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# AP<sup>®</sup> Comparative Government and Politics

## Sample Student Responses and Scoring Commentary Set 2

### **Inside:**

#### **Free Response Question 1**

- Scoring Guideline**
- Student Samples**
- Scoring Commentary**

**Question 1: Conceptual Analysis****4 points**

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(a) Define rule of law. **1 point**

**Acceptable definitions include:**

- Citizens and political leaders are equal under the law, even those who make the law.
- Equal treatment for everyone under the law.
- No one is above the law, including government officials.

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(b) Describe the difference between rule of law and rule by law. **1 point**

**Acceptable descriptions include:**

- Under rule by law, citizens experience arbitrary and inconsistent treatment, but under rule of law, citizens and political leaders are equally subject to the same laws.
- Under rule by law, the government uses the law to control citizens, while under rule of law, the law protects citizens from the government.
- Under rule of law, citizens and political leaders are bound by the law, but with rule by law, government officials arbitrarily manipulate the law to advance their own interests.
- Under rule of law, democratic regimes require checks on the power of groups within the government, while under rule by law, authoritarian regimes lack checks on powerful groups.

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(c) Explain how a state might strengthen rule of law. **1 point**

**Acceptable explanations include:**

- They could install checks and balances to prevent arbitrary decisions by one branch of government.
- They could strengthen the independence of the judiciary and/or judicial review by creating life terms for justices or changing the selection process for judges.
- They could conduct fair and competitive elections to hold the government accountable and reduce corruption by political leaders.
- They could strengthen constitutional protections of civil liberties to reduce arbitrary government actions against the people.
- They could increase transparency and provide information about the government to the citizens which exposes corrupt and arbitrary treatment by the government.
- They could promote an open media and strong civil society which could expose corrupt and arbitrary treatment by the government.

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(d) Explain how the absence of rule of law affects citizen political participation. **1 point**

**Acceptable explanations include:**

- With the absence of rule of law, political participation decreases because arbitrary treatment lowers political efficacy.
- With the absence of rule of law, political participation decreases because government corruption lowers political efficacy.
- The absence of rule of law may lower participation due to fear of government retribution.

- The absence of rule of law discourages participation because civil liberties are not protected.
  - The absence of rule of law may lead to protests and social movements resisting the regime’s arbitrary treatment.
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**Total for question 1 4 points**



Begin your response to each question at the top of a new page. Do not skip lines.

- A. Rule of law is a practice that requires all citizens of a state to follow the laws, regardless of position or power. In the U.K., a state that follows this practice, the Prime Minister is just as responsible for law violations as a regular citizen.
- B. Rule of law holds all citizens & people ~~in~~ <sup>in</sup> power to the same legal standard. The difference between this and rule by law is that rule by law does not hold government officials accountable for breaking the law. In China, a state that follows rule by law, high ranking members of the Communist Party can basically do whatever they want without consequence under the legal system. If China had rule of law, the members would be held accountable for their actions.
- C. A state might strengthen a rule of law by limiting corruption. A state could place more checks on the executive or implement impeachment/removal practices to stop corrupt politicians from holding high office. Impeachment specifically holds the executive accountable under rule of law.
- D. The absence of rule of law lowers citizen political participation, because citizens will feel as though the government is not being held accountable when citizen needs are not met. It could possibly increase political participation through protest, as people may revolt against corrupt leaders who aren't being stopped.



Begin your response to each question at the top of a new page. Do not skip lines.

1. (a) Rule of law is where the government and its citizens are held accountable, and no one is held above the law.
- (b) Rule of law does not let anyone person be above the law; the government and its citizens are held accountable to the same laws whereas rule by law, the government uses <sup>laws as</sup> its authority to maintain support. Therefore, the government is above the law.
- (c) A state can strengthen rule of law by making the supreme courts independent from outside influence with the ability to use judicial review to provide checks and balances on executive branch.
- (d) Absence of rule of law can cause citizens to be coerced by the government to participate in politics.



Begin your response to each question at the top of a new page. Do not skip lines.

- a) The rule of law is a system under which the law is strictly interpreted and equally applied to everyone.
- b) The rule by law is <sup>a system</sup> different from the rule of law because it sets legislative restrictions, but doesn't explicitly define legislature, sometimes leaving room for different interpretations.
- c) A state might strengthen the rule of law by setting a complicated procedure of legislation change, as it would ensure the preservation of law instead of allowing for change, which would destabilize the structure if personal interests were a factor.
- d) Absence of rule of law leads to illegitimacy of the government, as people would lose faith in an institution that doesn't do its key function - execution of laws.

## **Question 1**

### **Conceptual Analysis**

#### **Overview**

The intent of this conceptual analysis question was to assess students' understanding of the rule of law in comparison to rule by law and the implications of its use by states. Students were expected to define rule of law and be able to distinguish what makes rule of law different from rule by law. In addition, students had to demonstrate that they understand what a state could do to strengthen rule of law. Finally, students needed to demonstrate that they understand the relationship between rule of law and citizen participation by explaining how the absence of rule of law affects citizen participation. The concept application disciplinary skills tested were descriptive and explanatory.

#### **Sample: 1A**

##### **Score: 4**

The response earns 1 point in part (a) for defining rule of law as “a practice that requires all citizens of a state to follow the laws, regardless of position or power.”

The response earned 1 point in part (b) for describing the difference between rule of law and rule by law: “Rule of law holds all citizens & people in power to the same legal standard. The difference between this and rule by law is that rule by law does not hold government officials accountable for breaking the law.”

The response earned 1 point in part (c) for explaining that a state may strengthen rule of law by “limiting corruption. A state could place more checks on the executive or implement impeachment/removal practices to stop corrupt politicians from holding high office.”

The response earned 1 point in part (d) for explaining that the absence of rule of law affects political participation, “It could possibly increase political participation through protest, as people may revolt against corrupt leaders who aren't being stopped.”

#### **Sample: 1B**

##### **Score: 3**

The response earned 1 point in part (a) for defining rule of law as “where the government and its citizens are held accountable, and no one is held above the law.”

The response earned 1 point in part (b) for describing the difference between rule of law and rule by law: “Rule of law does not let anyone person be above the law; the government and its citizens are held accountable to the same laws whereas rule by law, the government uses laws as its authority to maintain support. Therefore, the government is above the law.”

The response earned 1 point in part (c) for explaining how a state might strengthen rule of law “by making the supreme courts independent from outside influence with the ability to use Judicial review to provide checks and balances on executive branch.”

The response did not earn a point in part (d) as it does not explain how the absence of rule of law affects citizen political participation. The response does not provide a clear link between the absence of rule of law and coercion leading to increased participation.

## Question 1 (continued)

**Sample: 1C**

**Score: 1**

The response earned 1 point in part (a) for defining rule of law as “a system under which the law is strictly interpreted and equally applied to everyone.”

The response did not earn a point in part (b) for describing a difference between rule of law and rule by law. The description does not address the arbitrary treatment that citizens experience under rule by law.

The response did not earn a point in part (c) for explaining how a state might strengthen rule of law. The response does not provide a clear link between the legislative process and holding elected leaders accountable under rule of law.

The response did not earn a point in part (d) for explaining how the absence of rule of law affects citizen political participation. The response does not provide a clear link between a loss of political legitimacy and political participation.