

Mark Scheme (Standardisation) Summer 2008

GCE

GCE Government & Politics (Unit 2/6492)

General Marking Guidance

- All candidates must receive the same treatment. Examiners must mark the first candidate in exactly the same way as they mark the last.
- Mark schemes should be applied positively. Candidates must be rewarded for what they have shown they can do rather than penalised for omissions.
- Examiners should mark according to the mark scheme not according to their perception of where the grade boundaries may lie.
- There is no ceiling on achievement. All marks on the mark scheme should be used appropriately.
- All the marks on the mark scheme are designed to be awarded. Examiners should always award full marks if deserved, i.e. if the answer matches the mark scheme. Examiners should also be prepared to award zero marks if the candidate's response is not worthy of credit according to the mark scheme.
- Where some judgement is required, mark schemes will provide the principles by which marks will be awarded and exemplification may be limited.
- When examiners are in doubt regarding the application of the mark scheme to a candidate's response, the team leader must be consulted.
- Crossed out work should be marked UNLESS the candidate has replaced it with an alternative response.

Question Number	Indicative content
1(a)	<p>The key aspects of the modern role of the prime minister include the following.</p> <ul style="list-style-type: none"> • Prime ministers are chief executives, or heads of government. In this role they make governments, in the sense that they appoint all ministers and are responsible for promotions, demotions and sackings. • They direct government policy in the sense that prime ministers define the government's overall strategic goals, paying, usually, particularly close attention to economic policy and foreign policy. • Prime ministers are also the chair of the cabinet and manage the cabinet system and are responsible for organising government, including setting up, reorganising and abolishing government departments and being responsible for the civil service. • Prime ministers, as leaders of the largest party in the House of Commons, exercise effective control over Parliament. Note that party leadership is not a role unless referring specifically to the government party. • Prime ministers provide national leadership, particularly in times of crisis. • Finally, Prime Ministers have an international role in representing their country abroad, negotiating with foreign states, international organisations and is commander in chief.

Level	Mark	Descriptor
Level 1	0-1	Only one role identified with a poor to weak explanation.
Level 2	2-3	Either one role well explained or two or more roles with limited explanation. Possibly some blurring between powers and roles.
Level 3	4-5	At least two roles are correctly identified and accurately explained.

Question Number	Indicative content
1(b)	<p>Prime ministers have considerable scope for managing and controlling the cabinet. This happens in a number of ways:</p> <ul style="list-style-type: none"> • Prime ministers use their powers to appoint and dismiss ministers and reshuffle cabinets as a means to maintain control. • The doctrine of collective responsibility also adds to prime ministers' power to control. • Prime ministers chair cabinet meetings, manage their agendas and discussions, and sum up decisions (votes are rarely held in cabinet). This enables prime ministers to structure cabinet debate and to manage the decision-making process. • Prime ministers convene cabinet meetings and decide how often they will be called and how often they will last. For example, cabinet meetings are now usually held once a week, not twice a week, and under Blair they sometimes lasted no longer than 30 minutes. • Prime ministers may hold private meetings with ministers and make bilateral agreements in order to by-pass and marginalise cabinet. • Prime ministers decide the number and nature of cabinet committees, sub-committees and ministerial groups. They appoint their members and chairs, the prime minister usually chairing the important cabinet committees. This enables prime ministers to control the proposals and recommendations that cabinet committees make to the full cabinet, effectively pre-determining cabinet outcomes.

Level	Mark	Descriptor
Level 1	0-5	Only one method identified with limited explanation or more methods with no explanation.
Level 2	6-10	Either two methods, explained with examples, or possibly more with less developed explanations and/or use of examples.
Level 3	11-15	At least three methods are correctly identified and explained showing good knowledge and understanding with appropriate examples.

Question Number	Indicative content
1(c)	<p data-bbox="391 241 1283 568">There has been a trend, associated in particular with prime ministers such as Thatcher and Blair, for UK prime ministers to behave more like executive presidents, usually through the rise of personalised leadership. The absence of a codified constitution means prime ministers can interpret their role as they wish. Arguably some recent prime ministers have adopted more presidential role. Evidence for this trend can be seen in a number of ways:</p> <ul data-bbox="391 622 1283 1675" style="list-style-type: none"> <li data-bbox="391 622 1283 779">• There has been a growth of 'spatial leadership', through the tendency of prime ministers to distance themselves from their parties and governments, representing themselves as 'outsiders' and developing a personal ideological stance. <li data-bbox="391 790 1283 947">• There has been a tendency towards 'populist outreach', in that prime ministers have increasingly tried to speak <i>for</i> the nation over major events, political crises or simply high-profile news stories. <li data-bbox="391 958 1283 1115">• Election campaigns have become increasingly personalised as the mass media has emphasised personality and image in a battle between the prime minister and the leader of the opposition. <li data-bbox="391 1126 1283 1283">• Because of their prominence in electoral campaigning, modern prime ministers have sometimes claimed a personal mandate, enabling them to act as if they are the ideological conscience of their party or government. <li data-bbox="391 1294 1283 1541">• There has been a trend for prime ministers to rely on hand-picked special advisors rather than on the cabinet itself. Many have therefore concluded that the cabinet has been downgraded, now functioning as only a 'sounding board' for the prime minister and not as the basis for executive policy-making. <li data-bbox="391 1552 1283 1675">• In recent decades foreign policy has become more prominent including the European Union and prime ministers' involvement has appeared more presidential. <p data-bbox="391 1729 1283 2004">However, such trends may mean that UK prime ministers increasingly resemble presidents, not that they have, or can, become presidents. Prime ministers cannot become presidents because the UK system of parliamentary government ensures that they have to act in and through the cabinet system and the parliamentary system. Constitutionally prime ministers are not heads of state, have no separate source of authority and, as</p>

	<p>heads of government, only govern on the authority of parliament.</p> <p>This implies that the cabinet and the majority party in particular remain powerful (potential) constraints on even 'presidential' prime ministers. Thatcher was effectively deposed by her backbenchers and was told to go by her cabinet. Blair was substantially weakened by growing backbench disloyalty, restiveness within his cabinet and the considerable power that he had allowed Gordon Brown to amass. Such constraints do not apply in presidential systems in which the president is separately elected and has formal control over the executive branch of government. The recent problems encountered by Gordon Brown clearly demonstrate the limitations of prime ministerial authority. Brown is clearly having difficulty in adopting a presidential style.</p>
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Level	Mark	Descriptor
Level 1	0-10	Very poor to weak knowledge and understanding. Little analysis and evaluation of political information. Possibly purely descriptive. There will be an absence of examples or examples will be used inappropriately.
Level 2	11-20	Limited to sound knowledge and understanding. Adequate analysis and evaluation of political information. Possibly a well developed one-sided argument or a balanced evaluation which is less well developed. Some examples may be used.
Level 3	21-30	Good to excellent knowledge and understanding. Effective analysis and evaluation of political information. Evaluation must show some balance even if a firm conclusion is reached. Wide use of examples from recent times should be made.

Question Number	Indicative content
2(a)	Judicial independence is the principle that the actions and decisions of judges should not be influenced by pressure from other bodies, notably the executive and Parliament. It therefore implies a strict separation between the judiciary and other branches of government.

Level	Mark	Descriptor
Level 1	0-1	An inaccurate or inadequate definition, possibly confusing independence with neutrality.
Level 2	2-3	Some understanding of the concept but less than a full definition. Material dealing with the way in which independence is maintained such as security of tenure may receive some credit if a definition is implicit.
Level 3	4-5	A clear and explicit definition including the ideas of freedom from political intervention and the concept of separation of powers.

Question Number	Indicative content
2(b)	<p>Judicial independence is one of the key principles of the constitution, rooted in the idea of the separation of powers. It's important for the following reasons:</p> <ul style="list-style-type: none"> • A strict separation between the judiciary and other branches of government enables judges to apply the law as their own experience and legal training dictates, rather than as ministers, civil servants or parliamentarians would wish. • As such, judicial independence is a vital guarantee of the rule of law. The rule of law holds that the law should 'rule' in the sense that it applies to all conduct and behaviour and covers both private citizens and public officials. • Crucially, the law acts as a constraint on government itself, preventing the government from acting arbitrarily and ensuring a 'government of laws' and not a 'government of men'. If the principle of judicial independence is violated, ministers may be able to act as though they are 'above' the law. • Independence ensures that individual rights and liberties can be effectively upheld by the judiciary and protected from executive interference.

Level	Mark	Descriptor
Level 1	0-5	Only one reason identified with a very poor to weak explanation or more reasons with no explanation. Illustrations will be absent or poorly used.
Level 2	6-10	Either two reasons, explained with examples, or possibly more than two reasons with less developed explanations and/or use of examples. If exceptionally well developed and illustrated, an answer with only one reason may be allowed.
Level 3	11-15	Three or more reasons are correctly identified and explained showing good knowledge and understanding with appropriate examples. If explanations are exceptionally well developed and illustrated, an answer with only two reasons may be allowed.

Question Number	Indicative content
2(c)	<p>Judges and ministers have come into conflict in recent years for a variety of reasons:</p> <ul style="list-style-type: none"> • The rules that forbade judges from participating in public debates about policy matters were relaxed in the late 1980s. This has enabled senior judges to speak out on matters of public policy, sometimes criticising ministers and government policy. Lord Phillips, the current Lord Chief Justice, thus criticised the wider use of mandatory sentences in 2007. • Ministers, in turn, have been increasingly willing publicly to criticise the courts, especially when judicial decisions have adversely affected government policy. For example, Charles Clarke, the then Home Secretary, criticised the release of terrorist suspects from Belmarsh Prison in 2005. Also, the judges' decision not to deport the Afghan hijackers was described as 'bonkers' by ministers. • Senior judges in the UK have increasingly subscribed to a human rights culture, being more sensitive to issues of individual freedom and civil liberties generally. The changed rules on appointments have perhaps led to the introduction of more liberal minded senior judges. This is in stark contrast to the broadly conservative sympathies of many judges up to the 1980s. • Many allege that clashes between judges and ministers have been precipitated by authoritarian trends in public policy. Examples of this have included public order legislation under Blair, the introduction of ASBOs and in particular a series of major anti-terrorism laws from 2000 onwards. There have also been clashes between judges and government over who controls sentencing. It is notable that many clashes between judges and the executive have been over terrorism. For instance, in December 2004, the law lords ordered the release of nine terrorist suspects from Belmarsh Prison on the (technical) grounds that the Anti-terrorism, Crime and Security Act 2001 discriminated unlawfully against foreign nationals. • The increasing use and effectiveness of judicial review has led to more rulings against the government and state. The implementation of the Freedom of Information Act is having a similar effect. • The introduction of the Human Rights Act 1998 has further contributed to conflict by increasing judges' ability to act to

	<p>protect civil liberties. For example, the government's attempts to restrict access to social security on the part of asylum seekers was overruled by judges in 2003.</p> <p>Clashes between judges and the executive have attracted considerable media and political attention and, in many cases, have occurred over important issues of public policy, indeed senior judges clashed with the government over the reform of the judiciary including the creation of the Supreme Court. However, such conflicts are by no means routine and have generally been restricted to disagreements on issues to do with civil liberties. Judges, after all, have no capacity to overturn Acts of Parliament and executive decisions that come into force through statute law have to be accepted by the courts, even though there may be disagreement over how the detail of such laws should be interpreted.</p>
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Level	Mark	Descriptor
Level 1	0-10	Very poor to weak knowledge and understanding. Little analysis and evaluation of political information. Possibly purely descriptive. There will be an absence of examples or examples will be used inappropriately.
Level 2	11-20	Limited to sound knowledge and understanding. Adequate analysis and evaluation of political information. The extent of balance in the evaluation will vary. Some examples may be used. Responses are likely to deal with the two aspects of the question, i.e. why and to what extent, unevenly. If only one of these aspects has been covered, it may reach this level if well developed.
Level 3	21-30	Good to excellent knowledge and understanding. Answers must address both aspects of the question i.e. why and to what extent conflicts have increased. Effective analysis and evaluation of political information. Evaluation must show some balance even if a firm conclusion is reached. Reference to a changing situation such as the passage of the Human Rights Act can be interpreted as answering the question 'to what extent?'. Wide use of examples from recent times should be made.

Question Number	Indicative content
3(a)	<p>The role of the House of Lords is the following:</p> <ul style="list-style-type: none"> • Legislative role which includes the formal passage of bills, revision of legislation, initiation and delaying, forcing the Commons and the government to reconsider legislation. • Deliberative role, considering the great issues of the day. • Judicial role as the highest court of appeal in the UK. • Scrutiny of the executive. • Representation of various groups and interests in society.

Level	Mark	Descriptor
Level 1	0-1	Only one role identified with a poor to weak explanation.
Level 2	2-3	Either one role accurately explained or two or more roles with limited explanation.
Level 3	4-5	At least two roles are correctly identified and accurately explained or a response that is confined to the various aspects of the legislative role provided there is full coverage of the legislative role.

Question Number	Indicative content
3(b)	<p>The House of Commons consists of MPs. Each MP is elected to represent a parliamentary constituency. MPs are almost always representatives of a party and are subject to a system of party discipline (only two independent MPs were elected in 2005).</p> <p>By contrast, no members of the House of Lords are elected. There are four bases for membership of the Lords:</p> <ul style="list-style-type: none"> • Around 600 peers are life peers, who are entitled to sit in the Lords for their lifetime. • There are 92 remaining 'hereditary' peers. • There are 26 'Lords Spiritual'. These are the bishops and archbishops of the Church of England. • There are 12 Law Lords, or 'Lords of Appeal in Ordinary'. These are the most senior judges in the UK and they carry out their work through the Appellate Committee of the House of Lords. <p>There are over 100 peers who are crossbenchers and are therefore independent of party allegiance. While one party normally has a majority in the House of Commons, no such majority exists in the House of Lords.</p> <p>The age of members of the Lords is typically higher although the gender and ethnic profiles of the two Houses are broadly similar.</p>

Level	Mark	Descriptor
Level 1	0-5	Only one difference identified with a very poor to weak explanation or more differences with no explanation.
Level 2	6-10	Either two differences, explained with examples, or possibly more than two differences with less developed explanations and/or use of examples. It may be that answers are purely descriptive of each Chamber.
Level 3	11-15	Three or more differences are correctly identified and explained showing good knowledge and understanding with appropriate examples.

Question Number	Indicative content
3(c)	<p>The House of Commons has, in theory, enormous formal power. The Commons is a sovereign legislature, able to make, unmake and amend any law it wishes, with the House of Lords only being able to delay legislation passed by the Commons. Moreover, only the Commons is able to remove the government of the day, which it does by defeating it on a vote of confidence on a major issue. However, the influence of the house of Commons over legislation and its capacity to constrain the executive is often in practice much more meagre. This is because the Commons is routinely controlled by the executive through the combined influence of the Westminster voting system (which usually gives the government majority control of the Commons) and the party system (which usually enables ministers to control their backbenches). In addition, the formal mechanisms designed to ensure accountability in the Commons - notably Question Time and departmental select committees - are often relatively weak and have limited policy impact. On the other hand, there has been a long-term trend to greater backbench influence in the Commons, brought about by declining levels of party unity as MPs become better educated and more assertive. This, however, has been counterbalanced by a tendency towards landslide majorities, allowing governments more easily to resist backbench and opposition pressures.</p> <p>The formal powers of the house of Lords are, by contrast, unimpressive, the Lords can only delay legislation passed by the Commons for a single year and has no capacity to delay so-called money bills. The Lords cannot remove the government of the day and only has an outright veto over limited matters such as the sacking of senior judges and the delay of parliamentary elections.</p> <p>However, in practical terms, the Lords often has greater influence over the government than the Commons. For example, during Blair's first government, 1997-2001, the government was undefeated in the Commons but experienced no fewer than 353 defeats in the Lords, although the vast majority of these were on relatively technical matters. The greater influence of the Lords can be explained in four main ways:</p> <ul style="list-style-type: none"> • The party system is much weaker in the Lords than the Commons. Being non-elected, peers cannot be forced to toe a party line. Moreover, there are a considerable number of

	<p>'cross benchers', who have no party affiliation.</p> <ul style="list-style-type: none"> • No party has majority control in the Lords. This has always applied to the Labour Party, but since the removal of the bulk of hereditary peers in 1999, it has also applied to the Conservative Party. • The removal of hereditary peers has made the house of Lords more assertive and more willing to check the government of the day. This is because peers no longer feel that the chamber is tainted by the predominance of the outdated and irrational hereditary principle. Some peers have even felt that it is the job to compensate for the ineffectiveness of the Commons, especially due to landslide election victories. • Although the Parliament Acts make the Lords formally subordinate to the Commons, in practice, governments have been reluctant to invoke them for fear that their legislative programme will be damaged by prolonged 'parliamentary ping-pong'. Rather than battling with the Lords, the government is often more eager to search for a compromise.
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Level	Mark	Descriptor
Level 1	0-10	Very poor to weak knowledge and understanding. Little analysis and evaluation of political information. Possibly purely descriptive. There will be an absence of examples or examples will be used inappropriately.
Level 2	11-20	Limited to sound knowledge and understanding. Adequate analysis and evaluation of political information. Some examples may be used. Responses are likely to deal with the two aspects of the question, i.e. the power and influence of both Houses, unevenly. If only one of these aspects has been covered, it may reach this level if well developed.
Level 3	21-30	Good to excellent knowledge and understanding. Answers must address both aspects of the question i.e. the power and influence of both Houses. Effective analysis and evaluation of political information. There must be explicit comparisons made between the two Houses. Good use of examples from recent times should be made.

Question Number	Indicative content
4(a)	Sovereignty is the principle of absolute and unlimited power. Sovereignty may take a legal or a political form. Legal sovereignty refers to supreme legal authority: that is, an unchallengeable right to establish any law one wishes. Political sovereignty refers to absolute political power: that is, an unrestricted ability to act however one wishes.

Level	Mark	Descriptor
Level 1	0-1	An inaccurate or inadequate definition.
Level 2	2-3	Some understanding of the concept but less than a full definition.
Level 3	4-5	A clear and explicit definition including the aspect of absolute power with no higher authority. Excellent answers are likely to include the concepts of legal and political sovereignty.

Question Number	Indicative content
4(b)	<p>In the UK, sovereignty is located in Parliament or, technically, the 'Crown in Parliament'. Parliamentary sovereignty is strictly a form of legal sovereignty: it means that Parliament has the ability to make, unmake or remove any law it wishes. This applies because of the absence of a codified constitution, the supremacy of statute law over other forms of law, the absence of rival legislatures and the fact that no parliament can bind its successors.</p> <p>Although legal sovereignty undoubtedly lies with parliament, the location of political sovereignty is less certain:</p> <ul style="list-style-type: none"> • Because the executive invariably dominates the parliament we can argue that government is politically sovereign between elections. • Parliament is not, and has never been, politically sovereign. In practical terms, its power is constrained by factors such as public opinion and the electorate, powerful pressure groups and international organisations. At elections the people become effectively sovereign. • The wider use of referendums and the passage of the Human Rights Act has encouraged some to argue that sovereignty has shifted from Parliament to the people, as parliamentary sovereignty has given way to popular sovereignty. <p>Other issues concerning sovereignty include:</p> <ul style="list-style-type: none"> • The sovereignty of Parliament may have eroded as a result of EU membership. This has established EU law and treaties as 'higher' than statute law passed by Parliament. However, the capacity of Parliament to pass a law leaving the EU may (technically) preserve Parliament's legal sovereignty. • Some argue that devolution has led to a form of 'quasi-federalism' in which the Scottish Parliament, Welsh Assembly and Northern Ireland Assembly have effectively become autonomous legislatures.

Level	Mark	Descriptor
Level 1	0-5	Very poor to weak knowledge and understanding of the location of sovereignty. Probably with no discussion of the location of sovereignty.

Level 2	6-10	Limited to sound understanding of the meaning of parliamentary sovereignty with some recognition of various challenges to parliamentary sovereignty. A full and accurate discussion purely of parliamentary sovereignty may reach the bottom of this level.
Level 3	11-15	A clear understanding of the meaning of parliamentary sovereignty with good to excellent recognition of various challenges to parliamentary sovereignty. Very good to excellent answers will explore the concept of sovereignty critically in the context of UK government and politics.

Question Number	Indicative content
4(c)	<p data-bbox="391 241 1246 528">A codified constitution is a constitution in which key constitutional provisions are collected together within a single legal document, popularly known as a written constitution. The UK constitutional system is, by contrast, uncodified in the sense that it is based on a collection of sources and allows Parliament to be technically sovereign. Arguments in favour of a codified constitution include the following:</p> <ul data-bbox="391 577 1267 1503" style="list-style-type: none"> <li data-bbox="391 577 1267 779">• As key constitutional rules are collected together in a single document, they are more clearly defined than in an 'unwritten' constitution. Codification would have the effect of entrenching constitutional rules, requiring a device to ensure there is a consensus for change. <li data-bbox="391 790 1267 992">• A codified constitution would cut government down to size. It would therefore be a solution to the problem of 'elective dictatorship', through which the executive is able to act however it wishes through its ability to control a sovereign Parliament. <li data-bbox="391 1003 1267 1160">• A codified constitution would be 'policed' by senior judges. As judges are 'above' politics, they would act as neutral and impartial constitutional arbiters, unlike elected politicians at present. <li data-bbox="391 1171 1267 1328">• Individual liberty would be more securely protected by a codified constitution because it would define the relationship between the state and the citizens, possibly through a bill of rights. <li data-bbox="391 1339 1267 1503">• A codified constitution has educational value, in that it highlights the central values and overall goals of the political system, something that may be particularly pressing in an increasingly multicultural society. <p data-bbox="391 1559 1118 1630">However, codified constitutions may have a number of drawbacks:</p> <ul data-bbox="391 1686 1278 2013" style="list-style-type: none"> <li data-bbox="391 1686 1278 1798">• Codified constitutions tend to be more rigid than uncodified ones, meaning that they become outdated and fail to respond to an ever-changing political environment. <li data-bbox="391 1809 1278 1966">• Judges are not the best people to police the constitution because they are unelected and socially unrepresentative. The benefit of an uncodified constitution is precisely that it is interpreted and applied by elected politicians. <li data-bbox="391 1977 1225 2013">• Codified constitutions are legalistic documents, created by

	<p>people at one point in time. Uncodified constitutions, on the other hand, have been endorsed by history and have an organic character.</p> <ul style="list-style-type: none"> • Codified constitutions are inevitably biased because they enforce one set of values or principles in preference to others. They can never be 'above' politics, and may precipitate more conflict than they resolve. • Constitutional reforms since 1997 have effectively dispersed governmental power and created stronger checks and balances within the UK. This, together with the Human Rights Act, means that concerns about excessive government power are now over-stated and that a codified constitution is unnecessary. <p>Effective responses will consider these and other points as part of a balanced and evidence-based argument that leads to a reasoned conclusion.</p>
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Level	Mark	Descriptor
Level 1	0-10	Very poor to weak knowledge and understanding. Little analysis and evaluation of political information. Possibly purely descriptive. There will be an absence of examples or examples will be used inappropriately.
Level 2	11-20	Limited to sound knowledge and understanding. Adequate analysis and evaluation of political information. Possibly a well developed one-sided argument or a balanced evaluation which is less well developed. Some examples may be used.
Level 3	21-30	Good to excellent knowledge and understanding. Effective analysis and evaluation of political information. Evaluation must show some balance even if a firm conclusion is reached. Wide use of examples should be made.