

Unit 1 Identity, Rights and Responsibilities

Chapter 1 What is a citizen and perceptions of being 'British'

Exam practice question page 17

Why is it so difficult to define citizenship? (15 marks)

Sample answer:

There are different ways in which citizenship can be defined.

One definition is that citizenship means being a member of a state. A person born in England could claim to be English and therefore a citizen of the United Kingdom by right of birth. Other people decide to become citizens of a country by following what is called a naturalisation process. In the UK you have to take a test and, if you meet certain qualifications, you are granted British citizenship.

Now that we live in a more inter-connected world, many people are born of parents from different countries and reside in a third country. For many of these people, there is a concept of multiple identity and citizenship.

This definition of citizenship, however, is a narrow and legalistic view, which addresses the issue of to whom you belong.

A broader definition of citizenship looks at the nature of citizenship within society and suggests that it is more than just a legal identity. This argument looks at the role of the citizen within a state; whether their role is passive or whether they are the driving force within society.

T Marshall wrote about the development of citizen's rights, from legal to political, to economic and civil. This gives a sense that as society evolves, so also does the nature of citizens within that society. In the UK we live in a constitutional monarchy so legally we are subjects of the monarch rather than citizens. However, most people would be angry if they were told they were not citizens. The term 'citizen' implies a range of rights and also responsibilities within society.

Within political ideologies, differing views are taken about the role of the citizen within the state; communitarianism differs from individualism and, in the same way, today one person's idea of an active citizen may differ from the idea of being a part of the Big Society.

As citizens, our roles in society come with rights and responsibilities. There is some debate over the depth and range of these rights and the extent to which there are individual and/or collective rights and responsibilities. For example, does the state have the right to force citizens to bear arms? During the Second World War the government imposed compulsory conscription if it was felt necessary to do so today; such a move would be far more difficult to carry out.

The political process within a society tends to be directly related to the attitude towards citizenship and both have changed over time. If the society remains cohesive over a period of time the attitude, and any changes to the definition of citizenship, then becomes the norm for that society.

Examiner comment: This response gains marks in the top band because:

AO1 The response indicates good knowledge of the term and is supported by example to develop points.

AO2 The response develops several arguments about the nature of citizenship and raises some important issues.

AO3 The response makes good use of citizenship terms and presents a clearly structured case.

Chapter 2 How socially diverse is Britain?

Exam practice question page 24

In what ways does the media stereotype certain social groups? (10 marks)

Sample answer: To stereotype means to place all people with certain characteristics into a group and identify that group as behaving in a certain way. The media, especially newspapers and magazines, tend to use this style both in the headlines and also within the body of a story. Other media formats, such as television, tend to be more careful as their use of such techniques is regulated more closely. Recent trends, like the celebrity culture, fall into this category wherein all celebrities are supposed to behave in a certain way and a whole group of magazines and sections of newspapers inform readers about this pattern of behaviour.

Adolescents are often associated with terms like 'hoodies', 'yobs' and 'gangs', all of which present young people in a negative way. Stories relating to immigrants are often pejorative, discussing illegal immigration or alleged abuse of the benefits system.

Women are often grouped, labelled and discussed in a way in which men never are discussed, particularly regarding their weight, hair colour, clothing sense and the balancing of work and home life. Recently the image of young women has changed with young women being stereotyped in the press as ladettes, meaning women are behaving like young men, and comments have been made about female drinking habits.

The other extreme is when the press put people into categories according to their occupation or social class. Recently a university student was jailed for taking part in the inner city riots but the media coverage was centred on her middle class background and the reasons given for her behaviour.

Other examples include people who are labelled because of their sexual orientation; stories involving homosexuals or lesbians will often be published in a different style from other stories. However, not all media stereotyping is negative. Some groups in the media frequently receive positive identification, such as the armed forces and nurses, whilst others, like judges, are often portrayed as being out of touch. Elderly people either are doing exceptional things or are portrayed as doddering.

Some would argue that this stereotyping is illusory and just helps to illustrate a story. However, when this style of language and stereotyping is used by a lot of the media, it does reinforce perceptions and assumes everybody belongs to a type or species, like animals, instead of all of us having our own identity.

Examiner comment: This response gains marks in the top band because:

AO1 There is a clear understanding shown regarding differing media formats and stereotyping.

AO2a There is a reasoned case made about the nature of stereotyping and certain groups in society

AO3 There is a good use of citizenship terms and a clearly presented argument.

Chapter 3 Prejudice, discrimination and disadvantage

Exam practice question page 30

Examine some of the forms that discrimination may take. (10 marks)

Sample answer: The term discrimination means to treat an individual or group of people differently from the way in which you would treat others. Discrimination can be positive or negative, indirect or direct.

In the UK there are many laws that have been passed to protect people against discrimination. This legislation mainly concerns women and racial groups and, more recently, laws have been put in place regarding age discrimination.

Positive discrimination, also known as affirmative action, aims to encourage specific groups. For example, in a school there may be a policy to encourage boys to read or improve examination results and teachers may use a different strategy with the boys in a class from that used with the girls.

Negative discrimination may take place where, for example a community is unwilling to mix with or speak to a group of gypsies in the area, believing that certain negative characteristics are associated with gypsies.

Direct discrimination is deliberate and obvious. For example, a disabled person might be treated differently and mocked because of their disability.

Indirect discrimination is where there may be a lack of consideration for a group of people. For example, limited or no choices on a menu for vegetarians or not having good disabled access to a building.

Any member of the community can suffer discrimination; sometimes the discrimination can be in the form of labelling whereby you are treated differently according to the clothes you wear or the way in which you speak. Discrimination, in whatever form, is hurtful to those who are subject to it.

Examiner comment:

This response gains marks in the top band because:

AO1 There is a good knowledge shown of the concept and the key elements of different forms of discrimination.

AO2 There is a good understanding shown of a range of forms of discrimination each supported by examples.

AO3 There is a good use of citizenship terms. The clarity of the structure of the response meets the needs of the question.

Chapter 4 How can discrimination and disadvantage be reduced?

Exam practice question page 35

Examine the role of government over the past 50 years in tackling discrimination in the UK. (15 marks)

Sample answer: Since the end of the Second World War, governments of all political parties in the UK have passed legislation to outlaw various forms of discrimination. Formal and informal bodies have been established to promote understanding and to monitor and enforce legislation. Governments have sponsored and supported a

range of initiatives and policies, locally and nationally, to promote better understanding and to end discrimination.

Since the Second World War, governments have passed a range of legislation to try to end discrimination. A few examples include the Equal pay Act of 1970, the Sex Discrimination Act of 1975, the Disability Discrimination Act of 1995, the Race Relations Act of 1976 and 2000 and the Equality Act of 2006. Policies have been introduced, such as the national minimum wage and wage family credits, to support those on low incomes.

By merging the European Convention of Human Rights into the Human Rights Act 1998, the government also built numerous provisions regarding anti-discrimination policy into UK law.

In recent years, policies have been developed regarding Action Zones. The last Labour government established the Social Exclusion Unit in order to help to develop policies to overcome discrimination. Recent pension legislation is forcing all workers to have a second non-state pension to try to overcome long-term pensioner poverty.

Alongside legislation, governments have also established bodies like the Equality and Human Rights Commission. These encompass the work of several former anti-discrimination bodies the Commission for Racial Equality, Disability Rights Commission and the Equal Opportunities Commission, so that all issues are now being dealt with by one organisation. The EHRC provides legal advice to companies and supports employees who wish to bring cases. It also publishes reports and initiates investigations. This body also acts as a watchdog over the actions of the government, ensuring that it pursues an anti-discrimination agenda.

The UK government has been proactive over many years regarding anti-discrimination policy. They have often been forced to take action owing to publicity, campaigning, legal cases or private members bills but governments have developed laws and established bodies to oversee legal requirements and have set in motion policies to end discrimination.

Examiner comment: This response gains marks in the top band because:

AO1 There is a good knowledge of a range of ways governments have developed anti-discrimination policies. Numerous examples quoted.

AO2 There is a wide ranging account that covers both positive and negative discrimination. Clear structure and argument followed could have used more in depth case studies to develop points.

AO3 There is a good use of correct terminology well structured response with a conclusion.

Chapter 5 What are rights?

Exam practice question page 40

Assess the extent to which UK citizens have both rights and responsibilities. (15 marks)

Sample answer: Citizens of the UK have a wide range of rights and responsibilities. The term rights can refer to human rights, legal right, civil rights, political rights, social rights or consumer rights. As our society has evolved, especially post industrialisation, the nature and range of rights, both demanded and then granted

by the government, has increased. In 2012 there is a debate about extending the right to marriage to homosexuals. The rights of children have been recently further enhanced by the appointment of Children's Commissioners to oversee the rights of children.

Whilst there has been this increasing demand for the recognition of a citizen's rights, the debate about the responsibilities of citizens has been less visible. Whereas rights are demanded and seen as a natural part of belonging to a modern society, responsibilities are often seen as something that are not obligatory. Traditionally the state could form armed forces if a crisis arose, today the civilian population might react differently.

In the UK, citizens take for granted certain rights that are not acknowledged in other countries. For example, most citizens assume they are entitled to a free education and access to a free National Health Service, to be able to see a Doctor free of charge or be transported in an ambulance, or for the Fire Service to come when requested.

Many politicians, especially from the right of the political spectrum believe that the debate regarding rights and responsibilities has gone too far and that the citizen should take some responsibility for their own life and those of their family. An example of this is the care of the elderly and whether it should be a state responsibility, paid for out of taxation, or a private matter left to the family. We must consider if a family has wealth whether it should be used towards the care of the elderly and/or taken by the government to pay for the care but also how those with no wealth might pay. These types of issues clearly indicate the difference between those who see society as having a responsibility thereby giving the elderly a right or entitlement, and those who say that the responsibility of care lies with the individual and their family.

Another example of a clash between rights and responsibility is the health care of those who are obese or heavy smokers. As a result of their lifestyle choice, they have endangered their health but, being a choice they made, we could consider whether they have a right to free health care for illness brought on by their lifestyle or whether the state should say you have a responsibility to lead a healthy life.

The recent debate over the rights of prisoners to have the vote also indicates this clash. People are in prison because they have committed a criminal act against society so many would argue they should forfeit the right to vote. Others argue that you don't stop their health care so the same should apply to their right to vote.

The law was recently changed to force more people to attend as jurors as many were trying to avoid this civic responsibility.

Within any society there has to be a balance between rights and responsibilities. In the UK, citizens have both rights and responsibilities but often the media debates the issue of rights rather than responsibilities. However, generally the vast majority of UK citizens accept the responsibilities that are involved in being a UK citizen: paying their taxes and over 20 million undertake some form of voluntary work.

Examiner comment: This response gains marks in the top band because:

AO1 There is a clear knowledge shown of rights and responsibilities, good background knowledge.

AO2 There is a clear argument regarding both rights and responsibilities that contains a number of valid points supported by evidence.

AO3 There is a good use of citizenship terms well-developed and expressed case and a clear conclusion.

Chapter 6 What rights do I have?

Exam practice question page 48

Why do many people in the UK want to replace the Human Rights Act 1998 with a new Bill of British Rights? (15 marks)

Sample answer: The Human Rights Act 1998 came into force in 2000. It formed part of a pledge in the Labour Party Manifesto of 1997. The HRA included in UK law the provisions the UK had agreed to in the European Convention of Human Rights 1951. The UK was a founding member of the European Human Rights Court and helped to draft the convention. Many other countries had already merged the convention into their domestic law but the UK did not do so until 1998. Before 2000, where UK courts felt they did not have the competence to deal with a Human Rights case, they referred the case to the ECHR in Strasbourg. The HRA gave UK courts the powers to resolve issues in the UK and only refer complex cases to the European Court. People who lost their case in the UK could still appeal to the Strasbourg Court.

It is this, combined with the ability of the new Supreme Court to make rulings about new UK laws which they believe contravene the HRA, that has led many to call for a new UK Bill of Rights mirroring the Bill of Rights of 1689. The Bill of Rights 1689 saw the power of the monarchy curbed and the powers of parliament increased.

Those who want the change believe that the judiciary is becoming political in that it can over ride parliamentary decisions. More Human Rights cases have been brought in recent years and have been won owing to the articles contained in the convention. Many believe that these judgements go against their idea of justice and fairness. Others link the HRA with the idea of an ever-growing European influence over UK affairs, incorrectly linking the ECHR and the EU. The ECHR is not linked to the EU at all. The EU has recently agreed to sign up to the Convention. Others believe that we know best which rights and responsibilities are required in the UK and therefore need to draw up our own Human Rights legislation.

The idea of a new UK Bill of Rights formed a part of the Conservative Party manifesto in 2010, so in many ways the issue has become political. Raising the issue enabled the Conservatives to accuse Labour of being pro-Europe and soft on criminals owing to some ruling by the Supreme Court. They also did not like the way in which the ECHR made Parliament resolve some issues, in particular challenging it about the rights of prisoners to vote in elections. There was generally a feeling that the rights of individuals, especially those who had committed crimes, were given too much status.

The present situation is that the current coalition government, made up of the Conservatives, who want a Bill of Rights, and the Liberal Democrats, who favour the status quo, has agreed to set up a committee to review the situation. The implications, if changes are made, could be dramatic regarding our membership of the ECHR and our position within the EU.

Examiner comment: This response gains marks in the top band because:

AO1 The response shows good contemporary knowledge of the debate in the UK about Human Rights legislation.

AO2 The response clearly develops the point made by those who wish to see a new UK Bill of Rights.

AO3 There is a good use of citizenship language and a well constructed and developed argument.

Chapter 7 The legal framework: protecting the citizen

Exam practice question page 55

Briefly explain the term, 'criminal law'. (5 marks)

Sample answer: The term criminal law relates to those laws passed by parliament that define acts, which are deemed to be outside the law, undertaken by people and organisations. Criminal law, as well as defining the criminal act itself, such as murder or theft, also defines the punishment that a court can give to those found guilty of committing the criminal act. Criminal law is enforced by the state against individuals or groups.

As outlined in the source, the police were acting on behalf of the state to prevent and /or arrest those involved in criminal activity. The other body of law in the UK is civil law, which is private law and deals with disputes between individuals.

Examiner comment: This response gains marks in the top band because:

AO1 The response defines both the words 'criminal' and 'law' and uses examples to show understanding. This is further enhanced by the use of a comparison with civil law and also by a reference to the source.

Chapter 8 How do the courts protect my rights?

Exam practice question page 62

Assess the advantages and disadvantages of the new UK Supreme Court. (15 marks)

Sample answer: The Supreme Court is the final court of appeal in the UK. It replaced the role of the House of Lords and the Judicial Committee of the Privy Council. It did not become a legal entity until late 2009. It is not the busiest court in the legal system; it reviews about 70 cases a year.

It deals with cases that raise important issues, that are of a constitutional nature or that are of public importance. It is also the final stage in the court system in the UK that deals with Human Right issues before they are appealed to the European Human Rights Court in Strasbourg. It is those issues, relating to Human Rights, that have attracted media and public attention.

In comparison with the former House of Lords, the new Supreme Court can be said to be truly separate from the executive and parliament. The former body was a part of parliament, meeting in the House of Lords, where the judges could also take part in parliamentary debates. The intention, when the new body was established, was to have a Supreme Court more like the American or German model. From the American model the new body would take the practice of defining constitutional issues and in the case of the German Constitutional Court example the body would be respected by UK citizens. This separation was also believed to be a guarantee that the Court would stand up to any overbearing executive and by housing the Court outside

Parliament but still in London this separation was highlighted both physically and constitutionally.

New powers were granted to the court regarding Human Rights and the constitution created by the Human Rights Act 1998. The Act gave the Court the power to overrule any law passed by parliament if it contravenes the Human Rights Act. Although safeguarding the citizen's rights in the UK, this power could also mean that the court could appear to be interfering in the parliamentary process. Several Home Secretaries have been challenged over their actions, especially over terrorist cases. For example, in the current case of Abu Qatada, the government wish to send him back to Jordan to face trial but the Courts will not send him as it is claimed he will not get a fair trial because of the use of evidence obtained under torture, which conflicts with his rights under the HRA 1998 and the European Convention on Human Rights.

The combination of the establishment of the Supreme Court and its powers over constitutional issues and human rights are seen by some to be an advantage and others a disadvantage. Some believe that these powers make the court too political, and that the court is merely a spokesperson for the European Court of Human Rights. On the other hand others claim that the court can challenge the executive and stand up for citizens' rights and, by using its power, can re-enforce human rights in the UK. It could also allow cases, which previously could not be heard in the UK, to be resolved in the Court without leaving the issue to be dealt with by the European Court of Human Rights.

Examiner comment: This response gains marks in the top band because:

AO1 There is a good knowledge indicated of the role of the Supreme Court. Some additional actual cases would have helped.

AO2 There are many clear points made for both propositions, balanced case made. A good conceptual understanding is shown although again some further case studies would have assisted the points being made.

AO3 There is a good use of Citizenship language and a well constructed series of points that lead to a conclusion.