

A-level  
**POLITICS**  
**7152/2**

Paper 2 Government and politics of the USA and comparative politics

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**Mark scheme**

June 2022

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Version: 1.0 Final



Mark schemes are prepared by the Lead Assessment Writer and considered, together with the relevant questions, by a panel of subject teachers. This mark scheme includes any amendments made at the standardisation events which all associates participate in and is the scheme which was used by them in this examination. The standardisation process ensures that the mark scheme covers the students' responses to questions and that every associate understands and applies it in the same correct way. As preparation for standardisation each associate analyses a number of students' scripts. Alternative answers not already covered by the mark scheme are discussed and legislated for. If, after the standardisation process, associates encounter unusual answers which have not been raised they are required to refer these to the Lead Examiner.

It must be stressed that a mark scheme is a working document, in many cases further developed and expanded on the basis of students' 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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## Level of response marking instructions

Level of response mark schemes are broken down into levels, each of which has a descriptor. The descriptor for the level shows the average performance for the level. There are marks in each level.

Before you apply the mark scheme to a student's answer read through the answer and annotate it (as instructed) to show the qualities that are being looked for. You can then apply the mark scheme.

### Step 1 Determine a level

Start at the lowest level of the mark scheme and use it as a ladder to see whether the answer meets the descriptor for that level. The descriptor for the level indicates the different qualities that might be seen in the student's answer for that level. If it meets the lowest level then go to the next one and decide if it meets this level, and so on, until you have a match between the level descriptor and the answer. With practice and familiarity you will find that for better answers you will be able to quickly skip through the lower levels of the mark scheme.

When assigning a level you should look at the overall quality of the answer and not look to pick holes in small and specific parts of the answer where the student has not performed quite as well as the rest. If the answer covers different aspects of different levels of the mark scheme you should use a best fit approach for defining the level and then use the variability of the response to help decide the mark within the level, ie if the response is predominantly level 3 with a small amount of level 4 material it would be placed in level 3 but be awarded a mark near the top of the level because of the level 4 content.

### Step 2 Determine a mark

Once you have assigned a level you need to decide on the mark. The descriptors on how to allocate marks can help with this. The exemplar materials used during standardisation will help. There will be an answer in the standardising materials which will correspond with each level of the mark scheme. This answer will have been awarded a mark by the Lead Examiner. You can compare the student's answer with the example to determine if it is the same standard, better or worse than the example. You can then use this to allocate a mark for the answer based on the Lead Examiner's mark on the example.

You may well need to read back through the answer as you apply the mark scheme to clarify points and assure yourself that the level and the mark are appropriate.

Indicative content in the mark scheme is provided as a guide for examiners. It is not intended to be exhaustive and you must credit other valid points. Students do not have to cover all of the points mentioned in the Indicative content to reach the highest level of the mark scheme.

An answer which contains nothing of relevance to the question must be awarded no marks.

**Section A**

**Levels of response mark scheme for 9-mark questions**

**0 1** Explain and analyse three factors that can influence voting behaviour in the US. **[9 marks]**

**0 2** Explain and analyse three ways in which executive power can be constrained by the other branches of government. **[9 marks]**

**0 3** Explain and analyse three ways that rational theory could be used to study how members of Congress and Parliament vote within their respective legislatures. **[9 marks]**

**Target AO1: 6 marks, AO2: 3 marks**

Level	Marks	Descriptors
<b>3</b>	7–9	<ul style="list-style-type: none"> <li>detailed knowledge of relevant political concepts, institutions and processes is demonstrated and appropriate political vocabulary is used (AO1)</li> <li>thorough explanations and appropriate selection of accurate supporting examples demonstrates detailed understanding of relevant political concepts, institutions and processes (AO1)</li> <li>analysis of three clear points will be structured, clearly focused on the question and confidently developed in to a coherent answer (AO2).</li> </ul>
<b>2</b>	4–6	<ul style="list-style-type: none"> <li>generally sound knowledge of political concepts, institutions and processes is demonstrated and generally appropriate political vocabulary is used (AO1)</li> <li>some development of explanations and generally appropriate selection of supporting examples demonstrates generally accurate understanding of relevant political concepts, institutions and processes, though further detail may be required in places and some inaccuracies may be present (AO1)</li> <li>analysis will be developed in most places, though some points may be descriptive or in need of further development. Answers will, for the most part, be clearly expressed and show some organisation in the presentation of material (AO2).</li> </ul> <p>Students who only make two relevant points will be limited to this level.</p>
<b>1</b>	1–3	<ul style="list-style-type: none"> <li>limited knowledge of political concepts, institutions and processes is demonstrated and little or no appropriate political vocabulary is used (AO1)</li> <li>limited development of explanations and selection of supporting examples demonstrates limited understanding of relevant political concepts, institutions and processes, with further detail required and inaccuracies present throughout (AO1)</li> <li>analysis will take the form of description for the most part. Coherence and structure will be limited (AO2).</li> </ul> <p>Students who only make one relevant point will be limited to this level.</p>
<b>0</b>	0	<ul style="list-style-type: none"> <li>nothing worthy of credit.</li> </ul>

0 1

Explain and analyse three factors that can influence voting behaviour in the US.

**[9 marks]****Indicative content**

In their explanations and analysis, students may be expected to cover areas such as the following:

- explanation and analysis of the range of factors that can influence US voting behaviour. Students are likely to select a combination of themes that reflect long-term 'primacy' factors connected to voters' social characteristics (socio-economic status, region, age, gender, religious affiliation or race/ethnicity) and short-term 'recency' factors, such as candidates, policies, political issues and events (that are different at each election)
- explanation and analysis of partisanship and partisan alignment, with supporting evidence. This could include the greater degree of voting support for the Democratic Party from lower socio-economic groups/females/racial and ethnic and minorities/Catholics, Jews and secular voters/younger voters/urban voters in North Eastern and coastal states (Blue America). This could be compared with the higher degree of voting support for the Republican Party from higher socio-economic groups/males/white voters/protestant and evangelical Christians/older voters/rural suburban voters in middle America and the South (Red America)
- explanation and analysis of the influence of region, as there is evidence that voters from the South vote differently from voters in the North-East states, or in the West compared to the Mid-West. Because of the US electoral cycle with different elections taking place at different levels and for the different branches of government, students may introduce the concept of split-ticket voting to show complexity as voters vote for different parties and candidates on the same ticket (although such voting patterns have declined in the last two presidential elections)
- explanation and analysis of rational choice theories of voting behaviour and short-term factors, including the increasing importance of the media in focusing on candidates and their image and personalised politics. Recent presidential elections suggest that for some voters there is also increasing attention paid to the importance of salient issues such as the economy or abortion, gun control and in 2020 the COVID-19 pandemic
- explanation and analysis of retrospective voting and how voters respond to changing candidates and issues on the political agenda. Examples could include the economy in 1992, 2008 and 2020, 9/11 and the war on terror in 2004, and/or wedge issues such as abortion and gay marriage. Students may also refer to the impact of different candidates and their characteristics such as Trump vs Clinton in 2016 and Trump vs Biden in 2020 or events such as Hurricane Sandy in 2012. Some responses may discuss incumbency either in terms of presidents or Congress and why voters reward candidates with another term in office.

Students are required to consider only three factors that can influence voting behaviour in the US. If a student exceeds this number reward only the best three. However, some may include relevant points not listed above and these should be credited. If a student gives only one or two examples they will receive a maximum of three and six marks respectively.

**0 2**

Explain and analyse three ways in which executive power can be constrained by the other branches of government.

**[9 marks]****Indicative content**

In their explanations and analysis, students may be expected to cover areas such as the following:

- explanation and analysis of the constitutional checks and balances that the president is subject to and the intentions of the framers to have three separated and co-equal branches of government. Students may refer to the fact that the Constitution is based on the ideas of philosophers such as Locke and the concept of limited government. Students can be awarded level 3 marks if they give three ways executive power can be constrained by only focusing on one branch of government
- explanation and analysis that Congress can reject legislation supported by the executive even when a president's party controls the legislature, for example, Trump was unable to repeal Obamacare. Students may also refer to Congress's ability to overturn a presidential veto such as the Defence Bill, December 2020
- explanation and analysis that Congress enjoys the power of the purse. This can force the executive to compromise with Congress in order to keep the federal government running. In April 2017, Trump was forced to remove funding for a border wall on the US–Mexican border from his budget
- explanation and analysis that Senate approval is required to confirm presidential appointments and this has been refused or postponed (eg Merrick Garland was nominated by Obama for the Supreme Court but the Republican-controlled Senate Judiciary Committee refused to hold hearings on his appointment)
- explanation and analysis that Senate approval is needed to ratify treaties and this has been refused, with significant consequences (eg the Treaty of Versailles in 1920). Other examples can include the Comprehensive Test Ban Treaty (1999), and the Convention on the Rights of Persons with Disabilities (2012)
- explanation and analysis that Congress can investigate executive actions, which can lead to impeachment. The threat of impeachment led to Richard Nixon's resignation in 1974 and Clinton's 1998 impeachment defined the latter years of his presidency. Students are likely also to refer to Trump's impeachment in January 2020 and his second trial in 2021
- explanation and analysis of the role played by the judiciary both at national and state level. Students are likely to discuss the Supreme Court and judicial review in declaring actions such as executive orders as unconstitutional. Students may use the example of US v Nixon 1974 or judicial decisions during the Trump presidency.

Students are required to consider only three ways in which executive power can be constrained by the other branches of government. If a student exceeds this number reward only the best three. However, some may include relevant points not listed above and these should be credited. If a student gives only one or two examples they will receive a maximum of three and six marks respectively.

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Explain and analyse three ways that rational theory could be used to study how members of Congress and Parliament vote within their respective legislatures.

[9 marks]

### Indicative content

In their explanations and analysis, students may be expected to cover areas such as the following:

- explanation and analysis of rational theory and how it can be applied to understanding how members of the US and UK legislatures vote. The approach emphasises the role of the individual and assumes they will normally act or make political choices in a logical way to maximise positive outcomes for themselves or a cause. The 'rational' dimension refers to the differing political choices that individuals make as citizens or as elected politicians. A key assumption about individuals is that they are 'self-interested actors'. This means people can be expected to make decisions that will give them a beneficial outcome such as members of legislatures voting with their party or in line with the wishes of their constituents
- explanation and analysis of the relationship members of each legislature have with their parties and extent of party discipline. In the US there is no 'national manifesto' to follow or rarely a national party line to 'toe'. In comparison, in the UK there is a national manifesto to follow and party discipline is strong, with the whips wielding power in terms of 'carrots and sticks'. Rationally, most back-bench MPs 'toe the party line' to advance their careers and therefore their aim to 'climb the greasy pole of promotion'. Front-bench ministers and those on the 'pay-roll' vote are bound by cabinet and ministerial responsibility so rationally will vote with the government to maintain the loyalty of the prime minister and the government itself
- explanation and analysis of the nature of representative democracy in both countries. Students may make use of the theories of representation alongside rational theory. In the UK party representation and the mandate theory apply. While in the US the delegate and Burkean or trustee models mostly apply. Students may contrast voting patterns between chambers using the rational approach. For example, members of the House of Representatives are subject to re-election every two years (students may refer to "pork barrelling") so therefore it is likely members when voting on bills will be paying attention to the view of their voters while senators with six-year terms can be more reflective of national issues as the founders of the Constitution intended. Students may refer to differences between the Commons and Lords; members of the Lords are subject to less pressure to follow a party line and many are also cross-benchers which means they can exercise independence of thought when voting without fear of sanction
- explanation and analysis of different voting patterns within each legislature. For example, in the Commons students may refer to how some MPs may choose to vote with colleagues based on ideology, for example, members of the ERG within the Conservative Party. Similarly, groupings can be found in Congress, particularly in the House with caucuses such as the conservative republican Freedom Caucus and the democrat liberal Congressional Progressive Caucus voting together.

Students are required to consider only three aspects of how rational theory could be used to study the voting behaviour of US and UK legislators. If a student exceeds this number reward only the best three. However, some may include relevant points not listed above and these should be credited. If a student gives only one or two examples they will receive a maximum of three and six marks respectively.

**Section B****Levels of response mark scheme for 25-mark extract-based essay**

<b>0</b>	<b>4</b>	Analyse, evaluate and compare the arguments in the above extracts regarding the extent to which democracy in the USA is undermined by lobbying.	<b>[25 marks]</b>
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**Target AO1: 5 marks, AO2: 10 marks, AO3: 10 marks**

Level	Marks	Descriptors
5	21–25	<ul style="list-style-type: none"> <li>• detailed and accurate knowledge and understanding of relevant political concepts, institutions and processes are used to support analysis of the issue under discussion (AO1)</li> <li>• analysis of the extract is balanced and confidently developed</li> <li>• comparisons are well explained, are focused on the question and fully supported with relevant and developed examples (AO2)</li> <li>• evaluation of the above leads to well substantiated conclusions that are consistent with the preceding discussion (AO3)</li> <li>• relevant perspectives and/or the status of the extract are successfully evaluated in the process of constructing arguments (AO3)</li> <li>• the answer is well organised, coherent and has a sustained analytical focus on the question (AO2).</li> </ul>
4	16–20	<ul style="list-style-type: none"> <li>• accurate knowledge and understanding of relevant political concepts, institutions and processes are used to support analysis of the issue under discussion, though further detail may be required in places (AO1)</li> <li>• analysis of the extract is balanced and developed, though some elements of the analysis could be expanded and/or developed further</li> <li>• evaluation of the above leads to conclusions that show some substantiation and are consistent with the preceding discussion (AO3)</li> <li>• relevant perspectives and/or the status of the extract are evaluated in constructing arguments, although in some places there could be further development of the evaluation (AO3)</li> <li>• the answer is well organised, analytical in style and is focused on the question as set.</li> </ul>
3	11–15	<ul style="list-style-type: none"> <li>• generally sound knowledge and understanding of relevant political concepts, institutions and processes are used to support points made, though inaccuracies will be present (AO1)</li> <li>• analytical points relating to the extract are made and developed in places, showing some balance, though some points are descriptive rather than analytical (AO2)</li> <li>• evaluation of the above leads to conclusions that are consistent with the preceding discussion, but that lack substantiation (AO3)</li> <li>• relevant perspectives and/or the status of the extract are commented on in constructing arguments, though evaluation is lacking depth (AO3)</li> <li>• the answer is organised, occasionally analytical and focused on the question as set.</li> </ul>
2	6–10	<ul style="list-style-type: none"> <li>• some knowledge and understanding of relevant political concepts, institutions and processes are used to support points made, though these contain inaccuracies and irrelevant material (AO1)</li> </ul>



		<ul style="list-style-type: none"> <li>analysis of the extract takes the form of description in most places, with some attempt at balance, though many points are unsupported assertions (AO2)</li> <li>some attempt to draw conclusions is made, but these lack depth and clear development from the preceding discussion (AO3).</li> </ul>
<b>1</b>	1–5	<ul style="list-style-type: none"> <li>limited knowledge and understanding of relevant political concepts, institutions and processes, with inaccuracies and irrelevant material present throughout (AO1)</li> <li>analysis of the extract takes the form of description and assertion, with little or no attempt made at balance (AO2)</li> <li>conclusions, when offered, are asserted and have an implicit relationship to the preceding discussion (AO3)</li> <li>little or no evaluation of relevant perspectives and the status of the extract is present (AO3)</li> <li>the answer shows little organisation and does not address the question (AO2).</li> </ul>
<b>0</b>	0	<ul style="list-style-type: none"> <li>nothing worthy of credit.</li> </ul>

**0 4**

Analyse, evaluate and compare the arguments in the above extracts regarding the extent to which democracy in the US is undermined by lobbying.

**[25 marks]**

**Indicative content**

In the analysis and evaluation of lobbying and the extent to which it undermines democracy in the US, as made in the extracts, students should be expected to cover areas such as the following:

- analysis and evaluation of lobbying, the role of “lobbyists” and the significance of “K Street” as referred to in Extract 1. Reference may be made by some students to the views of C. Wright Mills and the elite theory argument and the critical view of lobbying which suggests wealthy groups are buying influence in Washington. Such an approach could include analysis of why companies such as “Pfizer, Amazon and Apple” would employ lobbying firms
- analysis and evaluation of why lobbying firms such as Miller Strategies, as referred to in Extract 1, would employ ex-“White House aides”. It is likely responses will refer to the so-called “revolving door syndrome” and make links to elite theory
- analysis and evaluation of why the White House is so important to lobbyists as referred to in Extract 1. Students should recognise the White House as one of a number of significant “access points” within the US governmental system. Students may also discuss Congress and the Supreme Court as being the other key access points in Washington. Students may also discuss the roles and powers of the executive and why groups would seek to influence whoever was the President. Such an approach could include analysis of why Trump failed to “drain the swamp”. Students are likely to discuss the elite theory of pressure groups
- analysis and evaluation of why a lobbying firm such as Ballard Partners would seek to “effectively advocate on both sides of the aisle in our nation’s capital” as referred to in Extract 1. Such an approach would involve looking at Congress as an access point and students are likely to evaluate congressional committees in terms of the legislative process (as referred to in Extract 2), Iron triangles and the revolving door syndrome
- analysis and evaluation of why Extract 2 argues that lobbying is a “vital part of American democracy”. Students should discuss the First Amendment of the Constitution. Students may discuss the wider context of US political culture and make synoptic links to First Amendment rights in regard to interest group activity. Students may note the term “lobbying” does not appear in the amendment but the right “to petition the Government for a redress of grievances” is specifically noted. Students may also make links to pluralism to reinforce the arguments made in the extract for the benefits of lobbying. Students in comparison with Extract 1 are likely to

discuss elitist perspectives and argue that the US has often been described as having either a ‘coin-operated congress’ or ‘the best democracy money can buy’

- analysis and evaluation of how and why Extract 2 argues there are benefits to lobbying firms as the “liaisons between the public and representatives in Congress”. Students may also examine why the legislative process is “complex” and the relationship that can exist between “Lobbyists” and Congressional committees (such as those focused on agriculture or veterans’ affairs)
- analysis and evaluation of why Extract 2 takes the view that “lobbyists represent all points of view on every issue imaginable”. Reference may be made by some students to the views of Dahl and the positive advantages of pressure-group activity in dispersing power, representing causes/interests and how they can educate and inform law-makers and citizens. The pluralist approach being advocated in Extract 2 can be contrasted with the concerns expressed in Extract 1 about the lobbying industry appearing to be “selling connections” and “buying influence”.

The analysis and evaluation of any political information is affected by:

- who the author is – their position or role
- the type of publication – newspaper, academic journal, electronic media
- the overt or implicit purpose of the author – to inform, persuade or influence
- the relevance of the extract to a political issue or concern, and how representative the extract is of a particular viewpoint.

Students will be expected to address some of these factors in their analysis and evaluation of the extracts:

- Evaluation of relevant perspectives within the extracts concerning the extent to which lobbying undermines democracy in the US. Extract 1 is an article, which appeared on the website of the Center for Responsive Politics at the end of the Trump presidency and Extract 2 from an article written for the lobbying firm Lobbyit. Both articles have a purpose to inform and explain lobbying and the role that lobbyists play in shaping public policy in the US and in terms of representing interests and competing points of view. Students may refer to the fact that the Center for Responsive Politics is an impartial organisation and is a political transparency advocacy group. In comparison students can refer to the fact that Lobbyit is a lobbying firm which is naturally defending and promoting the benefits of lobbying not just for “special interests, rich industries and corporations” but also for “everyday citizens”.
- Comparisons can be made between the strong criticisms of lobbying, the revolving door and access points described in the first extract and the second extract which offers a very positive and pluralistic viewpoint of lobbying and interest groups in general. The concerns made in Extract 1 suggests that US democracy is being undermined by wealthy corporate interests and that democracy itself is for sale. On the other hand, Extract 2 takes a very different view and argues that lobbying is a means for participation and representation because “in a true democracy, everyone has a voice”.

Students are required to analyse and evaluate the arguments presented in the extracts. Students who identify which arguments support which of the different views regarding extent to which lobbying undermines US democracy may be awarded marks for analysis (AO2). To gain marks for evaluation (AO3) students must assess the relative strengths of the differing arguments and whether lobbying undermines US democracy are more or less convincing. The analysis and evaluation must clearly focus on the arguments presented in the extracts.

Students would not need to cover each and every one of the above points to gain high marks; equally, some may introduce further relevant points and these should be credited. The conclusion should clearly focus on the issue in question. In their evaluation, it does not matter what view students reach. However, their position must be supported by their arguments and examples.

Students who fail to focus their discussion on the arguments in the extracts, however complete their answer may otherwise be, cannot achieve above level 2.

**Section C**

**Levels of response mark scheme for 25-mark essay**

**0 5** 'Civil rights and liberties are more effectively promoted and protected in the US than in the UK.' Analyse and evaluate this statement. **[25 marks]**

**0 6** 'Devolution has brought the UK closer to the federal system of government found in the US.' Analyse and evaluate this statement. **[25 marks]**

**Target AO1: 5 marks, AO2: 10 marks, AO3: 10 marks**

Level	Marks	Descriptors
5	21–25	<ul style="list-style-type: none"> <li>detailed and accurate knowledge and understanding of relevant political concepts, institutions and processes are used to support analysis of the issue under discussion (AO1)</li> <li>analysis is balanced and confidently developed (AO2)</li> <li>synoptic links are well explained, are focused on the question and fully supported with relevant and developed examples (AO2)</li> <li>evaluation of the above leads to well substantiated conclusions that are consistent with the preceding discussion (AO3)</li> <li>relevant perspectives are successfully evaluated in the process of constructing arguments (AO3)</li> <li>the answer is well organised, coherent and has a sustained analytical focus on the question (AO2).</li> </ul>
4	16–20	<ul style="list-style-type: none"> <li>accurate knowledge and understanding of relevant political concepts, institutions and processes are used to support analysis of the issue under discussion, though further detail may be required in places (AO1)</li> <li>analysis is balanced/developed, though some elements of the analysis could be expanded and/or developed further</li> <li>synoptic links are relevant to the questions as set, and supported with examples (AO2)</li> <li>evaluation of the above leads to conclusions that show some substantiation and consistent with the preceding discussion (AO3)</li> <li>relevant perspectives are evaluated in the process of constructing arguments, although in some places there could be further development of the evaluation (AO3)</li> <li>the answer is well organised, analytical in style and is focused on the question as set.</li> </ul>
3	11–15	<ul style="list-style-type: none"> <li>generally sound knowledge and understanding of relevant political concepts, institutions and processes are used to support points made, though inaccuracies will be present (AO1)</li> <li>analytical points are made and developed in places, showing some balance, though some points are descriptive rather than analytical</li> <li>synoptic links will be made, may be supported by examples, though explanation will lack depth (AO2)</li> <li>evaluation of the above leads to conclusions that are consistent with the preceding discussion, but that lack substantiation (AO3)</li> </ul>

		<ul style="list-style-type: none"> <li>relevant perspectives are commented on in the process of constructing arguments, though evaluation is lacking depth (AO3)</li> <li>the answer is organised, occasionally analytical and focused on the question as set.</li> </ul>
<b>2</b>	6–10	<ul style="list-style-type: none"> <li>some knowledge and understanding of relevant political concepts, institutions and processes are used to support points made, though these contain inaccuracies and irrelevant material (AO1)</li> <li>analysis takes the form of description in most places, with some attempt at balance, though many points are unsupported assertions (AO2)</li> <li>synoptic links tend to be limited and undeveloped (AO2)</li> <li>some attempt to draw conclusions is made, but these lack depth and clear development from the preceding discussion (AO3)</li> <li>relevant perspectives are identified, though evaluation will be superficial (AO3)</li> <li>the answer shows some organisation and makes some attempt to address the question (AO2).</li> </ul>
<b>1</b>	1–5	<ul style="list-style-type: none"> <li>limited knowledge and understanding of relevant political concepts, institutions and processes, with inaccuracies and irrelevant material present throughout (AO1)</li> <li>analysis takes the form of description and assertion, with little or no attempt made at balance (AO2)</li> <li>few if any synoptic links are offered (AO2)</li> <li>conclusions, when offered, are asserted and have an implicit relationship to the preceding discussion (AO3)</li> <li>little or no evaluation of relevant perspectives is present (AO3)</li> <li>the answer shows little organisation and does not address the question (AO2).</li> </ul>
<b>0</b>	0	<ul style="list-style-type: none"> <li>nothing worthy of credit.</li> </ul>

**0 5**

'Civil rights and liberties are more effectively promoted and protected in the US than in the UK.' Analyse and evaluate this statement.

**[25 marks]****Indicative content**

In the analysis and evaluation of the statement students may be expected to cover areas such as the following:

- analysis and evaluation of what civil rights and liberties are and the fact that in both countries they are expansive and designed to protect individuals from unfair treatment or discrimination. In the UK, historically the focus has been on common and statute law, whereas in the US the focus is on the codified constitution, including the Bill of Rights, amendments and federalism
- analysis and evaluation of how the US Constitution protects rights. Students may argue that rights and liberties are better protected in the US. For example, when President Trump introduced his ban on travel from seven Muslim majority countries, the federal courts struck this down on the grounds that it discriminated against a particular religious group, thus violating the First Amendment
- analysis and evaluation of the fact that in the UK there is a negative rights culture due to the absence of a codified constitution and no 'entrenchment' of rights
- analysis and evaluation of judiciaries in the US and UK in relation to civil rights and liberties. In the US the Supreme Court is co-equal with the other two branches of government. Students are likely to refer to the Court's power of judicial review and the positive rights culture in the US due to entrenched rights protected by the Bill of Rights and subsequent amendments such as the Fourteenth Amendment. Students are likely to examine landmark Supreme Court cases which have secured the legal rights of, for example African Americans and LGBT Americans. In comparison the impact of the Constitutional Reform Act, 2005, has resulted in more judicial activism in the UK
- analysis and evaluation of the role played by legislatures in the US and UK in relation to civil rights and liberties. Students may refer to important examples of Congress protecting rights by law, eg Civil Rights Acts. Students may also make links to the fact that Congress passes laws that seem to undermine rights just as Parliament can, eg the 2003 Patriot Act. In terms of UK statutes there is a wide range of examples students may refer to which have sought to protect and extend rights such as the Sex Discrimination Act 1975 or the Human Rights Act 1998 (HRA). Students may argue that there is now a more 'formal structure' to UK rights due to the HRA, and much more in line with the US Bill of Rights
- analysis and evaluation of the role played by pressure groups in the US and UK in the promotion and protection of rights. Students are likely to argue the US political culture helps pressure group activity in relation to lobbying, campaigning and protesting. Therefore, students could use examples of groups which have or do operate in the following policy areas: abortion, gun rights, race, gender, freedom of speech. In terms of the UK there are fewer access points but again there are many examples students can draw upon groups such as Liberty, the Fawcett Society and ASH that have defended or sought to promote rights in the UK.

Synoptic links may be made in areas such as constitutions, federalism and devolution (as access points), judiciaries, pressure groups and legislatures. Synoptic links could also be made to the influence of John Locke and Liberalism. Any response that does not include synoptic points cannot achieve above level 4.

Students would not need to cover each and every one of the above points to gain high marks; equally, some may introduce further relevant points and these should be credited. The conclusion should clearly focus on the issue in question. In their evaluation, it does not matter what view students reach. However, their position must be supported by their arguments and examples.

0 | 6

'Devolution has brought the UK closer to the federal system of government found in the US.' Analyse and evaluate this statement.

**[25 marks]****Indicative content**

In the analysis and evaluation of the statement students may be expected to cover areas such as the following:

- analysis and evaluation of the division and distribution of power in the US and UK. The US has a federal constitution that is based on the principle of shared or dual sovereignty, in that there are two relatively autonomous levels of government, the national/federal and the regional/state. Students are likely to argue the US Constitution which permits a high level of decentralisation to the states, as seen in Article I and the Tenth Amendment. In contrast, the UK is not a federal system but is a unitary state that has devolved some powers to the nations and some cities
- analysis and evaluation of the wider aspects of federalism, such as the 'elastic clause' and the role of the Supreme Court in settling clashes between state and federal government. Responses may argue that it is not a fixed constitutional concept and the meaning of federalism is open to interpretation. In contrast a unitary constitution (the UK) concentrates sovereign power in a single body of national government. At the same time, devolution in the UK imposes a limitation upon the sovereignty of Parliament. In practice, Westminster is no longer sovereign over the domestic affairs of Scotland and Wales as responses to Covid-19 (in relation to health and education policies) have shown
- analysis and evaluation of devolution in comparison with federalism. Devolution is different from federalism as it involves a transfer of power away from the central and superior body to allow some decisions to be taken closer to those who are directly affected by them in areas such as education and health policies: eg abolition of tuition fees for university students in Scotland. Since 1997 it can be argued that, as more powers have been devolved to Northern Ireland, Scotland and Wales, and with the increasing number of directly elected English city mayors, the UK is moving towards becoming a possible federal system
- analysis and evaluation of the key argument that in both US and UK the division of power between national and sub-national levels of government has been and is changing. In the US since the 1930s the power of the federal government has grown, over the economy, education, health, and welfare. Inevitably, this has come at the expense of the power of the states. In the UK, while it remains a unitary state, due to parliamentary sovereignty, the moves towards devolution for Scotland, Wales, Northern Ireland, London and English regions have created what is arguably a 'quasi-federalism'. Therefore, students may argue that differences between the two countries are diminishing.

Synoptic links may be made in areas such as constitutions (including the separation of powers and the intentions of the Framers of the US Constitution), nationalist movements, legislatures and judiciaries. Any response that does not include synoptic points cannot achieve above level 4.

Students would not need to cover each and every one of the above points to gain high marks; equally, some may introduce further relevant points and these should be credited. The conclusion should clearly focus on the issue in question. In their evaluation, it does not matter what view students reach. However, their position must be supported by their arguments and examples.