

Politics

Answers and commentaries A-level (7152)

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

Marked answers from students for questions from the June 2022 exams. Supporting commentary is provided to help you understand how marks are awarded and how students can improve performance.

Contents

The below content table is interactive. You can click on the title of the question to go directly to that page.

Section A

Question 1: 9 marks	5
Question 2: 9 marks	12
Question 3 : 9 marks	20

Section B

Question 4: 25 marks (Extract-based essay)	27
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Section C

Question 5: 25 marks (Essay)	44
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Answers and commentaries

This resource is to be used alongside the A-level Politics Component 7152 Paper 2, Government and politics of the USA and comparative politics and inserts.

Section A

Levels of response mark scheme for 9-mark questions

Target AO1: 6 marks, AO2: 3 marks

Level	Marks	Descriptors
3	7–9	<ul style="list-style-type: none"> detailed knowledge of relevant political concepts, institutions and processes is demonstrated and appropriate political vocabulary is used (AO1) thorough explanations and appropriate selection of accurate supporting examples demonstrates detailed understanding of relevant political concepts, institutions and processes (AO1) analysis of three clear points will be structured, clearly focused on the question and confidently developed into a coherent answer (AO2).
2	4–6	<ul style="list-style-type: none"> generally sound knowledge of political concepts, institutions and processes is demonstrated and generally appropriate political vocabulary is used (AO1) 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) 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). <p>Students who only make two relevant points will be limited to this level.</p>

A-LEVEL – POLITICS – 7152 – PAPER 2 – ANSWERS AND COMMENTARIES

1	1–3	<ul style="list-style-type: none"> • limited knowledge of political concepts, institutions and processes is demonstrated and little or no appropriate political vocabulary is used (AO1) • 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) • analysis will take the form of description for the most part. Coherence and structure will be limited (AO2). <p>Students who only make one relevant point will be limited to this level.</p>
0	0	nothing worthy of credit.

9 mark questions

Question 1

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

[9 marks]

Mark scheme

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 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.

Student responses

Response A

one factor that can influence voting behaviour in the US is race. Statistically, more racially diverse communities vote democrat. However in states, particularly in the south, racially diverse communities are being disadvantaged within the voting process, for example, in 2020, during the election between Trump and Biden black communities in the south were forced to vote through one polling station, for more affluent communities waiting in line for a few hours means nothing but for many black communities a day away from work is the difference between a roof over their head or not. This factor not only influences the way POC's vote but whether they get chance to vote at all.

Another factor that can influence voting behaviour in the US is where you live (state). Due to the electoral college system there are many states that traditionally stay in support of the same political party, for example, California, and New York ^{more} often than not remain democrat while states such as Maine and South Dakota sit republican. This impacts voting behaviour through the ideology in which you are surrounded with and the exterior culture of where you grew up. However, this differs in swing states due to the ever changing nature of support within them in the 2020 election we saw many swing states change upon the electoral college map due to opinion in culture, possible multi generational impact etc.

A third factor ~~as to~~ that can influence voting behaviour is the way in which your parentage and family vote. For example, many people in the US who have grown up in a republican household will result in voting republican and visa-versa. another factor that holds importance within familiar voting is age. Statistically, people over the age of 40 are more likely to vote republican over democrat, similarly to the UK where 56% of people over 35 ~~vote~~ who once voted labour will now vote conservative due to changing attitudes and perspectives that come with age, status and class.

This is a Level 2 response

This response was awarded a Level 2 mark. It has a narrow and limited focus on the question as set. It also contains errors and is descriptive in places. It just got into the level.

4 marks

Response B

One way in which voting behaviour is influenced in the US is via age. Judging by recent polls, those who are 18-24 are 3 x more likely to vote Democrat as opposed to Republican when compared to those above 70. Younger voters tend to align with the Democrat party due to their liberal nature which focuses on ~~the~~ equality of opportunity, reproductive health and so on, thus steering the youth to vote for them due to their ~~own~~ preference towards Left / Centre ideology.

A second way in which voting behaviour is influenced is by race. Hispanic / Latino and black voters are more likely to vote Democrat with high turnout rates in recent years due to discussions about racial tension and police brutality. These high turnouts are also due to the Democrat ~~party's~~ party's support for marginalised communities, this then gains mass support from said communities.

Thirdly, geographical location massively affects how individuals tend to vote. For example in the informally named 'Bible belt' near the southern, horizontal expanse of the US remains a strong Republican majority, which contrasts to the northern east coast which has been firmly Democrat with little change for decades.

This is a Level 2 response

This was awarded a Level 2 mark, at the top of the mark range. While it has focus on the question as set and does provide three factors that can influence voting behaviour in the US, it lacks examples of specific elections. Using relevant elections to support the points made would have got it into the next level.

6 marks

Response C

One factor is religion, ~~white~~ ~~at~~ 76% of white evangelicals voted ~~for~~ ~~the~~ ~~in~~ republican in the 2020 election as religious members prefer tradition ~~and~~ ~~the~~ ~~republic~~ which is commonly associated with the Republican party. Furthermore, 60% of non-religious people ~~are~~ voted democrat. These particular people value change and progression, which is in common with the democrat party.

Another factor is rational thinking. Voters will often vote on issues that interest themselves, in other words, selfishly. For example, those members of society who desire to ~~pro~~ protect the 2nd amendment will vote republican ~~as~~ as they are the party which most advocate gun rights. Furthermore, particular ~~most~~ people who wish that there was more gun control or issues like pro-choice ~~is~~ for abortions will most likely vote democrat.

Another ~~as~~ two factors are age and race. The trend is that more young people vote democrat and the older you get, the more ~~the~~ trend shifts to republican, with people who are over ~~65~~ 65 around 70% vote republican. This may be due to their tax policies and ~~as~~ old people enjoy holding on to more of their money. The statistic of black votes for the Republicans is very low. Despite Trump gaining the most black votes of any ~~as~~ president,

he still only got 19%. ~~There~~ The black population of America is approximately 15%.

This is a Level 3 response

This was awarded a Level 3 mark, just into the mark range. There are three clear points made, with analysis and evaluation. The points made needed to be further developed for it to get higher marks in the level.

7 marks

Question 2

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

[9 marks]

Mark scheme

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.

Student responses

Response A

One way in which executive power can be constrained by the other branches of government is through Congress. Congress can weaken the President's ability to pass legislation which is what happened with Obama's 2009 Affordable Care Act. The Act had to be altered to the liking of Congress as there was a threat to filibuster which would've seen the Act fail.

A second way in which executive power can be constrained by the other branches of government is through the Courts. The Courts can rule on any legislation and state that it is unconstitutional which therefore means the proposed legislation can not pass and is struck down. This happened ~~during President~~ ~~Trump~~ to the justice for terrorism act which would've allowed for US citizens to sue foreign states for any losses they ~~were~~ endured due to terrorist acts. This was deemed unconstitutional.

A third way in which executive power can be constrained by other branches of government is through the use of overruling a veto. A veto can be overruled through a simple majority in the House of Representatives then governed by a 2/3 majority in the Senate. This ensures that the President cannot veto a bill without ~~going to Congress~~ going no difficulties. Another form of a veto was also found to be unconstitutional in the case of Nixon v New York which banned him from vetoing to further limit executive power.

This is a Level 1 response

This was awarded a Level 1 mark, at the top the mark range. It lacks clarity and the analysis is limited and descriptive.

3 marks

Response B

firstly, judicial review, by the Supreme Court, can limit something that the president wishes to do. In 2017, ~~Trump's~~ following the review of his so-called 'Muslim ban', Trump was forced to add some other countries, including North Korea, to his executive order. ~~This~~ The addition of banning some non-muslim-majority countries meant this was now deemed to be constitutional by the Supreme Court. Because the US Constitution is entrenched and sovereign, if a President is under judicial review, the outcome of result must abide by the constitution, so the Supreme Court have a fair and objective way to possibly constrain the President's powers.

Congress can also constrain executive power in many ways, like via ^{paying} amending ^{or} delaying legislation. Without the support of Congress, the President cannot pass legislation, even if there is a lot of public support. Following the 2012 Sandy Hook elementary school shooting, President Obama wanted to introduce stricter gun control laws. This had much public support, but the Republican-controlled Congress did not agree, so the legislation was not passed. This

demonstrates how ^{the} party^{ies} influence ~~the~~ executive power. If Congress is controlled by the President's party, then he can most likely pass any legislation he wants. However, if Congress is controlled by the opposite party to the President, he will find much difficulty with passing any legislation.

~~Senate~~

In the Senate, a simple majority is required for appointments made by the President to be confirmed, for example to the Supreme Court. Presidents make nominations carefully, since the nominees will be considered very carefully, and publicly, by Senate. Many nominees withdraw if they know they won't get the support needed. Sometimes, nominations expire when the end of a session comes about. For example, President Obama nominated Merrick Garland to the Supreme Court in 2016, near the end of his presidential session. That seat remained vacant until Antonin Scalia took it when Trump became President in 2017. Therefore, the Senate ~~also~~ alone can constrain executive power.

This is a Level 2 response

This was awarded a Level 2 mark, at the top of the mark range. The response gives three ways that executive power can be constrained and there is generally sound knowledge but it is descriptive in places.

6 marks

Response C

The Supreme Court (SCOTUS) can block ~~large~~ executive orders which are deemed unconstitutional. The 9 SCOTUS judges can vote against ~~the~~ pieces of legislation. In 2022, Biden's 'vaccine mandate' for large companies was rejected 6-3 by SCOTUS. This is significant due to constitutional sovereignty - which greatly hampers the President's ability to implement policy.

Congress can reject the President's SCOTUS nominations. To be confirmed, a nominee requires a simple majority in the Senate. In 2016, the Republican-led Senate refused to even consider Obama's nominee, Merrick Garland. This is significant because of the polarisation of the US political parties. If the executive's party does not control the Senate, it becomes difficult to fill SCOTUS vacancies.

Congress can block legislation supported by the executive. Each congressman can vote for or against a President's legislation. In 2013, the Senate rejected a bill which would have expanded background checks on those purchasing ~~guns~~ guns, by 54-46 (a 60 ~~or~~ votes for were needed). This is significant as even some Democrats opposed the bill - showing that legislators are a strong constraint on the President.

This is a Level 3 response

This was awarded a Level 3 mark. There is relevant knowledge of how the executive can be constrained, with explanations and appropriate selection of accurate supporting examples (AO1). These could have been developed further to reach the middle or top of the level. There is analysis of three clear points (AO2).

7 marks

Question 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]

Mark scheme

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.

Student responses

Response A

Firstly, in both the US and UK, a members of parliament and congress may vote tactically, ~~is order to~~ within their ~~respective~~ legislature, in ~~an attempt~~ order to try to climb up the ranks and get in the PM's or president's good books. If they know what the executive wants, or the leader of their party if their in the opposition, they may then vote in the same way for/against certain legislative proposals to try to become the executive's or leader's, close

friend, and maybe make connections.

* Rational theory describes what may influence an individual's thinking. The idea is that an individual will make decisions based on rational thought and what is in their best self-interest.

Past experiences may also influence how a member of parliament or Congress votes within their legislature. For example, a negative experience they had while on holiday abroad may cause them to vote for a piece of legislation that restricts immigrants. *involving people,

A member of parliament or Congress may also be influenced by their age and gender.

This is a Level 1 response

This was awarded a Level 1 mark, at the top of the mark range. This is an incomplete and sometimes vague response, but it does demonstrate some understanding of the named comparative theory. Defining and explaining the named theory is vital to answering question 3.

3 marks

Response B

Rational theory is a theory that suggests that individuals act within the interests of themselves rather than groups and institutions. A first way in which it can be used to study how members of Congress and Parliament vote is with their party which is inline with what they believe ideologically. An example of this in the US is ~~an~~ when the Senate voted to ~~impeach~~ ratify The Rights for people with disabilities treaty it was mostly Democrats who voted for it and 38 Republicans who voted against it suggesting members are voting from their own ideological standpoint. An example in the UK is Brexit, ~~to~~ which was clearly very polarised. David Cameron even resigned as he had voted to stay but the public had voted leave.

Another way that rational theory could be used to study how members vote within their respective legislature is when members vote against their party, they are clearly not influence by their party and are voting for what they think. An example from the US is when Trump was impeached ^{the first time} one Republican in the Senate voted for his acquittal, which shows how they were voted for what they think rather than what the party would want. An example from the UK is when Johnson suspended 18 members and a party whip for voting against a no-deal Brexit policy.

This is a Level 2 response

This was awarded a Level 2 mark, in the middle of the mark range. The response was capped at Level 2 (as the mark scheme states) because only two ways were given. Responses need to follow the “rule of three” to have a chance of getting into Level 3 (7-9 marks).

5 marks

Response C

Legislators may vote in a way to gain financial support. Congressmen have often rejected further gun control laws due to previous financial backing from the NRA. As of 2022, the majority of Congress has received some support from the NRA. In the UK, pressure groups do not have this sort of power as PACs and Super PACs do not exist. Therefore, ~~it is rare~~ MPs would not vote in a way to gain financial support. This is only significant in the US, as pressure groups are crucial to candidate funding.

Congressmen may also vote based on their own personal views. Democrat Senator Joe Manchin voted against a 2021 economic stimulus package due to his belief that the government should limit public spending. Similarly, MP Mark Francois opposed May's Brexit deal in 2017 as it did not reflect his belief in a clear break from the EU. This is significant as parties in both countries represent a wide range of views, so a lack of party loyalty can prevent the passing of bills.

MPs may vote in a way which can help them get promoted to cabinet. With the issue of a 3-line whip, all Conservative MPs voted in favour of Johnson's Brexit deal in 2019. This could be because had they voted against, their chances of any future promotion would have been damaged. As whips do not exist in the US, this situation is less likely to occur.

Although, it is still somewhat significant as the President's Chief of staff may persuade legislators to vote a certain way.

This is a Level 2 response

This was awarded a Level 2 mark, at the top of the mark range. The response did not have an explanation of the named comparative theory which is necessary (as the mark scheme states) and the points made lacked development.

6 marks

Section B

Extract-based essay

Question 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]

Mark scheme

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

Level	Marks	Descriptors
5	21–25	<ul style="list-style-type: none"> Detailed and accurate knowledge and understanding of relevant political concepts, institutions and processes are used to support analysis of the issue under discussion (AO1). Analysis of the extract is balanced and confidently developed (AO2). Comparisons are well explained, are focussed on the question and fully supported with relevant and developed examples (AO2). Evaluation of the above leads to well substantiated conclusions that are consistent with the preceding discussion (AO3). Relevant perspectives and/or the status of the extract are successfully evaluated in the process of constructing arguments (AO3). The answer is well organised, coherent and has a sustained analytical focus on the question (AO2).
4	16–20	<ul style="list-style-type: none"> 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). Analysis of the extract is balanced and developed, though some elements of the analysis could be expanded and/or developed further (AO2). Comparisons are relevant to the questions as set, and supported with examples (AO2). Evaluation leads to conclusions that show some substantiation and consistent with the preceding discussion (AO3). Relevant perspectives and/or the status of the extract are evaluated in constructing arguments, although in some places there could be further development (AO3). The answer is well organised, analytical in style and is focused on the question as set.

3	11–15	<ul style="list-style-type: none"> Generally sound knowledge and understanding of relevant political concepts, institutions and processes are used to support points made, though inaccuracies will be present (AO1). Analytical points relating to the extract are made and developed in places, showing some balance, though some points are descriptive rather than analytical (AO2). Comparisons are made and may be supported by examples (AO2). Evaluation leads to conclusions that are consistent with the preceding discussion, but that lack substantiation (AO3). Relevant perspectives and/or the status of the extract are commented on in constructing arguments, though evaluation is lacking depth (AO3). The answer is organised, occasionally analytical and focused on the question as set (AO2).
2	6–10	<ul style="list-style-type: none"> 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). Analysis of the extract takes the form of description in most places, with some attempt at balance, though many points are unsupported assertions (AO2). Comparisons tend to be limited and unsupported by examples (AO2). Some attempt to draw conclusions is made, but these lack depth and clear development from the preceding discussion (AO3). 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). The answer shows some organisation and makes some attempt to address the question (AO2).
1	1–5	<ul style="list-style-type: none"> Limited knowledge and understanding of relevant political concepts, institutions and processes, with inaccuracies and irrelevant material present throughout (AO1). Analysis of the extract takes the form of description and assertion, with little or no attempt made at balance (AO2). Comparisons tend to be superficial and undeveloped (AO2). Conclusions, when offered, are asserted and have an implicit relationship to the preceding discussion (AO3). Little or no evaluation of relevant perspectives and the status of the extract is present (AO3). The answer shows little organisation and does not address the question (AO2).
0	0	Nothing worthy of credit.

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.

Student responses

Response A

it can be argued, from both sides, as evident in the two extracts provided, that lobbying can be both a positive and negative within a democratic nation such as the US.

One way lobbying can be portrayed as undermining ~~the~~ democracy in the US is through the extended strategies placed upon government officials in order to gain influence within the legislative process. The notion of lobbying can be deemed corrupt due to the 'money-grabbing' aspects of exploiting the ~~democratic~~ legislative system. As seen in the extract, clients such as Pfizer, Amazon, and Apple were paying millions in order to gain an extent of influence upon the

legislative process in order to benefit their businesses. A similar movement to this, is the concept of insider pressure groups ~~which~~ such as the NRA for Republican ruled executive branches ~~are~~ in which represent groups of society that feel as though their governing body isn't acting within their interest. This is important while discussing the potential threat lobbyists have on democracy, as the extreme amounts of funding in which they ~~are~~ supply in order to create an impact, isn't reachable for all causes including smaller, less affluent pressure group and companies with a genuine need for support and influence. This problem is cancelled out within the UK due to various restrictions and legislations that prevent and provide consequences for lobbyists in order to avoid a corrupt governing body, as well as provide equal opportunity to groups and companies across the nation.

One way, however, lobbying can be seen as a positive within US democracy is the notion that lobbyists provide a rounded view on what society

wants and needs. Extract 2 argues that 'lobbyists represent all points of view'... ~~that~~ and that 'in a true democracy, everyone has a voice'. This view enables the idea that freedom of speech is more viable than ~~freedom~~ equality of opportunity and suggests that lobbying is a way to ensure that complex issues that the public may or may not know are understood and dealt with appropriately. It can be argued that lobbyists ensure the best outcome from legislation for everyday citizens. However, I believe that extract 2 is somewhat biased due to the narrow representation of what lobbyists actually contribute to the democracy of the US as there are many other outlets in which ensure your voice is heard, such as voting, joining a pressure group, direct action participation, petitions etc.

In my opinion, ~~lobbying~~ democracy is undermined by lobbying in the US. This is because the reputation of the branches of government can be tarnished due to malicious intent via a lobbyist's motive. Lobbying can also affect the overall status of legislation and the amendment process in which is ~~unconstitutional~~ unconstitutional as well as undemocratic. To conclude, there should be an extent of restriction within the realms of lobbying in which prevent large organisations from profiting off of real world issues that have a genuine and urgent need to be resolved.

This is a Level 2 response

This was awarded a Level 2 mark, near the top of the mark range. The response was put into Level 2 because it has a limited introduction and there is little use of the extracts (using the extracts is required to get into the higher levels). Where there is analysis of the extracts, it takes the form of description and some of the points made are unsupported assertions.

9 marks

Response B

The two articles present contrasting views ~~first~~ regarding the extent to which democracy has been undermined. Firstly, the first extract is less forward about its support, instead taking a more factual and evidence based approach, increasing its credibility, ~~to~~ this is evidenced by its position as a 'non-partisan' and 'non-profit organisation'. By contrast the second extract is more persuasive and in favour of ^{the idea that} pressure groups support and enhance democracy, even quoting the Constitution.

Indeed, the Constitution states right to freedom of expression and free speech, including challenging the government via 'petition', but to what extent? Extract 1 states the sheer ^{scale of} wealth involved with pressure groups, suggesting that this big money (over \$20million) is very influential in the outcomes of pressure group action. ~~This~~ The process ^{described} in the first extract is lobbying, though there are other methods used by pressure groups. eg via the media and direct action. Lobbying is a very elitist method, with ~~an~~ iron triangles created by high profile individuals, there is evidence of revolving door syndrome. Like Bush's Bush's former attorney general who, shortly after set up the Asher's group, this shows the significance of those in charge of pressure groups as ~~as~~ such close links to government, whilst they may seem beneficial on the surface, are largely undemocratic as they don't represent minority groups or promote individuals, therefore less representative means that democracy is undermined by lobbying.

Another reason to suggest this is assessing the dominance of large pressure groups, like the NRA and seeing how disproportionate their influence is over the government. For example, Obama couldn't get gun control laws through Congress in his second term due to divided government which was largely influenced by the NRA, ~~pro~~ even senators vote against constituency

desires due to their loyalty to the NRA. This shows that the system is undemocratic and disproportionately influential, undermining even their own functions and purposes. For example, a fundamental desire for pressure groups is to represent the 'unrepresented' and draw attention to large-scale as well as small-scale campaigns as a way of exercising their free speech, yet, as supported in Extract 1, money within pressure groups seems to dominate and arguably means ~~its~~ their ~~function~~ original purpose has been ~~to~~ lost.

Nonetheless, pressure groups provide an effective group ~~to~~ to bring people with common interests, backgrounds and passions together, which is fundamental to a pluralist democracy like America. Pressure groups seem to give Americans ~~refuge~~ ^{covering} refuge and given the culture, fits in very well by ~~supporting~~ ^{covering} a vast range of issues and ideologies, ~~like~~ as well as supporting minorities, something particularly ~~one~~ significant given the 'melting pot' nature of ~~the~~ America. Therefore, lobbying ~~does~~ ^{does} quite the opposite of undermining democracy as it contributes to widespread representation.

Another valid point in Extract 2 is where experience and expert knowledge is brought to attention. In which, the revolving door system and iron triangles (despite concerns over elitism) are more effective as they 'understand the legislative processes inside and out' which is important to enable groups to be heard and influential in government. The extract also points out the fundamental principle of ~~a~~ free speech and uses it ^{effectively} to justify lobbying as it is true that pressure groups ~~allow~~ ^{for people} are an effective way ^{for people} to express themselves and ~~blow~~ their beliefs, fulfilling their purpose.

To summarise, extract 2 is more charasmatically persuasive as it is evidently in support of pressure groups

and their ability to promote democracy, raising two valid points (that they are representative and encourage free speech, and lobbyists are experienced in what they do and are most effective). Yet the first extract is also valid and compelling, using statistics to justify their points that pressure groups are undemocratic due to elitism. Ultimately, the evidence presented by Extract 1 is more substantial in addressing claims that, indeed, lobbying in fact undermines democracy in America and benefits a handful of wealthy, high-profile individuals.

This is a Level 3 response

This was awarded a Level 3 mark, in the middle of the mark range. This response demonstrates generally sound knowledge and understanding. There are analytical points relating to the extracts made and developed in some places. The response also makes use of pluralism and elitism to evaluate lobbying, but the provenance of the extracts is not fully developed for marks to be awarded in the higher levels.

14 marks

Response C

Undermined &

Not Undermined:

- The White House may only - indicated by the Constitution
- listen to lobbyists not the people - Can suggest caused and
- lobbyists often represent special highlight problems
- interest groups or big companies - Overcome / know the system

In the United States, lobbying was reportedly worth \$13.4 billion in a year. This means that it is a large business and part of the democratic process. This means that large sums of money are used to influence the way members of Congress vote and therefore its unregulated nature could be harming democracy in the US as lobbying can alter the vision of representatives in favour of special interest groups or big companies.

One way that democracy in the United States is undermined is because of its size and the groups of people that are likely to use lobbying firms. Government is designed to work for the American people and help them to live in America however lobbying the White House, the heart of Government on the scale done in 2020 (3000 times) means that the White House / President may be acting more in the interests of groups and big companies such as Amazon and Apple rather than for the people who voted for him. This means that, when determining legislative proposals or taking executive action, people who have been lobbied may act against the best interests of their voters in exchange for large sums of money.

This shows that lobbying can undermine democracy in the US because it can be used by companies to encourage representatives in Congress or the President to vote in their interests (which may so

against the people they take an oath to serve and represent) or could lead to unpopular and minority views being favoured over the majority views. ~~such as~~ This can be seen by the NRA who just lobbying against gun reform, despite a majority wanting gun restrictions and reform in America. This shows that lobbying can undermine the will of the people and as a result, democracy.

However, on the other hand it can be argued that lobbying does not undermine democracy because it is open to anyone. As mentioned in Article 2, lobbyists can act as a link between the public and Representatives in Congress as anyone can ~~join~~ hire a ~~the~~ lobbying firm. This shows that democracy is not undermined by lobbying because everyone has the right to "petition the Government" in the Constitution and therefore it is protected by the Constitution. This therefore makes lobbying a fundamental aspect of American democracy, not an undermining feature of it as everyone has the right to ~~the~~ lobby and petition the Government.

On the other hand, lobbying can ~~also~~ be seen as undermining democracy.

Another reason why lobbying does not undermine US democracy is because it can help raise issues which may not receive media attention. Article 2 and the Constitution both mention that ^{lobbying is /} ~~grievances~~ petitioning is a way to ensure that grievances are heard and resolved. This shows that lobbying is essential to ~~an~~ US democracy, not a harmful

element because it can help here shed some light on smaller issues which without lobbying to raise awareness could be ignored or pushed aside due to a perceived lack of public pressure.

The first article extract from the "Center for Responsive Politics" does not argue for or against, rather states the facts about the value of lobbying. The second extract too is the product of a lobbyist's group from therefore is going to highlight the positives of lobbying and say that it is a good thing for democracy.

In Conclusion, I believe that US democracy is undermined by lobbying when it is used by big companies to protect their own interests which can harm consumer rights and act against them by either protecting big corporations from competition or helping them through increased deregulation, reducing product standards, water rights and protections or increasing prices for example. Although the constitution protects lobbying in terms of petitioning, this does not necessarily mean that essentially "buying" senators and congress representatives votes is allowed. The right to petition is a fundamental principle of democracy however lobbying by name is not ~~protected~~ ^{protected}. Therefore I believe that while lobbying can be done by anyone in theory, it is only possible for firms or groups with large sums of money to engage with therefore limiting who can lobby. This means that only those who can afford it can get access to the legislature which is not what ~~democracy~~ ^{democracy} is all about.

This is a Level 4 response

This was awarded a Level 4 mark, just into the mark range. This response demonstrates accurate knowledge and understanding in places but some points are not developed with examples. To gain more marks in the level and beyond there needed to be more evaluation of the extracts.

16 marks

Section C

Levels of response mark scheme for 25-mark essay

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

Level	Marks	Descriptors
5	21–25	<ul style="list-style-type: none"> Detailed and accurate knowledge and understanding of relevant political concepts, institutions and processes are used to support analysis of the issue under discussion (AO1). Analysis is balanced and confidently developed. (AO2). Synoptic links are well explained, are focussed on the question and fully supported with relevant and developed examples (AO2). Evaluation of the above leads to well substantiated conclusions that are consistent with the preceding discussion. (AO3). Relevant perspectives are successfully evaluated in the process of constructing arguments (AO3). The answer is well organised, coherent and has a sustained analytical focus on the question (AO2).
4	16–20	<ul style="list-style-type: none"> 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). Analysis is balanced developed, though some elements of the analysis could be expanded and/or developed further (AO2). Synoptic links are relevant to the questions as set, and supported with examples. (AO2). Evaluation of the above leads to conclusions that show some substantiation and consistent with the preceding discussion (AO3). Relevant perspectives are evaluated in the process of constructing arguments, although in some places there could be further development of the evaluation (AO3). The answer is well organised, analytical in style and is focused on the question as set (AO2).

A-LEVEL – POLITICS – 7152 – PAPER 2 – ANSWERS AND COMMENTARIES

3	11–15	<ul style="list-style-type: none"> • Generally sound knowledge and understanding of relevant political concepts, institutions and processes are used to support points made, though inaccuracies will be present (AO1). • Analytical points are made and developed in places, showing some balance, though some points are descriptive rather than analytical (AO2). • Synoptic links will be made, may be supported by examples, though explanation will lack depth (AO2). • Evaluation of the above leads to conclusions that are consistent with the preceding discussion, but that lack substantiation (AO3). • Relevant perspectives are commented on in the process of constructing arguments, though evaluation is lacking depth. (AO3). • The answer is organised, occasionally analytical and focused on the question as set (AO2).
2	6–10	<ul style="list-style-type: none"> • 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). • Analysis takes the form of description in most places, with some attempt at balance, though many points are unsupported assertions (AO2). • Synoptic links tend to be limited and undeveloped. (AO2). • Some attempt to draw conclusions is made, but these lack depth and clear development from the preceding discussion (AO3). • Relevant perspectives are identified, though evaluation will be superficial (AO3). • The answer shows some organisation and makes some attempt to address the question (AO2).
1	1–5	<p>Limited knowledge and understanding of relevant political concepts, institutions and processes, with inaccuracies and irrelevant material present throughout (AO1).</p> <ul style="list-style-type: none"> • Analysis takes the form of description and assertion, with little or no attempt made at balance (AO2). • Few if any synoptic links are offered (AO2). • Conclusions, when offered, are asserted and have an implicit relationship to the preceding discussion (AO3). • Little or no evaluation of relevant perspectives is present (AO3). • The answer shows little organisation and does not address the question (AO2).
0	0	Nothing worthy of credit.

Question 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]

Mark scheme

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.

Student responses

Response A

Civil rights are ~~promoted~~ and protected in different ways in the UK and the US. There are numerous factors which suggest that civil rights and liberties are promoted and ~~pro~~ protected differently in the UK and USA, which will be discussed in this ~~essay~~ essay. It is evident that ~~the~~ civil rights and liberties appear to be protected in statute law of the Human Rights Act 1998, in the ~~UK~~ US.

It could be argued that civil liberties are more effectively promoted in the US than in the UK. This can be seen through the use of civil rights activists in campaigns. ~~The US has had~~ ~~In the~~ During the Civil Rights Movement in the US, Martin Luther King became a key figure who lead the movement, and is still seen as a huge inspiration today, and has great influence around the world; for example 'Martin Luther

King Day'. However, the UK has not had any form of civil rights leader as inspirational and effective as Martin Luther King. This is further evidence to suggest that civil rights and liberties are more effectively promoted and protected in the US.

Another way in which civil rights and liberties are ~~protected~~ protected and promoted ~~in the~~ more effectively in the US than in the UK is through the effect of civil liberties on political agenda. This can be seen through the incredibly important cases of

Brown v Board of education (abolishing literacy tests for African-American voters) and *Roe v Wade* (which legalised abortion in America). These landmark case rulings allowed minority groups to ~~become a~~ gain rights that every citizen to a country should have. ~~In the~~ However, although abortion is legal in England, only in 2019 did abortion become legal, which demonstrates that as a whole the UK less effectively promotes and protects civil rights and liberties.

A further way which demonstrates how ~~civil rights~~ and liberties are promoted and protected ~~is~~ in the effectively in the US than in the UK is the effect of leaders and their implementations of laws. For example, ~~the~~ Democrat President John F. Kennedy and Lyndon B. Johnson in the 1960s heavily promoted civil rights and liberties; this was evident in the Civil Rights Act 1964. Whereas in the UK a few years later, the Abortion Act 1967 was introduced legalising abortion in England, with Northern Ireland only legalising abortion in 2019. ~~It has also been evident that~~ This is further evidence to suggest that the US protects civil liberties more effectively than the UK does.

This is a Level 2 response

This was awarded a Level 2 mark, at the top of the mark range. This response lacks clarity and contains some errors, which stopped it from getting into Level 3 or above. There is some knowledge and understanding. The analysis takes the form of description and there are limited synoptic links.

9 marks

Response B

The civil rights and liberties of citizens in both the US and UK ~~are~~ are those which may be seen as the basic rights ~~of~~ that people should have so that everyone is equal. There are a number of ways these ~~are~~ are protected in both countries.

firstly, civil rights are protected in in both countries by their respective constitutions. In the US, the Bill of Rights is entrenched in their constitution; this lays out some basic rights of all citizens. Because the US constitution, and therefore the rights in the constitution, are entrenched, this means that they cannot be easily amended or removed. ~~The~~ The UK's ~~the~~ constitution is ~~not~~ not entrenched, but does include the Human Rights Act 1998 (HRA). Also, the UK is signatory to the European Convention of Human Rights. Both of these components ensure that rights are laid out in an easy-to-understand way, so that they can be promoted and protected fairly. But, due to the US Constitution being entrenched, it can be seen as a more effective way to promote and protect civil rights and liberties. ~~The~~ Rights set out in the US constitution are effectively set in Stone, so they cannot be changed. Even though this means it's harder to adapt rights according to the time.

it means that people in power cannot simply change rights to ~~infringe~~ in a way that will infringe upon some people's lives. Entrenchment ensures secure and firm protection of civil rights.

The legislature is another thing that has been and is used to protect and promote civil rights. The most notable piece of legislature, in the US, which protects civil rights, is the Civil Rights Act 1964. This was a result of the civil rights movement, when African-Americans decided to stand up against racism, ~~segregation~~ segregation, and discrimination. Despite this piece of legislature, the Black Lives Matter movement (BLM), in more recent years, has shown that racism and discrimination are still major widespread issues in the US. Therefore, US legislation may not be as effective to protect civil rights. However, in the UK, parliament is sovereign, so legislation here will be more effective and have more of an impact. The Equalities Act 2010, alongside other sex discrimination laws ~~as~~ and the Equal Pay Act, are all pieces of legislation that aim to promote and protect women's rights and equality for women in the workplace, in the UK. The issue of women's rights is another issue that

the US has not tackled. Therefore, the US seem to be behind in regards to the civil rights that they are protecting, or have decided not to protect. The right to bear arms seems to be the main issue in the US, even though all other issues can be seen as more important.

The judiciary, in both the ~~UK~~ UK and US ^{can} plays a key role in the protection of civil rights, but it may be more effective in the US than the UK. This is because, the Supreme Court in the US has the ability to strike down legislation, as well as ~~being~~ ^{declaring} it making landmark rulings as it ~~declares~~ ~~is~~ ^{is} an action unconstitutional. Despite the rule of law ^{and} being adopted by both countries, in their judiciaries, the US Supreme Court may be more powerful than the UK's, making it more effective in promoting and protecting civil rights. In the UK, the supreme court can only simply declare an action to be incompatible with the HRA. Therefore, the judiciary in the US plays a more important role in the protection of civil rights, like abortion, for example. When Roe v Wade was passed ^{in 1973}, this extended women's rights slightly, however, ~~the~~ recently, there has been the threat of it being reversed by the modern Supreme

Court of today. Therefore, it has more power, in the US, as it can protect civil rights, but can also ~~to~~ remove them, if it so wishes.

Overall, the power held by the US's judiciary and constitution means that civil rights and liberties are more effectively promoted and protected in the US than in the UK. The US Constitution is not flexible, so the rights set out in it are permanent. Also, the US's judiciary ~~has~~ holds a lot of power over civil rights, even though the UK legislature does have ^{the} power to protect civil rights.

This is a Level 4 response

This was awarded a Level 4 mark, just into the mark range. There is accurate knowledge and understanding, with analysis, which has some balance and development. For higher marks to be awarded the analysis needed to be developed further.

16 marks

Response C

Civil rights and liberties are protected in the US and UK in similar and different ways. Civil rights are mainly protected through the constitution. The United States (US) has a codified and entrenched, rigid constitution, while the UK has an uncoded, flexible and amendable constitution. Civil rights can be protected through the legislative branch, and pressure groups and other sources too.

It can be argued that civil liberties/rights are more protected in the US than in the UK. This is due to the US constitution being codified, rather than uncoded like the UK. The US constitution contains 7 articles and has only had 27 amendments. The US has a codified constitution meaning it is one written document and not easily amendable. The US constitution contains a bill of rights in which civil rights and liberties are protected, and are unlikely to be removed due to the rigid system of the codified constitution. In comparison to the UK it can be argued civil rights and liberties are less protected due to the constitution being uncoded. This means it comes from written and unwritten sources and is easily changed and amendable through acts of parliament. UK citizens used to rely on the 'Pillars of Liberty' as the protection of their rights, while now citizens rely on the Human Rights Act 1998 passed by Labour leader Tony Blair. Citizens' rights are less protected than in 2015 the conservative government considered abolishing the Human Rights Act to replace it with a bill of rights.

It can be argued that civil rights are effectively promoted more in the UK than the US. This is due to the process of judicial review. Judicial review in the UK means the judiciary can ensure the government are not undermining civil rights by going beyond their power (*ultra vires*). The judiciary can ensure this through declaring when there is an incompatibility with the Human Rights Act. In the case *R v Secretary of State for Work and Pensions* the government went beyond their power and undermined human rights when ~~allowing~~ ^{allowing} if people wanted to continue to claim benefits they must have undertaken unpaid labour. This goes against the slavery, which is prohibited in article 8, and parliament went beyond their power and was not legally binding. In comparison ~~to~~ the US, they do not have ~~their~~ judicial review. A branch of government named congress are responsible for checking legislation, but little changes/amendments are made, therefore can be argued ineffective in protecting and promoting civil rights and liberties.

It can be argued ~~exactly~~ that civil rights and liberties are more promoted and protected in the US than in the UK. This is due to the role ~~of~~ ^{of} pressure groups and power of pressure groups in

the US. Pressure groups are groups of people who share similar interests ~~and~~ and attempt to influence people in office, rather than gain a position in office. Pressure groups are known as interest groups in the US and may promote civil rights through the use of protests. This is evident in the Kavanaugh Hearings in 2018 when ~~much~~ the capitol was stormed. As well as protesting, pressure groups can influence legislature. For example, the ACLU brought Donald Trump to ~~court~~ court regarding a policy Trump made of a 90 day ban on Muslims entering the USA. Pressure groups may also phone write or email to constituents to exert protection or promotion on civil rights. A repeal of Obama care ⁽²⁰⁰⁸⁾ was attempted by constituents but lost the vote (49-51). In comparison to the UK, it can be argued civil liberties are less protected and promoted as Pressure groups have little influence over the UK's legislative Branch. A Bill to remove protesting rights is also being passed through the house of commons and Lords, which will restrict promotion of civil rights in the UK more than previously.

In conclusion, ~~it can be~~ we can agree with the statement in saying civil rights and liberties are more effectively promoted and protected in the US than in the UK due to the US's codified ^{rigid} constitution, ~~and~~ and power of Pressure groups.

This is a Level 3 response

This was awarded a Level 3 mark, just into the mark range. The response has a narrow focus and there is some drift in its focus in relation to the question as set. There is some generally sound knowledge and understanding but the points made are not developed enough for higher marks to be awarded.

13 marks

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