written communication. Candidates at the top of this range may have demonstrated considerable political knowledge and made appropriate comparisons, but failed to develop a sophisticated argument, preferring to provide an explanation of how one political system works, followed by the other with the conclusions limited to the conclusion. Answers which fail to discuss developments since 2001 cannot rise above this level.

Level One Synoptic Skills (1-17 marks)

A limited ability to draw together knowledge, understanding and skills learned in the Advanced Subsidiary GCE and in Units 4 and 5 of this route and some awareness of connections between these different areas of study. A limited level of skill demonstrated in analysis, interpretation and evaluation; arguments and explanations expressed in a less structured manner, making occasional use of political vocabulary and a basic level of written communication. Answers may be unbalanced and make few meaningful comparisons.

4. Is the legislature more powerful in the US presidential system than in the UK's parliamentary system?

Indicative Content

Candidates should display awareness of the full range of roles which legislatures have, including not only the passage of legislation but also scrutiny of the Executive, representation and deliberation.

In relation to the UK, the range of issues which could be discussed may include:-

- Limited ability to block or amend legislation in the House of Commons, especially if there is effective whipping or the government has a large majority, and the House of Lords being limited to delaying legislation for only one year.
- Limited effectiveness in holding the government to account both on the floor of the commons and in select committees
- Limited effectiveness in providing effective representation on the issues constituents consider most important if there is a conflict with party policy, as demonstrated by the development of Heathrow Terminal 5 and the victory of Dr Richard Taylor in Wyre Forest in 2001 which did not stop the closure of Kidderminster A & E Unit..

These limitations are most evident when a government has a large parliamentary majority and candidates may legitimately argue that Parliament is extremely effective when the governing majority is small or the governing party is split, citing the difficulties which Callaghan and Major faced on important issues and the deposing of Thatcher.

In relation to the USA, the range of issues which could be discussed may include:-

- Separation of powers means that Congress plays a major role in all domestic legislation which is routinely amended or blocked, including the President's budget and flagship legislation such as Clinton's healthcare bill.
- In some areas of political controversy it is Congress which takes the lead, for example the Enron scandal and Campaign Finance Reform.
- In the low-key, but important, area of scrutiny of the Executive, Congress brings expertise, experience and substantial resources to the role.
- In the role of ratification of appointments and treaties, the Senate's role has been significant, for example in the rejection of several Bush appointees to Federal Courts, such as Miguel Estrada, and the Test Ban Treaty signed by Clinton

These powers are most evident in domestic affairs and candidates may legitimately argue that the Executive is dominant in foreign affairs, with Congress reluctant to appear unpatriotic at times of international crisis.

Level Three Synoptic Skills (33-50 marks)

A high level of ability in drawing together knowledge, understanding and skills learned in the Advanced Subsidiary GCE and in Units 4 and 5 of this route and full understanding of connections between these different areas of study. A high level of skill demonstrated in analysis, interpretation and evaluation; arguments and explanations expressed in a clearly structured manner, making appropriate use of political vocabulary and an excellent standard of written communication. The strongest candidates will recognise that there is an ideological dimension to this issue, especially when analysing the work of the UK Parliament, and illustrate their points with relevant, current examples. Answers which fail to develop an argument throughout, only drawing comparisons in the conclusion, cannot reach this level, however well expressed.

Level Two Synoptic Skills (18-32 marks)

A sound ability to draw together knowledge, understanding and skills learned in the Advanced Subsidiary GCE and in Units 4 and 5 of this route and an awareness of connections between these different areas of study. A sound ability in analysis, interpretation and evaluation; arguments and explanations expressed in a structured manner, making some use of political vocabulary and a reasonable level of written communication. Candidates at the top of this range may have demonstrated considerable political knowledge and made appropriate comparisons, but failed to develop a sophisticated argument, preferring to provide an explanation of how one political system works, followed by the other with the conclusions limited to the conclusion. Answers which fail to discuss the factors which directly address the relationship between voters and their elected representatives cannot rise above this level.

Level One Synoptic Skills (1-17 marks)

A limited ability to draw together knowledge, understanding and skills learned in the Advanced Subsidiary GCE and in Units 4 and 5 of this route and some awareness of connections between these different areas of study. A limited level of skill demonstrated in analysis, interpretation and evaluation; arguments and explanations expressed in a less structured manner, making occasional use of political vocabulary and a basic level of written communication. Answers may be unbalanced and make few meaningful comparisons.

Unit 4 Marking Grid

Levels	Performance Criteria	1-4 20 marks	5-7 60 marks
3	Excellent	17-20	51-60
	Very good	15-16	45-50
	Good	13-14	39-44
2	Sound	11-12	33-38
	Basic	9-10	27-32
	Limited	7-8	21-26
1	Weak	5-6	15-20
	Poor	3-4	9-14
	Very poor	0-2	0-8

Unit 5

Levels	Performance Criteria	1-4 20 marks	5-7 60 marks
3	Excellent	17-20	51-60
	Very good	15-16	45-50
	Good	13-14	39-44
2	Sound	11-12	33-38
	Basic	9-10	27-32
	Limited	7-8	21-26
1	Weak	5-6	15-20
	Poor	3-4	9-14
	Very poor	0-2	0-8

Unit 6

Levels	Performance Criteria	Essay 50 marks
3	Excellent	43-50
	Very good	38-42
	Good	33-37
2	Sound	28-32
	Basic	23-27
	Limited	18-22
1	Weak	13-17
	Poor	8-12
	Very poor	0-7

