

Department of Justice, Law and Society
Master's Comprehensive Examination
Jurisprudence and Social Thought
Summer, 2011

INSTRUCTIONS: Answer any **two** of the following four questions. Include in your answers references to the relevant literature, case law, and/or 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 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.
2. Using the legal theories of Hart, Dworkin and Finnis, explain whether or not there are any such things as human rights in more than just a mere rhetorical sense.
3. Rousseau thought that the first person to assert private ownership of property was the greatest criminal of the world, while Locke thought that such property was a precondition of personal sovereignty. Explain why they take such different views to this question. In doing so, consider how Michael Walzer and Robert Nozick would respond to the arguments of Rousseau and Locke.
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 Robert Nozick and Robin West. Explain why these people might agree or disagree with this restriction.

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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. What is the source and what are the limits of the obligation to obey the law? Consider the views of several leading theorists, and discuss how their views on the source of this obligation inform their views on its limits.
3. 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.
4. What is the relationship between law and Justice? Be sure to cite the relevant literature.

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Justice and Public Policy
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1. Democratic policing requires a balance between fairness and effectiveness. Please discuss evidence on the extent to which police in the United States have met the twin challenges of being both fair and effective. Be sure to cite the relevant literature.
2. As warden of a prison for women, you are called upon to give a 'welcome' or orientation speech to convicts entering your institution. You want to give them some insight into what they will face as they enter prison society. What does the research tell us about the transition from the free world to the prison world, and how would you convey this body of work to the women entering your prison? Be sure to cite the relevant literature.
3. Discuss the development of community policing. What were the reasons for its introduction? Using the relevant research, including scholarly articles and empirical studies, outline the key features of community policing and assess its effectiveness as a policing style. What have been its notable failures and successes, and what challenges lie ahead? Be sure to cite the relevant literature.
4. As warden of a prison for **men**, you are called upon to give a 'welcome' or orientation speech to a group of incoming prisoners. You want to give them some insight into what they will face in the prison society and how they might best adapt and serve their time. What does the research tell us about adjusting to prison life, and how would you convey this body of work to the arriving prisoners? Be sure to cite the relevant literature.