

Department of Justice, Law and Society
Master's Comprehensive Examination
Jurisprudence and Social Thought
Fall 2010

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. Does the United Nations (UN), or anyone else for that matter, have the jurisdiction or even the capacity to create human rights? Are human rights even a coherent concept? Discuss this from the points of view of Hart, Dworkin, and Finnis.
2. Both H.L.A. Hart and Ronald Dworkin reject skeptical theories of law such as those of the legal realists and critical legal scholars. Explain their critiques. Do these arguments succeed against the skeptics?
3. The duty to obey the law can be explained in terms of either coercive threat or moral obligation. Both of these options have a number of shortcomings. With reference to the theorists represented on the reading list, discuss the limits to the duty to obey the law.
4. Several European countries, including France and Belgium, have recently considered laws banning the burqa, the niqab, or any other clothing that covers the face while outside the home. These coverings are part of a religious obligation for some Muslim women. Defenders of the ban argue that people have the "right" to know who they are talking to when they are in public. Daniel Bacquellaine, who proposed the bill in the Belgian Parliament, claimed that wearing the burqa in public is not compatible with an open, liberal, and tolerant society. Discuss Mr. Bacquellaine's view from the perspective of Nozick, Richard Posner, and Robin West. Explain why these people might agree or disagree with this restriction.

Department of Justice, Law and Society
Master's Comprehensive Examination
Justice and Public Policy
Fall, 2010

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1. Some commentators have suggested that community policing is at odds with the police subculture. Which aspects of the police subculture potentially conflict with the principles of community policing? Does police subculture represent a serious threat to the effectiveness of community policing strategies? Be sure to cite the relevant literature.
2. Re-entry is an important part of an offender's return to the free world. In order for the process to be successful, planning needs to start prior to release. Based on the literature, what are three things you would recommend be addressed in planning for an offender's release and why would you recommend those three. Be sure to relate your recommendations to the success of the re-entry process.
3. Combating crime is a traditional function of police in community as well as correctional officers in prisons. More recently, policy makers and critics of the traditional role of police and correctional officers have insisted that police and correctional officers must deal with more than just crime. They argue that an additional important police and correctional officer function is dealing with the effects of crime, especially the fear of crime and the resultant quality of life of citizens in the community and in the prison.

Answer **one** of the following:

- (a) If you were asked to advise the police chief of a medium-sized police department concerning the justifications for expanding the police role and implementation of this additional function, what would you advise? Be sure to cite the relevant conceptual and empirical literature when answering this question.
 - (b) If you were asked to advise the warden of a maximum security prison concerning the justifications for expanding the correctional officer role and implementation of this additional function (human service rather than security alone) what would you advise? Be sure to cite the relevant conceptual and empirical literature when answering this question.
4. The reading list includes a variety of readings on criminal careers and life course criminology. What are the major perspectives on how and why criminal activity might remain stable or change over the life course? Weigh the relative merits of each, basing your arguments on the scholarly literature.

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1. Social contract theorists suggest that government is legitimate where it has the consent of the governed. Compare the different senses which several such authors have given the concept of "consent." How do these differences affect the outcome of each author's theory? Can the requirement of consent ever be met?
2. Feminist legal theorists writing in the 1980s argued that the law did not recognize or adequately address the concerns of women. At that time, women were barred from front-line military service, professional advancement for women was limited, and few men thought they had an obligation to participate equally in child-raising and housework. Are feminist arguments solely of historical interest, or do they have application to contemporary debates about law? Discuss the views of several different theorists.
3. Scholars writing in the law and society field have proposed various definitions of the law. Identify three of these definitions found in the works mentioned in the "Law and Society" reading list. Review the implications of each of these definitions for the relevance of moral theory to jurisprudence.
4. Some judges and scholars base their interpretations of the U.S. Constitution on the original understanding of the document. Is there really an original understanding of the U.S. Constitution? If so, how does one ascertain that original understanding? If not, why not? Why is this an important question for legal theory? Include in your answer various points of view on this topic found in the literature.

Department of Justice, Law and Society
Master's Comprehensive Examination
Terrorism
Fall, 2010

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 what ways is terrorism like crime? In what ways is it different? How might theory and policies for the prevention of crime benefit the prevention of terrorism? How might they be limited or even counterproductive?
2. What strikes you as the most important lessons for policy makers from the terrorist events of the past 30 years? How has the public debate on terrorism dealt with these matters? What is needed to improve the quality of this ongoing debate?
3. The 9/11 Commission Report asked what caused the 9/11 attacks and what can be done to prevent future such attacks. Do you agree with its assessment? What do you see as the greatest strengths of the report? What do you see as its greatest shortcomings? Do you think that national intelligence should be more centralized or more decentralized? Why?
4. Some have asserted that the Patriot Act does more good than harm, others that it does more harm than good. How does each side make its case? Do you think it should be revised? If so, how? Why? How might research help to inform this debate?