

Department of Justice, Law and Society
Master's Comprehensive Examination
Justice and Public Policy
Summer, 2008

Instructions: Answer any two of the following six questions. Include in your answers references to the relevant literature, case law and other sources. Label each answer by topic and number. Please begin each answer on a new page. Remember to write your 4-digit ID number on all pages.

Justice and Public Policy:

1. Many legislatures have passed "three strikes and you're out" laws to deal with crime and the public's fear of crime. Explain what "three strikes" laws are and why they were passed. What are the primary strengths and weaknesses of such laws? What research evidence supports these arguments?
2. While many anti-crime politicians, prosecutors, and victim advocates complain that those accused of crime are manipulating the system at every turn and getting off on technicalities, many Public Defenders see their clients as underdogs, "friendless individuals faced with the enormous power of the state" who are locked up for being poor, young, homeless, and drug-addicted. Please articulate the arguments of those who believe that the criminal justice system is unfair to African Americans. Cite evidence when possible.

Policing:

3. Some have attributed problems such as use of excessive force and corruption among law enforcement agents to "police culture." What are some of the characteristics of police culture, and how might it lead to excessive use of force? Is community policing likely to change police culture and remedy some of its problems? Please cite the relevant literature in answering these questions.
4. The terrorist attack of September 11, 2001 may have profound implications for the relationship between local and national security needs, and for the need to balance the preservation of both security and liberty. Several scholars have written that community and problem-oriented policing are no longer relevant as we enter into an era of increased police paramilitarization in response to terrorism threats. What is generally meant by "community-oriented" and "problem-oriented" policing? Please cite the relevant literature when providing definitions and descriptions. Are we in a new era of policing? Are community and problem-oriented policing compatible with policing terrorism? Please justify your answers with the appropriate research literature.

Corrections:

5. Women and young offenders constitute a significant minority of prisoners in the United States. Focusing on either group, examine the special challenges these offenders face as they adapt to confinement. What challenges do they pose to those who would run decent prisons? What recommendations would you make for improving the treatment of these prisoners?
6. You are a newly appointed warden of a prison for women. Your goal is to run a humane prison. You are dismayed to find that there is no easy definition of what constitutes a humane prison, for men or women, let alone a manual telling you how to go about running such an institution. Your assignment is to define the term "humane prison" and to develop a manual – or at least an outline of a manual – for running such a prison.

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Instructions: Answer any two of the following four questions. Include in your answers references to the relevant literature, case law and other sources. Label each answer by number. Please begin each answer on a new page. Remember to write your 4-digit ID number on all pages.

1. The connection between morality and the law has been widely debated. Explain the principal issues in this debate and the positions taken by key figures, giving attention to the source and limits of our moral obligation to obey the law and the role of morality in judicial decisionmaking.
2. Mutual consent to a social contract has often been cited as an appropriate metaphor for the basis of the moral authority of a government. Outline two examples of this approach. Which of these two theories do you find more compelling? Why? On the basis of your reading, what do you find to be the strengths and weaknesses of using a hypothetical social contract to define a just legal system?
3. Gays and lesbians, like racial minorities and women, have faced discrimination in the past. Today, they are increasingly successful in obtaining legal protections. To what extent are the arguments used by feminist legal theorists and critical race theorists applicable to gays and lesbians?
4. In 1881, Oliver Wendell Holmes Jr. observed that
 - i. [t]he life of the law has not been logic: it has been experience. The felt necessities of the time, the prevalent moral and political theories, the intuitions of public policy, avowed or unconscious, even the prejudices which judges share with their fellow-men, have had a good deal more to do than the syllogism in determining the rules by which men shall be governed. (From *The Common Law*)

Since Holmes wrote these words, the approaches that characterize various social science disciplines have had an increasing impact on the substance of law in the United States. On the basis of your reading, choose two distinct disciplines (examples: sociology, philosophy, economics, history, or statistics) and discuss the impact these two approaches have had on one of the following areas of law:

- b. The legal significance of race; or
- c. The legal significance of gender.

Be certain to indicate the strengths and limitations of the approaches indicated by the two disciplines you discuss.

