

2013 Politics

Higher Paper 2

Finalised Marking Instructions

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Part One: General Marking Principles for Politics Higher Paper 2

This information is provided to help you understand the general principles you must apply when marking candidate responses to questions in this Paper. These principles must be read in conjunction with the specific Marking Instructions for each question.

- (a) Marks for each candidate response must <u>always</u> be assigned in line with these general marking principles and the specific Marking Instructions for the relevant question. If a specific candidate response does not seem to be covered by either the principles or detailed Marking Instructions, and you are uncertain how to assess it, you must seek guidance from your Team Leader/Principal Assessor.
- (b) Marking should always be positive ie, marks should be awarded for what is correct and not deducted for errors or omissions.

GENERAL MARKING ADVICE: Politics Higher Paper 2

The marking schemes are written to assist in determining the "minimal acceptable answer" rather than listing every possible correct and incorrect answer. The following notes are offered to support Markers in making judgements on candidates' evidence, and apply to marking both end of unit assessments and course assessments.

"Pass" and better answers must feature both knowledge and understanding of the issues and analysis of and balanced comment on, the issues being addressed.

If the answer merits a "pass" or better, you should now grade it. "Pass" and better answers are graded taking into account such criteria as the relevancy, accuracy and extent of detailed, exemplified description and analysis.

The marks available for each grade are:C10-11B12-13A14-20Use the full range of marks, up to and including 20.

Part Two: Marking Instructions for each Question

SECTION A – POLITICAL THEORY

Question	Expected Answer/s	Max Mark	Additional Guidance
A 1	 "The key feature of the state is sovereignty - its absolute and unrestricted power." Discuss, using the works of Hobbes, Marx and Lenin to illustrate your answer. Candidates must refer to the quote/question and provide appropriate examples from the theorist in order to score above 14/20. Credit references to aspects of the following: The state is the supreme/sovereign law making body in a geographical area with the power of coercion over the individual. The state gets its authority and legitimacy from the people. Hobbes Claimed man is not naturally good, but naturally a selfish hedonist. Human motives, if left unchecked and guided by the natural state of unenlightened self-interest, could have highly destructive consequences. Tried to envision what society would be like in a "state of nature" – before any civil state or rule of law. His conclusion was dispiriting: life would be, "solitary, poor, nasty, brutish and short", a "war of every man against every man". Nonetheless, as all people are equal, possessing a passionate love of survival (right of nature) and some degree of rationality (law of nature), Hobbes concluded that a viable, working society would arise as an equilibrium between these competing forces. The logic is simple. Any person's right of nature justifies violence against everybody else. Consequently, in the interest of personal survival, people will come around to agreeing that they should renounce their right to use violence. 	20	

Qu	estion	Expected Answer/s	Max Mark	Additional Guidance
A	1	 (Cont.) (Hobbes cont.) However, this yields up a tense and unstable equilibrium. The moment one party deviates from their promise, all will deviate and war restarts. To keep society going with peace and confidence, a Leviathan must be worked into the social contract. The important point is that the State will be given a monopoly on violence and absolute authority. In return, the State promises to exercise its absolute power to maintain a state of peace (by punishing deviants etc). Realising that its power depends wholly on the willingness of the citizenry to surrender theirs, the State itself will have an incentive not to abuse it. Of course, there is no guarantee that it won't, but 		
		 when it does, it must brace itself for the consequences. Marxism Marx's analysis of the state has been interpreted widely by many and extended by Lenin (amongst others). State power is about the economic base and an individual's relationship to the means of production – proletariat/ bourgeoisie; worker/capitalist. The State regulates conflict and tries to maintain order and stability. State acts as an instrument of class rule – to protect and maintain the interests of the dominant economic/political class. The State is a set of political institutions which reflects the nature of class divisions in society. State is a product of historical class struggle – State is not neutral but plays a key role in representing and operating in the interests of the dominant class. 		

Qu	esti	on	Expected Answer/s	Max Mark	Additional Guidance
A	1		 (Cont.) (Marxism cont.) Candidates could choose UK and illustrate the argument put forward by some that a single, cohesive ruling class exists – power is due to its ownership and control of capital – credit appropriate examples and explanations, particularly to materialism and the economic system as the basis of society; superstructure and substructure and their relationship to policy and power. Candidates may use USSR or China or Cuba and show how Lenin or others extended Marx's ideas. 	Mark	
			 Notion of the dictatorship of the proletariat and the fact that there will be no need for a State when the lower phase of socialism moves on to the higher phase of communism. Any other relevant points. 		
Α	2		"Authority, Power and Legitimacy are closely linked." Critically examine this statement, using the works of Lukes and Weber to illustrate your answer.	20	
			Candidates must refer to the quote, structure a robust and relevant answer around it in order to score above 14/20.		
			Credit references to aspects of the following:		
			Authority		
			 Closely connected with power – additional factor that those over whom power is exercised must believe the power holder has the moral right to exercise power and to employ sanctions if they wish – 'legitimate power'. Using Max Weber's work the candidates should be credited for describing different types of authority and giving relevant examples to illustrate these eg traditional authority – rooted in history; charismatic authority which stems from personality and legal-rational authority which is grounded in a set of impersonal rules. 		

Question	Expected Answer/s	Max Mark	Additional Guidance
A 2	(Cont.) (Authority cont.)		
	 Credit appropriate linking examples eg traditional – monarchy, Louis XIV of France – L'Etat, C'est Moi, present day example Kim Jong II of North Korea; charismatic – Mandela or Hitler. Yugoslavia collapsed as a nation after the death of its charismatic leader Tito; legal- rational – bureaucracies. 		
	Power		
	 Credit reference to different definitions of power eg the ability to get what we want – power to- and the capacity to achieve objectives rather than to exercise control over other people. The consensus view of power is rejected by those who favour the view of power based on conflict – power is getting people to do what they would not have done otherwise ie power over other. This allows candidates to distinguish between different dimensions of power or as Steven Lukes (1974) described them: Power as decision-making – the openface of power that can be seen to be exercised when a decision is taken. This type of decision-making can nevertheless be influenced in a variety of ways. Credit references to other theorists if relevant but not if they are substitutes for the theorists asked for in the question. Power as agenda setting – the secret face of power – exercised behind closed doors. Those who have power to set the political agenda have the power to determine not only what can be discussed but also, more importantly, what cannot be discussed. Power is also therefore about preventing decisions being taken ie 'non-decision making'. Power by manipulating desires – people with such power can persuade others what is being offered is desired – ability to 		

Qu	esti	on	Expected Answer/s	Max Mark	Additional Guidance
A	2		 (Cont.) Legitimacy The crux of the question is that the term legitimacy broadly means rightfulness and therefore it confers an authoritative or binding a prostory which therefore reserves. 	Mark	
			 binding character which transforms power into authority. The claim to legitimacy is sometimes more important than the fact of obedience – a willingness to comply, a way of giving consent which obligates individuals to acknowledge the authority of government. Why do people obey the State? – this tends to reflect a shift from the philosophy of why should they obey the State to the political sociology of Max Weber in which he identifies in each case the basis on which legitimacy was established. Candidates may refer back to Weber's three ideal types of authority; traditional, charismatic and legal-rational. Importance of concept of consent in terms of it being the main distinction between power and authority – Weber's typologies allow candidates to refer to both consent and obligation and explore how these operate within particular states or historically. 		

Qu	esti	on	Expected Answer/s	Max Mark	Additional Guidance
A	3		Compare and contrast the key features of Edmund Burke's Conservatism with the key features of Karl Marx's Socialism.	20	
			Credit appropriate historical background/ contexts used by candidates. It is important that candidates do not just describe or explain each theorist's work in turn; they must compare and contrast their ideas appropriately in order to score above 14/20.		
			Credit references to aspects of the following:		
			Conservatism		
			Edmund Burke was in opposition to the radical new ideas of those leading the French revolution – and he developed his thoughts into a logical and full account of early conservative principles as follows:		
			 Man is not a rational creature but is driven by basic instincts and emotions – the imperfections of man had to be recognised. 		
			 Since man is not capable of being made perfect through education etc he must have discipline imposed on him by some superior force. 		
			 Man needs order and security – which are more desirable than individual freedom and tolerance. The purpose of political power is to create and maintain good order. 		
			 This is best achieved through continuity and respect for traditional institutions – eg landed interests, the family, the church; the concept of an organic society. Rapid and violent change is to be avoided 		
			 reforms only when necessary and with regard to tradition. 		
			 Ownership of property brings responsibility – those who own should try to look after/protect those who don't. 		
			Credit other relevant points.		

Qu	esti	on	Expected Answer/s	Max Mark	Additional Guidance
Α	3		(Cont.)		
			Socialism		
			Marxists divide socialists into 'utopian' and 'scientific' – Marxism claims to be scientific socialism on the grounds that socialism is tied in an empirically demonstrable way to the material interest of workers. Credit from the following:		
			• Community – the core of socialism is the importance of community – human beings are social creatures and have a common humanity. This reflects a positive view of human nature.		
			 Fraternity or comradeship – socialists prefer co-operation to competition and collectivism over individualism. Co-operation enables people to harness their collective energies – competition leads to individuals against individuals, may breed resentment, conflict. Social equality – a central value of socialism – equality of outcome (not opportunity) – this is the basis for the exercise of legal and political rights. Material benefits should be distributed on the basis of need rather than merit or work. Karl Marx's "from each according to his ability, to each according to his need." This requires people to be motivated by moral incentives rather than material ones. Socialism analyses society in terms of the distribution of income or wealth and social 		
			 distribution of income or wealth and social class is significant in this. Socialism is usually associated with the interests of an oppressed and exploited class and that class is the agent of change, even social revolution. Common ownership – a controversial feature with some socialists seeing it as an end of socialism itself, others as a means of generating broader equality. A means of harnessing material resources for the common good. Private property promotes social division and selfishness. Any other relevant points. 		

SECTION B – POLITICAL STRUCTURES

Questi	ion	Expected Answer/s	Max Mark	Additional Guidance
В 4		 Compare and contrast the powers of the UK Prime Minister with those of either the President of the USA or Scotland's First Minister. It is important that candidates do not just describe, explain and exemplify the powers of the UK Prime Minister, US President or First Minister but must compare and contrast in order to score above 14/20. Credit references to aspects of the following: Comparing the UK's Prime Minister with either US President or Scotland's First Minister will lead to similarities and differences and interpretations/ conclusions about which is more or less powerful in one area or another – if Scotland is chosen it should be clear the First Minister lacks power in several critical areas and these should be named. The UK and USA examples, if chosen could point to a number of similarities eg extensive powers of patronage; chief policy-makers; role of Commander-in-Chief – critical in US especially. Variations in power tend to be more subtle – the President dominates his Cabinet and unlike the PM he/she cannot be outvoted by them – the Cabinet played a key role in the resignation of Margaret Thatcher and Brown's cabinet was described as 'divided'; patronage is derived from the President for the whole of the administrative services – he does not share this with Cabinet members; the President cannot be removed from office for political reasons by the legislature whereas the PM depends on parliamentary support. 	20	

Qu	esti	on	Expected Answer/s	Max Mark	Additional Guidance
В	4		 (Cont.) The PM though is not limited by an entrenched constitution and is not constrained by a checks and balance system as exists in the USA; PM's patronage does not need the approval of the legislature like the President does; PM usually has strong control of his/her party and of the House of Commons. Party system much weaker in US and mid-term elections in the USA can weaken the President's position as happened to Bush in 2006 and Obama in 2010. UK more unitary therefore less problems than President who has to deal with strong regional forces and he/she has limited jurisdiction among the states; PM chooses date of elections – dates fixed in USA. Credit candidates who refer to the Coalition Government in UK and Obama's Presidency or the SNP majority Government in Scotland. Any other relevant points. 		

Question	Expected Answer/s	Max Mark	Additional Guidance
B 5	Compare and contrast the role of the judiciary in the UK with that of either Scotland or the USA.	20	
	In order for a candidate to ensure a pass mark in this essay, they must compare and contrast – simply describing the role of the judiciary in one country followed by another should score around half marks.		
	Credit references to aspects of the following:		
	The UK		
	 The principle that separates the judiciary from the legislative and executive in the UK is called the independence of the judiciary – in theory at least; no written constitution – place of judiciary in precedent, case law etc. The separation of powers is critical also in this answer. Recent legislation has taken the appointment of judges away from the executive branch and is now in the hands of the independent Judicial Appointments Commission. The principle of Parliamentary Sovereignty; Parliament in the UK is supreme and no other body can overrule or alter laws made by parliament and so the courts cannot overrule legislation (in contrast to the USA where the judiciary can overrule Congress and declare legislation unconstitutional). Courts in the UK have however been able to challenge legislation as a result of membership of the EU (ie the Factortame case) and the introduction of the Human Rights Act. This appears to introduce an element of judicial review of UK legislation. However, judges in the UK do not have the same powers as in the US as judges in the UK cannot set aside Acts of Parliament and are limited to making a "declaration of incompatibility" which does not affect the validity of the legislation itself. Parliament also retains the power to repeal the Human Rights Act or withdraw from the EU thus ensuring parliamentary supremacy. 		

Qu	esti	on	Expected Answer/s	Max Mark	Additional Guidance
в	5		(Cont.)		
B	5		 (The UK cont.) The creation of the Supreme Court of the United Kingdom by the Constitutional Reform Act (2005) and the installation of the Lord Chief Justice as the head of the judiciary in England and Wales has enhanced judicial independence as the judiciary is no longer headed by a member of the executive branch (the Lord Chancellor) and the highest court of appeal is no longer part of the legislative branch as the Appellate Committee of the House of Lords technically was. Judicial neutrality implies also that cases are heard without bias – the view has always been that judges are not normally neutral. They are frequently seen as a conservative (small 'c') body of people who tend to favour the status quo and the authority of the state against progressive ideas and the interests of individual citizens. Judges contribute to both the making and development of the laws – through judicial interpretation of laws ie clarifying what the laws actually mean; through Case Law – showing how laws are applied; through common law ie tradition (judicial precedents). Some argue they are not elected and therefore not accountable (Philip Norton) while others believe they belong to an unrepresentative elite (Professor John Griffiths). The principle of the 'Rule of Law' which, according to Dicey, acts as a check on parliamentary sovereignty and allows a degree of protection for rights by enabling the courts to review allegations that government ministers or officials have 		
			acted illegally.Any other relevant points.		

B 5 (Cont.) Scotland • The major law appointments in Scotland are still made through the Queen on the advice of the PM/Lord Chancellor and are still run to a great extent from London. • There has never been the right to appeal criminal matters in Scotland to the House of Lords but civil matters can and do go to the Lords. • The Minister for Justice in Scotland, who is an MSP in the Scottish Parliament, is responsible for criminal justice, youth justice, social work, police, prisons and sentencing policy, courts and law reform as well as a number of other related matters. • The Lord Advocate and the Solicitor-General for Scotland are the ultimate source of legal advice to the Government on all Scottish matters, and, along with the English Law Officers (Altorney-General and Solicitor-General), of advice on matters of constitutional appects of European Community obligations) and other legal matters affecting the United Kingdom as a whole. They are Ministers in their own right, independent of the Secretary of State. • The Lord Advocate's Department in London, whose permanent head is the Legal secretary to the Lord Advocate and First Parliament are the particular provide the Secretary for Scotland – Legal specialists who draft both Scottian
Bills and the Scottish provisions in Bills applying also to other parts of the United Kingdom. They also give advice on

Question	Expected Answer/s	Max Mark	Additional Guidance
B 5	 (Cont.) (Scotland cont.) The 2011 conflict between the SNP Government and the Supreme Court. Alex Salmond and an expert group chaired by Lord McCluskey demanded that the powers of the Supreme Court should be restricted when dealing with the Scottish cases as it undermines the historical independence of the Scottish courts. The Scottish High Court of Judiciary should have the final say on criminal cases. However, others claim that the UK Supreme Court should retain a role in Scottish criminal cases where Human Rights Convention issues arise. Any other relevant points. The USA The importance of the Constitution in the USA and how it lays out the roles and powers of the judiciary – the Constitution is sovereign in the USA while Parliament is said to be sovereign in the UK. The independence of the Judiciary and separation of powers both critical in the USA context – expect explanations and exemplifications of both in some detail. The latter points should show a much clearer separation between the legislative and the judicial branches of government. The appointment process – the President's choices for the judge need to be approved by a Senate (sometimes controlled by another party) appointed for life – have to be impeached to be removed, none ever has. Judicial impartiality is different from judicial independence. The first is to do with fairness in approach and judgements based on merits and not bias whereas the other means that judges should be free from outside interference or control. The judicial review process and famous examples like Brown v the Board of Education, Topeka 1954 a ruling that all segregation caused inequality and was therefore unconstitutional. Any other relevant points. 		

Qu	Question		Expected Answer/s	Max Mark	Additional Guidance
В	6		The main function of political assemblies is to scrutinise the actions of the government. Compare and contrast the way that the UK Parliament fulfils this function with that of either the US Congress or Scottish Parliament.	20	
			It is important to compare and contrast the UK Parliament with the chosen Legislature rather than simply describe the scrutinising role in each country.		
			Credit references to aspects of the following:		
			The UK		
			 In the UK the House of Commons and House of Lords can examine and criticise policy proposals, executive actions and to a greater or lesser extent the expenditure of Government. HM Opposition and the Government's own party are involved in scrutinising policy through Question Time – PM and Ministers. The Committee System – Select, Standing, and Scrutiny committees have become very important – calling ministers, MPs and even civil servants before them. Examples of cash for questions or phone hacking by News International in 2011 could be given and credited. The Government is responsible to Parliament for its actions and can be removed by a vote of no confidence as happened in 1979 to the Labour Government of James Callaghan. 		
			The USA		
			 Congressional committees have wide powers to call witnesses and see papers – Freedom of Information Act ensures the right to see official documents. Important hearings are well publicised. There is no doctrine of collective responsibility so members of Government can be more frank than in the UK or Scotland. 		

Qu	estic	on	Expected Answer/s	Max Mark	Additional Guidance
B	6	(Cc (Th •	 bnt.) Public officials are freer to express their views – unlike the Scottish Executive or civil servants in the UK. Appointment of Government members and Supreme Court judges is subject to Senate approval. Congress can remove the President through their power of impeachment. President Nixon resigned rather than be impeached and attempts by Congress to impeach President Clinton failed. botland Through First Minister's Question Time and Questions to other Ministers. Through scrutinising Executive Bills during the legislative process. The committee system – distinguish between subject committees and mandatory committees and the work of the Private Bills Committee and how Government policy can be scrutinised through these means. Committees play a central part in the work of the Parliament – taking evidence from witnesses, scrutinising legislation and conducting inquiries. Most committees meet weekly or fortnightly, usually on Tuesday or Wednesday mornings, in one 		Additional Guidance
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SECTION C – POLITICAL REPRESENTATION

Questi	on	Expected Answer/s	Max Mark	Additional Guidance
Questi C 8	on	 "The 2010 UK General Election result has weakened the arguments of those who support the First Past the Post system." Discuss. Candidates must refer to the quote and structure a robust and relevant answer around the quotation in order to gain high marks. Expect candidates to highlight the failure of FPTP to deliver a clear mandate in the 2010 General Elections. Credit candidates who refer to the 2011 Referendum on electoral reform. Credit references to aspects of the following: Arguments against First Past the Post As the 2010 election indicates, it does not always produce decisive or fair results. In the February 1974 elections the 		Additional Guidance
		 Conservatives gained more votes than Labour yet had fewer seats. In the 2005 election Labour formed a Government with only 35.2% of the votes cast. The Independent newspaper described it as "the most unfair election of all time" as this was the lowest ever winning party share of the vote. FPTP is outdated: it worked well when the electorate voted overwhelmingly for the two major parties – in the 1950s over 90% of the electorate voted for the big two – in 2010 it was only 65%. It can lead to a situation where the winning MP in a constituency can receive less than 30% of the vote. In 1992 General Election, the Liberal Democrat candidate won with only 26% of the vote. It is argued that FPTP leads to voter apathy. All of Glasgow's constituencies are held by Labour and the Conservatives do very badly. Why should a Conservative voter bother to vote when his/her vote will be of no consequence? 		

Qu	Question		Expected Answer/s	Max Mark	Additional Guidance
C	8	on	 (Cont.) Arguments for PR Fair because it produced a closer correlation between shares of voted and shares of seats. PR gives minor parties more parliamentary representation and encourages voters to vote for them without feeling their vote is wasted. In the 2003 elections for the Scottish Parliament, the AMS system enabled the Scottish Socialists, the Green Party, the Scottish Socialists, the Green Party and independents to be represented. Coalition Government increases the percentage of electorate supporting the Government policies. Coalition Government encourages consensus and compromise and this leads to stable Government. The Liberal Democrats and Labour formed a Coalition Government in the period 1999-2007 and this provided stable and effective Scottish Government. It can still create majority Government as happened in the 2011 Scottish elections. Arguments for First Past the Post It usually produces clear and usually decisive results – there is rarely uncertainty over who will form a Government; very different from Italy or Israel with indecisive results. 		Additional Guidance
			Government; very different from Italy or		

Qu	Question		Expected Answer/s	Max Mark	Additional Guidance
с	8		(Cont.)		
			Arguments against PR		
			 PR can create a Government in which a minority party can implement its policies. The Liberal Democrats finished fourth in the 2003 Scottish elections, yet it formed a Government with Labour. The Liberal Democrats were not the voters' choice. It can lead to unstable and weak government. The SNP minority administration 2007-11 failed to have key policies implemented in the Scottish Parliament, for example holding a Referendum on Independence. It does not always create a more representative Parliament. In the 2007 Scottish elections the number of MSPs from minority parties decreased from 17 to 3 and it remained at this figure after the 2011 results. The regional list system makes parties more powerful than voters. An MSP or candidate who steps out of line can be lowly placed in the party's list of candidates. Credit candidates who highlight the successes and failures of the Conservative/Liberal Democrat coalition. 		
			 Any other relevant points. 		

Qu	Question		Expected Answer/s	Max Mark	Additional Guidance
с	9		Compare and contrast the functions of UK political parties with that of pressure groups.	20	
			Credit appropriate references and examples including:		
			 Candidates outlining the main differences between political parties and pressure groups – political parties and pressure/ interest groups both recruit members. Political parties seek to become the Government – pressure/interest groups do not usually seek power but to advance the economic or other interests of their members. Candidates may wish to mention one or two examples of pressure/interest groups – TUs, CBI, Friends of the Earth, Fathers for Justice etc. Candidates may also mention that pressure/interest groups can be classified as either insider or outsider groups. Possible mention of recent new parties linked to specific issues eg George Galloway's Respect Party (arose out of Iraq war issue); In Scotland The Scottish Senior Citizens Unity Party won a list seat in the 2003 Scottish Parliament elections. In the 2010 General Election the Greens won their first parliamentary seat. Pressure/interest groups usually try to influence policy in areas that impact on their members. A number of methods are available to them – lobbying politicians, via the media, campaigns, demonstrations – credit relevant examples used to exemplify points. Political parties usually elect their leaders – pressure/interest group leaders are appointed or may emerge, leading to claims that they are undemocratic. Political parties are concerned with a broad range of policies concerning things that affect their members' interests. 		

Qu	Question		Expected Answer/s	Max Mark	Additional Guidance
с	9		(Cont.)		
			 Insider pressure/interest groups are often consulted by political parties because of their expertise and interest in a proposed policy. Outsider groups can also submit their opinions to policy makers. Some groups choose to remain as outsider groups because they wish to retain their freedom to campaign etc. Some pressure/interest groups sponsor MPs so that their interests are advanced in "the corridors of power". Reward relevant comments and examples of how candidates are selected, campaigns are organised and financed, election manifestos are put together and advertised and how parties may organise the voters. Other relevant point. 		

[END OF MARKING INSTRUCTIONS]