

**A-level
POLITICS
7152/2**

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

Mark scheme

June 2020

Version: 1.0 Final



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

It must be stressed that a mark scheme is a working document, in many cases further developed and expanded on the basis of students' reactions to a particular paper. Assumptions about future mark schemes on the basis of one year's document should be avoided; whilst the guiding principles of assessment remain constant, details will change, depending on the content of a particular examination paper.

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Level of response marking instructions

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

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

Step 1 Determine a level

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

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

Step 2 Determine a mark

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

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

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

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

Levels of response mark scheme for 9-mark questions

- 0 1** Explain and analyse three roles performed by US congressional committees. **[9 marks]**
- 0 2** Explain and analyse three ways in which the US political system encourages pressure group activity. **[9 marks]**
- 0 3** Explain and analyse three ways that rational theory could be used to explain voting behaviour in the US and UK. **[9 marks]**

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 in to 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>
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	<ul style="list-style-type: none"> nothing worthy of credit.

0 | **1**

Explain and analyse three roles performed by US congressional committees.

[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 fact that oversight is a key function of Congress (and legislatures in modern representative democracies) and it encompasses the legislation process and scrutiny of the executive branch (government departments, federal agencies as well as the actions of the president)
- explanation and analysis of the fact that congressional oversight is performed via committees: standing, select, conference and/or the House Rule committee
- explanation and analysis of the work of standing committees (found in both the House and Senate) and their dual functions of such committees, stressing that these committees are organised along policy-specific lines. The first function involves reviewing legislation and the second is oversight of the executive
- explanation and analysis of the House Rules committee and/or conference committees and their role in the legislative process
- explanation and analysis of the Senate’s special power of advice and consent in terms of the ratification of treaties and the confirmation of executive appointments such as the Trump executive appointments including the confirmation of Sessions as Attorney General, DeVos as Education Secretary and Judges Neil Gorsuch and Brett Kavanaugh. Students may use historic examples such as the rejection of Robert Bork as a Supreme Court Justice
- explanation and analysis of how Congress can impeach members of the other branches of government; examples could include Nixon, Bill Clinton or the possible impeachment of Trump.

Students are required to consider three roles performed by congressional committees. 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
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Explain and analyse three ways in which the US political system encourages pressure group activity.

[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 US system of government with its multiple access points created by a federal system with a separation of powers within it. Students are likely to argue that the system of government helps promote lobbying through different power centres such as the legislature, executive and judiciary at both state and federal level where decisions are made
- explanation and analysis of US political culture and the much more open system of government and traditions of lobbying, campaigning and protest such as the Civil Rights Movement or street demonstrations
- explanation and analysis of lobbying Congress (House and Senate) and the congressional committees to gain access to the legislative process to try to influence outcomes; lobbying the executive branch of government to try to influence the initiation of policy or its implementation through the federal bureaucracy; lobbying the judicial branch by presenting *amicus curiae* briefs or attempting to influence the selection and confirmation of judges
- explanation and analysis of the guaranteed *constitutional rights*, particularly First Amendment rights of freedom of speech and assembly and the right to 'petition the government for redress of grievances'
- explanation and analysis of the weak US party system leads to more openings for pressure groups to 'fill the gaps' including raising election finance for candidates via PACs and Super-PACs
- explanation and analysis of the direct-democracy and the initiative process used in some states which encourages group activity, eg pressure group campaigns to defeat same-sex marriage initiatives.

Students are required to consider three ways in which the US political system encourages pressure group activity. 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 rational theory could be used to explain voting behaviour in the US and UK.

[9 marks]

Indicative content

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

- explanation and analysis of rational theory and how it can be applied to understanding voting behaviour in the US and UK. This 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 their cause
- explanation and analysis of the concept of voting behaviour
- explanation and analysis of voter alignment in both countries and the core supporters of the main parties
- explanation and analysis of social factors, such as age, social class, class identification, race, ethnicity and gender
- explanation and analysis of voter dealignment in both countries
- explanation and analysis of rational choice theories of voting behaviour
- explanation and analysis of linked concepts, such as voter apathy and abstention (eg voter fatigue, turnout figures and rational non-voting).

Students are required to consider three aspects of how rational theory could be used to explain voting behaviour in the US and UK. 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.

Levels of response mark scheme for 25-mark extract-based essay

0 4

Analyse, evaluate and compare the different arguments in the above extracts regarding the extent to which the US Supreme Court is a politicised institution.

[25 marks]

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. 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. evaluation of the above leads to conclusions that show some substantiation and are 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 of the evaluation (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). evaluation of the above 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.
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). some attempt to draw conclusions is made, but these lack depth and clear development from the preceding discussion (AO3).

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). • 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	<ul style="list-style-type: none"> • nothing worthy of credit.

0 4

Analyse, evaluate and compare the different arguments in the above extracts regarding the extent to which the US Supreme Court is a politicised institution.

[25 marks]

Indicative content

In the analysis and evaluation of the Supreme Court and the extent to which it is a politicised institution, as made in the extracts, students should be expected to cover areas such as the following:

- analysis and evaluation of the US Supreme Court as “the highest appellate court in the federal judiciary”, Article III of the US Constitution and its status of being co-equal with the other two branches
- analysis and evaluation of the “enormous judicial power” the Court holds because of judicial review. It is likely responses will refer to the 1803 Marbury vs. Madison ruling as the first time the Court exercised such power. Some responses may also refer to and evaluate other examples where the Court has practised judicial review such as in the landmarking rules of the 1950s or later cases such as Roe v Wade or Citizens v FEC
- analysis and evaluation of the appointment process and why “each appointment is of consequence”, including the role played by Presidents as referred to in the extracts and the Senate through its “Advice and Consent” function “as a safeguard on the President’s judgement”
- analysis and evaluation of the argument that under the US Constitution, “Justices on the Supreme Court receive what can amount to lifetime appointments which, by constitutional design, helps ensure the Court’s independence from the President and Congress”
- analysis and evaluation of the argument that the appointment process has become progressively partisan and compare and contrast the different perspectives given in the extracts regarding the appointments process. Students may refer to the Obama nomination to replace Scalia, the refusal of the Republicans to hold confirmation hearings and then Trump’s selection of Neil Gorsuch. Comparisons may also be made between the Brett Kavanaugh nomination and the role played by the Federalist Society which is made up of lawyers who “promote a strict constructionist” view of the US constitution and that of Sonia Sotomayor as referred to in the extract
- analysis and evaluation of the fact that judges once appointed to the Court enjoy tenure and the concept of presidential legacy. Comparisons may be made between the expectation that the Court and individual judges will be independent of the other branches because of the “ideas of integrity and impartiality” and the view that the Court is politicised in an ideological sense. Responses may refer to judges holding set views on the nature of constitutional interpretation as with strict constructionism or loose constructionism. Students may present the argument that judges such as Justice Sotomayor can be labelled liberal while other judges such as Scalia and Kavanaugh can be seen as conservative

- 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 extract.
- evaluation of relevant perspectives within the extracts concerning the politicisation of the Court in the context of the Brett Kavanaugh nomination and appointment. The first extract is a report produced for members of Congress by the Congressional Research Service and second extract is an article from the *New Statesman* magazine. Students may note that as a left of centre UK based magazine the *New Statesman* has been a critic of Donald Trump and therefore of his selection of Kavanaugh to the bench. The *New Statesman* article can be contrasted with the Congressional Report and its purpose to inform and explain the nominating process to members of Congress.
- comparisons can be made between constitutional processes described in the first extract with the emphasis on Congressional oversight and judicial independence and the second extract which is criticising the role played by the Federalist Society. The concerns made in the *New Statesman* article suggests that Trump views supreme court vacancies as an election issue and a means of maintaining support amongst social conservatives. Students may make synoptic points here about the 2016 presidential election and argue that both Trump and Clinton as candidates used the unfilled seat of Scalia as an election issue. Students may also conclude that this is not new and that the Court has been an election issue since the 1970s and Nixon

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 the extent to which the US Supreme Court is a politicised institution 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 the arguments regarding politicisation 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 article, however complete their answer may otherwise be, cannot achieve above level 2.

Levels of response mark scheme for 25-mark extract-based essay

0 5 'The US Constitution is rigid and too difficult to change whereas the British constitution is flexible and too easy to change.' Analyse and evaluate this statement. **[25 marks]**

0 6 'Political circumstances have a greater impact on the power of the UK prime minister than they do on the US President.' 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"> 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. 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.
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. 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).

		<ul style="list-style-type: none"> the answer is organised, occasionally analytical and focused on the question as set.
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	<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 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	<ul style="list-style-type: none"> nothing worthy of credit.

0	5
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'The US Constitution is rigid and too difficult to change whereas the British constitution is flexible and too easy to change.' 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 these assertions regarding the degree of rigidity/flexibility of both constitutions, with evidence and examples
- analysis and evaluation of the features of the US Constitution when it is described as written, codified and entrenched and how these descriptions can result in the constitution being characterised as rigid
- analysis and evaluation of the US amendment process and the Founding Fathers fear of hasty, ill-thought out change. Students should explain how the process works and may give examples of successful and unsuccessful amendments as evidence of the difficulty of reaching consensus and compromise in areas of constitutional change
- analysis and evaluation of the fact that in the US constitutional change can come about through other means such as the constitutional interpretation of the Supreme Court (the so called informal amendment process) and judicial activism (with cases given as evidence) or simply by establishing conventions that have developed to 'fill in the gaps' of the codified constitution (with examples)
- analysis and evaluation of by contrast, the UK constitution which is not codified and is described as being more flexible and evolving. Students should explain the key principle and feature which leads to this relative flexibility; the sovereignty of parliament, as there are no limits to the power of parliament to make or change law
- analysis and evaluation of the key argument that the flexibility of the UK constitution can be exaggerated. Students could refer to the role of backbenchers, the opposition in the Commons, the role the Lords and pressure groups such as Liberty in the UK (contrasting with the ACLU in the US) play in protecting constitutional rules and principles. They may argue that traditions are not easily broken and constitutional rules have evolved
- analysis and evaluation of the argument that the US Constitution is not always rigid and the UK constitution is not always flexible but both have proved to be adaptable to changing conditions and different circumstances and needs.

Synoptic links may be made in areas such as codified and uncodified constitutions, federalism and devolution and judiciaries. Any response that does not include synoptic points cannot achieve above level 4.

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

0 6

'Political circumstances have a greater impact on the power of the UK prime minister than they do on the US President.' 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 and the variables that can impact the exercise of executive power in both countries with well-integrated evidence and examples in their response
- analysis and evaluation of the formal and informal powers of the President and the Prime Minister
- analysis and evaluation of the argument that the power of neither office is fixed whether by the existence of a codified constitution or by the position of PM as leader of the majority party and the exerciser of the prerogative powers of the Monarch
- analysis and evaluation of, in the case of the US President, that circumstances may prevent them actually exercising their powers eg in the USA divided government in Washington, lack of a strong mandate, the actual issues of the time, economic factors, whether an election is near or not. Students may also argue that in the USA there have been times when the President has been very powerful and Congress has allowed him to be so (eg Bush after 9/11)
- analysis and evaluation of executive power in the UK will depend on the size of the parliamentary majority, whether the party the PM leads is a united or divided party. UK PMs have often been very powerful (eg Thatcher in her 2nd term, Blair in his first and second terms) but at other times PMs have been weak such as Brown and May
- analysis and evaluation of the argument that the power of the office and the extent to which it can actually be used is also related to the personality and characteristics of the actual person holding the office and the recognition that a study of PMs and Presidents is to some extent a study of their own personality and characteristics. Hence Asquith's quote that "the office of PM is whatever the holder is able or chooses to make of it". The same would apply in the USA
- analysis and evaluation of the argument that PMs and Presidents can be undermined by unforeseen events such the financial crash after 2008
- analysis and evaluation of how PMs and Presidents can be weakened by public opinion such as Bush and Blair at the end of their terms.

Synoptic links may be made in areas such as codified and uncodified constitutions, checks and balances, fusion and the separation of powers, political parties and voting behaviour. 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.