

Department of Justice, Law and Society
Master's Comprehensive Examination
Justice and Public Policy
Fall, 2009

INSTRUCTIONS: Answer any two of the following four questions. In clued 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. Police legitimacy suffers either when police are viewed as ineffective or when they are viewed as corrupt or overly aggressive. Why is police legitimacy important? What are the consequences of lapses in legitimacy? What tools are available for police executives and other public officials to deal with each major type of lapse? How have the tools been used in the past? Please cite the relevant literature in addressing these issues.
2. Deterrence and incapacitation involve different understandings of how to prevent crime. Give an account of these understandings and use the relevant literature to illustrate the strengths and limitations of deterrence and incapacitation.
3. The reading list includes discussions of many issues – the criminal justice system, punishment, juvenile justice, crime, errors of justice, discretion, drugs and crime, etc. Based on your readings, training, and experience, what do you think are two of the most important things that should be changed about the criminal justice system? Explain why you think changes are called for, and provide suggestions for how the system could be improved. (If you do not think anything should be changed, please choose two areas that others have argued should be changed). Please remember to cite sources from the reading list.
4. Prisoner reentry is a major topic of concern these days. What does the research tell us about the transition from prison to the outside world? How might we use this research to develop processes and programs that will assist prisoners in successfully making the transition from prison to the outside world?

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1. 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.
2. 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 decision-making.
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. What is a constitution, and what is meant by constitutionalism? What are the functions and roles that constitutions typically play in a legal system? What is the place and role of the constitution in the American legal system? What is the basis of the authority attached to the U.S. Constitution? What are some other types of legal authority in the American legal system, and what is their relationship to and how do they interact with the Constitution?