

FINAL EXAM
JURISPRUDENCE
PROF. REYNOLDS
FALL 1997

This is a take-home exam. You may use only your textbook and personal class notes. You may not discuss the exam questions with any other person. You are to answer three of the seven questions listed below. Your answers must be confined to one and one-half bluebooks, which is twelve bluebook pages written on both sides. If you type your answers, you may use no more than sixteen double-space typewritten pages. Your answers are due on my office no later than 6:00 P.M. on December 17, 1997.

I

If one of your fellow students asked you what the subject matter of jurisprudence was, how would you answer. Explain fully in the light of the course you just completed. Would your answer be any different if the question was asked by one of your first year law professors. Explain fully.

II

Explain and discuss the notion of law as politics from the following perspectives.

- A. A legal realist
- B. A critical feminist
- C. A mainstream legal perspective
- D. A critical race theorist

In class I often spoke of the politics of meaning. Explain its meaning in the context of the debate about constitutional meaning and the debate over tort reform.

IV

Discuss the idea that racism, sexism and classism are socio-linguistic constructs and fundamental features of our social, economic, and legal institutions and their institutional practices. Include in your discussion the implications of these statements for the development of the equal protection clause as a realistic mode of concrete realization of equality in the lived experiences of the people of the United States.

V

Discuss the proposition that there are as many plausible readings of the constitution as there are readings of a play by Shakespeare from the following perspectives.

- A. Stanley Fish.
- B. Owen Fiss
- C. A postmodernist
- D. Robert Bork

VI

The State Board of Education in the State of Harmony , the fifty-first state to join the United States, has recently made some changes in the prescribed history curriculum in the public schools of Harmony. In the new history curriculum all American history courses must contain units of black history, Indian history, feminine history, and Chicano history. In the state of Harmony 53% are white; 50% are female; 17% are black; 20% are Chicano; and 10% are Native Americans. About six months after the Board established the history reform program, a referendum election was held on a proposed state law that prohibited preferential treatment based on race, gender, and ethnicity. The vote was 52% in favor of the law and 48% against the law. Groups favoring the new law have filed suit claiming that the Board's new history program violated the new state law and the U. S. Constitution. Groups favoring the new history program filed suit claiming that the new statute violated the equal protection rights of the minority groups. How should the court resolve this dispute? Discuss from the following perspectives.

- A. The present Supreme Court's decisions and doctrines.
- B. A traditional historian.
- C. A critical race theorist
- D. A critical feminist theorist.

VII.

Discuss and explain the proposition that theory is always subverted by practice and its implications for legal education, legal practice, and living our lives.