

**Department of Justice, Law and Society**  
**Master's Comprehensive Examination**  
**Justice and Public Policy**  
**Fall, 2006**

**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. The U.S. has relied on imprisonment as a major crime control strategy. Citing the scholarly literature, please discuss reasons why imprisonment is used and whether research suggests it succeeds in reducing crime, or does not.
2. In your opinion, what are the two best arguments for drug legalization and the two best arguments against drug legalization? Articulate these arguments carefully and provide evidence, citing readings.

**Policing:**

3. 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.
4. Several writers have stressed the importance of discretion in police decision making. Some say that it should be more structured, others say it is too structured. What are the central considerations in finding a proper balance? Citing leading authorities on the exercise of discretion in the criminal justice system, assess the exercise of discretion in policing. What empirical evidence has been presented to enlighten the debate?

## Corrections:

5. Prison riots, though they are terrible tragedies when they occur, are statistically infrequent events. Why don't prisoners riot more often? In your answer discuss the following: (a) sources of control that operate in prison to maintain the relatively high degree of order in the prison community on any given day (b) conditions that undermine breaks down, resulting in riots.
  
6. According to one observer of the contemporary prison scene, "mature coping... is at the core of what we mean by correction or rehabilitation." Define the term mature coping, and argue for or against the proposition that mature coping is at the heart of the correctional enterprise. (Note that "the correctional enterprise" hinges on successful re-entry into the free world after release from confinement.)

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**Department of Justice, Law and Society**  
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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. In 1881, Oliver Wendell Holmes Jr. observed that

[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:

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

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

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. Mainstream legal theories present law as a constraint on government, while critics emphasize the use of law by the powerful as a way of maintaining current power relations. Which of these views most accurately reflects the role of law in the contemporary U.S.? Consider the views of theorists on each side of the issue.
4. Because judges frequently announce new legal rules that apply retroactively to the parties before the court, it is difficult to reconcile the exercise of judicial discretion with the rule of law. Some critics claim that judicial discretion is in fact so broad that the law does not operate as a significant constraint on judicial decisionmaking. Evaluate this view in light of alternative models of judicial decisionmaking found in the literature.