

AP[®] COMPARATIVE GOVERNMENT AND POLITICS

2015 SCORING GUIDELINES

Question 4

3 points

One point is earned for a correct explanation of how independent judiciaries strengthen democracy.

Acceptable explanations include:

- Maintain checks and balances
- Protect rights and liberties
- Establish rule of law
- Maintain separation of powers
- Hold government accountable
- Provide access point to the legal system for citizens
- Ensure free, fair, and contested elections

One point is earned for EACH correct description of an action that an authoritarian regime can take to undermine the independence of the judiciary.

Acceptable descriptions include:

- Appointing loyal judges
- Removing or threatening removal of judges
- Promising rewards for loyalty or bribes
- Blackmailing or intimidating judges
- Refusing to implement or ignoring judicial decisions
- Limiting the court's powers or jurisdiction
- Allowing direct intervention by executive or police
- Controlling legal education or professional associations
- Ruling by decree or referendum

A score of zero (0) is earned for an attempted answer that earns no points or an off-task answer.

A score of dash (—) is earned for a blank.

4. Explain how independent judiciaries strengthen democracy. Describe two actions that an authoritarian regime can take to undermine the independence of the judiciary.

4A1

Independent judiciaries strengthen democracy in many ways. One way they do this is by guaranteeing the rule of law, something that is a key aspect of established democracies. Independent judiciaries also protect groups in civil society by protecting civil and political rights. ~~Moreover~~ This in turn promotes transparency and accountability, again two features of established democracies. Authoritarian regimes can undermine the independence of the judiciary ~~through many~~ through many different actions. The simplest action they authoritarian regimes can take to undermine the independence of the judiciary is to simply ignore the judiciary's decisions. A second action a regime can take is to dismiss or appoint judges so as to create a ~~pro-regime~~ pro-regime judiciary.

4. Explain how independent judiciaries strengthen democracy. Describe two actions that an authoritarian regime can take to undermine the independence of the judiciary.

4B1

For democracies to be increasingly strengthened, an independent judiciary is a keen importance to successfully interpreting that nation's legal codes and precedents. With a independent judiciary, courts are autonomous from any external pressure to hinge in a specific direction. Authoritarian regimes can undermine this concept by posting members of the dominant political party within court systems or by removing judges that don't necessarily accord with party lines and replace them as seen fit.

4. Explain how independent judiciaries strengthen democracy. Describe two actions that an authoritarian regime can take to undermine the independence of the judiciary.

4C1

Independent judiciaries strengthen democracy in that they provide a more balanced system of government. One action that an authoritarian regime can take to undermine the independence of the judiciary is to take away its power and let the executive branch handle the judiciary's responsibilities. Another action that can be taken by an authoritarian regime is to limit the amount of responsibilities that the independent judiciaries have.

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2015 SCORING COMMENTARY

Question 4

Overview

The intent of the question was for students to examine the link between an independent judiciary and democracy and to consider how authoritarian systems can undermine the independence of the judiciary. The skills tested were explanatory and descriptive: to explain and describe. Students had three specific tasks: to explain how an aspect of an independent judiciary strengthens democracy and to describe two actions an authoritarian system could take to undermine the independence of the judiciary.

Sample: 4A

Score: 3

The response earned 1 point for correctly explaining how an independent judiciary strengthens democracy by stating that “[i]ndependent judiciaries strengthen democracy . . . by guaranteeing the rule of law.” The response earned 1 point for correctly describing how authoritarian systems undermine the independence of the judiciary by stating that “authoritarian regimes . . . simply ignore the judiciary’s decisions.” The response earned 1 point for correctly describing that a “second action a regime can take is to dismiss or appoint judges so as to create a pro-regime judiciary.”

Sample: 4B

Score: 2

The response does not correctly explain how an independent judiciary strengthens democracy. The response earned 1 point for correctly describing how an authoritarian regime can undermine judicial independence “by posting members of the dominant political party within court systems.” The response earned 1 point for correctly describing that a second action is “removing judges that don’t necessarily accord with party lines.”

Sample: 4C

Score: 1

The response does not correctly explain how an independent judiciary strengthens democracy. The response earned 1 point for correctly describing how “[o]ne action that an authoritarian regime can take to undermine the independence of the judiciary is to take away it’s [sic] power.” The response does not correctly describe a second method authoritarian systems take to undermine the independence of the judiciary.