

---

**A-level  
POLITICS  
7152/2**

**Paper 2 Government and politics of the USA and comparative politics**

---

**Mark scheme**

**June 2023**

---

**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.

Further copies of this mark scheme are available from [aqa.org.uk](https://www.aqa.org.uk)

#### **Copyright information**

AQA retains the copyright on all its publications. However, registered schools/colleges for AQA are permitted to copy material from this booklet for their own internal use, with the following important exception: AQA cannot give permission to schools/colleges to photocopy any material that is acknowledged to a third party even for internal use within the centre.

Copyright © 2023 AQA and its licensors. All rights reserved.

## 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 functions of national nominating conventions in the US. [9 marks]
0	2	Explain and analyse three factions within the Republican Party. [9 marks]
0	3	Explain and analyse three ways that structural theory could be used to study the legislative process in the US Congress and UK Parliament. [9 marks]

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

Level	Marks	Descriptors
3	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 demonstrate detailed understanding of relevant political concepts, institutions and processes (AO1).</li> <li>Analysis of three clear points is structured, clearly focused on the question and confidently developed into a coherent answer (AO2).</li> </ul>
2	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 demonstrate 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 is developed in most places, though some points may be descriptive or in need of further development. Answers, for the most part, are 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>
1	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 demonstrate limited understanding of relevant political concepts, institutions and processes, with further detail required and inaccuracies present throughout (AO1).</li> <li>Analysis takes the form of description for the most part. Coherence and structure are limited (AO2).</li> </ul> <p>Students who only make one relevant point will be limited to this level.</p>
0	0	<ul style="list-style-type: none"> <li>Nothing worthy of credit.</li> </ul>

**0 | 1** Explain and analyse three functions of national nominating conventions 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 formal role the conventions have in finishing the nomination process and that they act as the starting point for the national presidential campaign. Students may refer to the historic formal roles and functions of the conventions as being to decide the presidential candidate, the vice-president, the party platform and elect the party's national committee. However, because of the McGovern-Fraser reforms the party nominees are now known before the conventions and as a result the main function of the conventions today is to "crown" rather than select the candidates
- explanation and analysis of conventions as they are the only time when the national party meets every four years and that the 'coronation' of the candidate takes place with the acceptance speech given to the party delegates and to the nation.
- explanation and analysis of the fact that the vice-presidential candidate is no longer selected by conventions but instead is showcased as part of a "balanced ticket" to influence voters
- explanation and analysis of the fact that conventions are, in theory, where party platforms (party principles and goals known as 'planks') are announced. However, some students may use the example of the Republican convention of 2020 to argue against this point. Because of the coronavirus pandemic, Republican delegates meeting in North Carolina, didn't adopt a new platform because of pressure from Trump, but instead stated the party "would continue to enthusiastically support the president's America-first agenda". In contrast the 2020 Democrat convention adopted a 91-page document
- explanation and analysis of the media roles performed by the conventions. Modern conventions are a 'media event' ending the presidential nomination process. Students may refer to the fact that presidential nominees are looking for a 'bounce' in the polls resulting from a successful convention to take them into the national campaign. To illustrate the 'bounce' that can be generated, students may reference the Democrats in 2008 (or the loss of it as in the 1992 Republican convention, where the party was perceived as divided)
- explanation and analysis of the role conventions have in "energising the base" of core voters and enthusing party activists to organise the 'ground war' in the upcoming national campaign. This point could be further developed with reference to the attempt to appeal to undecided 'swing' voters. The parties often locate their conventions in key swing states, examples include the Democrats choosing Pennsylvania and the Republicans Ohio in 2016 and the 2020 conventions
- explanation and analysis of the role conventions can play in healing party divisions, especially after divisive primaries such as those between Obama and Hillary Clinton in 2008 or Santorum and Romney in 2012, and the projection of a united party image with the party uniting around its chosen candidate for the national campaign.

Students are required to consider only three functions of national nominating conventions. 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 factions within the Republican Party.

**[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 ideological intra-party factions within the Republican Party. Students must be clear that these divisions are based on differences over economic, social and foreign policy
- explanation and analysis of fiscal conservatives. These are Republicans who focus less on the social side of policy and more on controlling government spending and revenues. Fiscal conservatives focus on delivering smaller government and balancing the budget. Students may argue these views have been an important part of Republican ideology since the rise of the new-right in the 1980s, eg Bush's tax cuts, the rejection of government bailouts and deficits and the Trump tax cut of 2017
- explanation and analysis of social conservatives, also referred to as the Christian right. The term social conservative refers to evangelical, often protestant, Republicans who oppose abortion, and same sex marriage, are anti LGBT rights and ultimately support traditional "family values". Students may argue that most social conservatives also support fiscally conservative policies such as the House Freedom Caucus and its support for limited government and opposition to immigration reform. The caucus was formed in 2015 and included Tea Party movement members with the aim of moving the Republicans to the right
- explanation and analysis of neo-conservatives. The Republican Party was historically seen as the more isolationist of the two main US political parties in terms of its foreign policy. The neo-conservatives or neo-cons in contrast married a conservative social policy with a greater desire to engage in military action overseas in defence of US interests. The neo-cons supported the wars in Iraq and Afghanistan post 9/11
- explanation and analysis of the fact that not all Republican members of Congress are socially and fiscally conservative. Such Republicans are often termed RINOs (Republican in Name Only), a term of abuse used against moderate Republicans such as Susan Collins and Mitt Romney. Students may make links to groups such as the Republican Governance Group (formally known as the Tuesday Group). The group is a moderate congressional caucus which advocates for bipartisan policies. Students may also refer to the Log-Cabin faction (which represents LGBT conservatives). Students should argue that these groups do not dominate the party today
- explanation and analysis of the Trump republicans and MAGA as a growing faction. Students may argue that this faction is becoming increasingly significant within the Republican Party (and that it has moved to the party to the right) despite the fact that Trump lost the 2020 election.

Students are required to consider only three factions within the Republican Party. 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 3**

Explain and analyse three ways that structural theory could be used to study the legislative process in the US Congress and UK Parliament.

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

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

- explanation and analysis of structural theory and how it can be applied to understanding the legislative process in the US and UK. This approach focuses on the institutions in a political system and the processes within them. It views institutions as structures and places significance on their functions and the environment in which they exist (such as legal frameworks, political culture, prevailing ideologies)
- explanation and analysis of the legislative processes. Structurally, Congress is a 'true bicameral legislature'; both chambers enjoy equal legislative power. In comparison, although Parliament is structurally a bicameral legislature, it is the House of Commons that dominates. The House of Lords can propose amendments to legislation, but it is largely a 'revising' chamber due to the Parliament Acts of 1911 and 1949 and also the Salisbury Doctrine
- explanation and analysis of the relationship each legislature has with the executive as structural theory provides a means of recognising differences in constitutional and governmental frameworks of power. Students may argue Congress is a 'real legislature' due to the separation of powers. The executive does not sit in the legislature and is dependent upon Congress to pass proposed legislation. Parliament, in comparison, is not an initiating legislature but is instead a legitimating legislature, approving government bills. This is due to the fusion of powers as the executive dominates the legislative process, particularly if the government has a large majority, eg Blair in 1997 or Johnson in 2019. Students may also refer to the UK executive controlling the parliamentary timetable
- explanation and analysis of the relationship members of the legislatures have with their parties and extent of party discipline. Students are likely to refer to the fact that members of Congress are more independent when voting upon legislation. Also, there is no UK-style national manifesto to follow or any national party line to 'toe'. In the UK, there is a national manifesto to follow and party discipline is strong, with the whips having power in terms of 'carrots and sticks'.

Students are required to consider only three ways that structural theory could be used to understand the legislative process in both legislatures. 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

**0 4**

Analyse, evaluate and compare the arguments in the above extracts for and against the view that the US Constitution still works as the Framers intended.

**[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 of the extract is balanced and confidently developed (AO2).</li> <li>Comparisons are well explained, are focussed 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 (AO2).</li> <li>Comparisons are relevant to the questions as set, and supported with examples (AO2).</li> <li>Evaluation leads to conclusions that show some substantiation and 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 (AO3).</li> <li>The answer is well organised, analytical in style and is focused on the question as set (AO2).</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>Comparisons are made and may be supported by examples (AO2).</li> <li>Evaluation 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 (AO2).</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> <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>Comparisons tend to be limited and unsupported by examples (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 and some awareness of the status of the extract is shown in the process of constructing arguments, though evaluation will be superficial (AO3).</li> <li>The answer shows some organisation and makes some attempt to address the question (AO2).</li> </ul>
1	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>Comparisons tend to be superficial and undeveloped (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>
0	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 for and against the view that the US Constitution still works as the Framers intended.

**[25 marks]**

#### Indicative content

In the analysis and evaluation of the arguments for and against the view that the US Constitution still works as the Framers intended, as made in the extracts, students should be expected to cover areas such as the following:

- analysis and evaluation of the nature of the US Constitution and the framers' aims in 1787. Students are likely to refer to the fact that it outlines the relationship between the different branches of government and establishes the relationship between the government and the people
- analysis and evaluation of the status of the US Constitution as “a sacred text” and why Americans are taught “to venerate it” as referred to in Extract 1. Students are likely to discuss the key principles that underpin the Constitution, the significance of the Bill of Rights and the freedoms enjoyed by US citizens
- analysis and evaluation of why the Constitution might be described as being “maddeningly vague” as referred to in Extract 1. Students may argue that the meaning of key articles of the Constitution such as the first three articles are ambiguous at times which has contributed to constitutional and political disagreements over the extent of presidential power (the imperial presidency debate) or the judicial review powers claimed by the Supreme Court

- analysis and evaluation of the dysfunctional elements of the Constitution as referred to in Extract 1, compared to the views of Extract 2. Such analysis could include why there are criticisms of the Electoral College
- analysis and evaluation of the impeachment process and how each extract views the process. Students may argue that partisanship has contributed to claims that Congress cannot hold presidents to account as referred to in Extract 1. Students may also make links to partisanship and the congressional “veto gates” in relation to law making analysis and evaluation of the argument that the “18th-century Constitution” is not fit for purpose in the 21st century and why the framers might be “upset with the functioning of federal institutions” as referred to in Extract 2
- analysis and evaluation of the extent to which the Constitution provides for “a stable framework for government” and ensures, “the peaceful transfer of power” as referred to in Extract 2. Students may refer to events at the end of the Trump presidency to support these points
- analysis and evaluation of the way the US Constitution can “permit the means of its own revision through amendments and interpretation” as referred to in Extract 2 with the viewpoint of Extract 1 with its criticism of article V
- analysis and evaluation of how the Constitution safeguards and allows for the protection of “individual rights” as referred to in Extract 2. Students are likely to discuss the Bill of Rights, other constitutional amendments and the difficult amendment process which entrenches rights for US citizens. These points could be used to support the view the Constitution still works in comparison to the arguments expressed in extract 1. Students may also evaluate the ‘Preamble’ of the Constitution and its objectives
- analysis and evaluation of why “American democracy is not in its death throes”, as referred to in Extract 2. Students may argue that because the Constitution has endured for over two centuries this can be seen as one of its great strengths, having been amended just twenty-seven times, and that when there have been amendments they have advanced democracy, such as the fourteenth amendment. Students may also discuss the Bill of Rights and note that it protects civil rights and liberties and helps to limit the power of government.

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. The extracts reflect the on-going academic and political debate about the status and functionality of the US Constitution. Both extracts have a purpose to inform and persuade the reader. Both extracts are written by academics and students may note that they were written in 2018, a year into the Trump presidency. The Trump presidency brought into sharp focus the debate about the Constitution and whether it could withstand the pressures of such a controversial administration.
- Comparisons can be made between strong criticisms of why the US Constitution is outdated and needs a “reboot”, described in the first extract, and the second extract which offers a more positive view of the health of US democracy and why the Constitution remains relevant. Students may also discuss Singh’s comments in the context of him being an outside observer on the US Constitution as a way to analyse the difference between his views and the frustrated tone expressed in Extract 1. Students may discuss the fact that both authors agree on some of the problems with the Constitution such as the Electoral College and the amendment process but that they make ultimately very different conclusions as to whether the Constitution

functions as the framers intended. Both offer differing views as to the never-ending debate about whether a constitution written in the eighteenth century is fit for purpose in the twenty-first century. Extract 1 suggests the reverence given to the Constitution has blinded many Americans to its numerous dysfunctions, while Robert Singh offers a defence of the Constitution because of the stability it offers to US politics and society.

Students are required to analyse, evaluate and compare the arguments presented in the extracts. Students who identify which arguments support which of the different views regarding the extent to which the US Constitution still works or no longer functions as the framers intended 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 arguments regarding if the US Constitution still works 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**

‘The UK Supreme Court has become as judicially and politically important as the US Supreme Court.’ Analyse and evaluate this statement.

**[25 marks]**

**0 6**

‘Third parties in the US and UK are irrelevant and on the political margins.’ 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 focussed on the question and fully supported with relevant and developed examples (AO2).</li> <li>Evaluation 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 with 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 (AO2).</li> <li>Synoptic links are relevant to the questions as set, and supported with examples (AO2).</li> <li>Evaluation 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 (AO2).</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 (AO2).</li> <li>Synoptic links will be made, though explanation will lack depth (AO2).</li> <li>Evaluation leads to conclusions that are consistent with the preceding discussion, but that lack substantiation (AO3).</li> <li>Relevant perspectives are commented on in the process of constructing arguments, though evaluation lacks depth (AO3).</li> <li>The answer is organised, occasionally analytical and focused on the question as set (AO2).</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> <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 there is no clear development from the preceding discussion (AO3).</li> <li>Relevant perspectives are identified, though evaluation is superficial (AO3).</li> <li>The answer shows some organisation and makes some attempt to address the question (AO2).</li> </ul>
1	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>Synoptic points tend to be superficial and undeveloped (AO2).</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>
0	0	<ul style="list-style-type: none"> <li>Nothing worthy of credit</li> </ul>

**0 5**

‘The UK Supreme Court has become as judicially and politically important as the US Supreme Court.’ 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 extent to which either judiciary can be labelled as political as well as judicial institutions. Both courts enjoy, in theory, judicial independence and both operate on judicial rather than political principles such as stare decisis and that safeguards are in place to ensure neutrality (such as in security of tenure). However, students may argue there has been a process of politicisation in both countries (eg in the US) because of the appointments process and the nature of cases heard by the Supreme Court; while the UK judiciary appears much less politicised it is coming under increasing pressure from ministers and the media, particularly relating to rulings on human rights and recently Brexit
- analysis and evaluation of the nature of sovereignty (parliamentary vs constitutional) in the US and UK. Both courts are the highest appellate courts within their respective judiciaries but they have different sources of power
- analysis and evaluation of the fact that the UK Supreme Court is a much younger institution than the US Supreme Court and it is still evolving as an institution. The UK Supreme Court was created by statute law (the Constitutional Reform Act of 2005) and therefore given its powers by Parliament
- analysis and evaluation of the appointment process in both countries: the role played by the executive and legislatures; the qualifications/qualities required of judges; the tenure of service and the extent to which it is a politicised process. Students should develop the argument that in the US the appointment process has become progressively partisan since the 1980s. In contrast, in terms of the UK, students should focus on the significance of the Independent Judicial Appointments Commission
- analysis and evaluation of the cases heard by both courts and the fact that some of them are inevitably political in nature. In the US controversial issues regularly come before the Supreme Court such as Roe v Wade, Obergefell v Hodges, and Bush v Gore. By choosing to hear such cases, the US court cannot escape the charge of it being a political institution or ‘legislating from the bench’. In the UK, aside from some high-profile cases such as anti-terrorist legislation, detention without trial or whether Article 50 needed a parliamentary vote, most cases such as the Charlie Gard case are about moral/ethical issues and legal procedures.

Synoptic links may be made in areas such as constitutions, legislatures, executives and civil rights and liberties. 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.

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**

‘Third parties in the US and UK are irrelevant and on the political margins.’ 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 statement in the question regarding the status and impact third parties have in the US and UK. Students can refer to all parties and independent candidates not linked to the two main parties in each country. Students may discuss the standard view that both countries are examples of classic two-party systems, which makes the statement broadly accurate
- analysis and evaluation of the similar barriers faced by third parties and independents in the US and UK. Students are likely to examine some of the following themes: the electoral system used in both countries, (and the operation of the Electoral College for the election of the US President), the depth of partisan alignment in both countries, the financial and campaigning advantages enjoyed by the two parties in the US and UK
- analysis and evaluation of how third parties (and independents) in both countries provide greater democratic choice for voters, allowing for protest votes against the two main parties. Some students may refer to the Hofstadter view in relation to the US, that third parties and independents are like the bees of US politics since they ‘sting and then die’, citing examples such as Wallace in 1968, Perot in 1992 and Nader in 2000. Some students may also refer to the 2016 and 2020 elections for some evidence of impact. Some responses may also refer to the influence of elected independent Senators such Sanders and Agnus King who often vote with the democrats. For the UK, students are likely to discuss the impact upon electoral landscapes (eg SNP 2015, UKIP 2014, Brexit Party 2019). Hofstadter’s judgement can be applied to the UK and students may argue that parties such as the SNP have done more than ‘sting’, while others such as UKIP and the Brexit party appear to support the Hofstadter view
- analysis and evaluation of the fact that in the UK the characterisation of a two-party system can be challenged in relation to the statement in the question. Students may refer to the 2010–15 Conservative-Lib-Dem coalition as evidence of significance. Students should recognise that the UK has a stronger third-party presence than the US, and it is arguably the UK’s two-party system that is not as strong as the one found in the US. In the UK at general elections the two main UK parties fall well below the near-100 per cent of seats held by Democrats and Republicans in the US.

Synoptic links may be made in areas such as party systems, electoral systems, federalism and devolution and voter alignment, campaign finance rules and pressure groups. Students may also make synoptic links to the rise of nationalist politics and ultimately argue the UK is moving towards a multi-party system. There are strong regional variations in the UK. Third parties are the dominant force in some regions, such as the SNP in Scotland (Scotland has experienced Lab-Lib Dem coalitions as well as majority and minority SNP governments) and Plaid Cymru in Wales, which often has the second-highest number of seats in the Welsh Parliament. 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.