

General Certificate of Education
June 2005
Advanced Level Examination



GOVERNMENT AND POLITICS
Unit 4 Comparative UK / USA Government

GOV4

Tuesday 28 June 2005 Morning Session

In addition to this paper you will require:
an 8-page answer book.

Time allowed: 1 hour 30 minutes

Instructions

- Use blue or black ink or ball-point pen.
- Write the information required on the front of your answer book. The *Examining Body* for this paper is AQA. The *Paper Reference* is GOV4.
- Answer **Question 1** and **one** other question.

Information

- The maximum mark for this paper is 80.
- Mark allocations are shown in brackets.
- You will be assessed on your ability to use an appropriate form and style of writing, to organise relevant information clearly and coherently, and to use specialist vocabulary, where appropriate. The degree of legibility of your handwriting and the level of accuracy of your spelling, punctuation and grammar will also be taken into account.

Advice

- You are advised to read through the examination paper before you attempt the questions.
- You are advised to spend the same amount of time on each question.

Answer **Question 1** and **one** other question.

Each question carries 40 marks.

- 1 Study the extract below and answer parts (a) to (c) which follow.

Judges in the UK and the USA

One of the most significant political developments in the UK in recent decades has been the growing importance of judges and the courts. Previously, the role of the courts in British politics had been restricted and infrequent, whereas it is now often said to be central and constant.

Between 1981 and 1996, the number of applications for *judicial review* rose from just over 500 to nearly 4000 each year. The increasing resort to review and the decisions which judges reached in cases ranging from criminal injuries to deportation caused resentment under the Major government. Ministers complained about judicial activism, while some judges felt there was a campaign to discredit them.

Opponents of a British Bill of Rights often claim that it would remove power from the hands of elected MPs and give it to the judges. Similar fears about the transfer of power to the judiciary are at the heart of much anxiety about the recent incorporation of the European Convention on Human Rights into British law. These fears, found on both the political right and left, have much to do with problems connected with the selection, backgrounds and attitudes of those ‘on the bench’ who are unelected, unaccountable and invariably rather unrepresentative, even elitist.

Courts of law are part of the political process in most democratic countries. This is because government decisions and acts passed by the legislature may require judicial decisions to be implemented. Courts need to be independent to be respected, but in practice this is difficult to achieve. There is rarely full independence as far as appointment is concerned, though in America the process is more overtly political than in the UK.

As a broad trend, the role of judges has increased in liberal democracies. In both the UK and the USA, alarm is sometimes raised about the politicisation of the judiciary, and this often centres on the character and leanings of those who are appointed judges and those who appoint them.

Nowadays, to see the judiciary as being preoccupied with the legal system would be to ignore its key political role. In the UK, judges are now much more willing to step into the political arena, an area long inhabited by the justices of the US Supreme Court.

Source: adapted from DUNCAN WATTS, *Understanding American government and politics* (Manchester University Press) 2002

- (a) Explain the term *judicial review* used in the extract. (8 marks)
- (b) Using the extract and your own knowledge, compare the selection and appointment of senior members of the judiciary in the UK and the USA. (12 marks)
- (c) Compare the extent to which the ‘politicisation of the judiciary’ has occurred in the UK and the USA. (20 marks)

Answer **either** Question 2 **or** Question 3 **or** Question 4.

- 2 'Devolution of power has brought the UK closer to the federal system of government found in the USA.' Assess the accuracy of this statement. *(40 marks)*
- 3 'Executive dominance over Parliament prevails in the UK, but Congress dominates in the USA.' Discuss. *(40 marks)*
- 4 'The only similarity between the UK and US Cabinets lies in the name.' Discuss. *(40 marks)*

END OF QUESTIONS

THERE ARE NO QUESTIONS PRINTED ON THIS PAGE