

JURISPRUDENCE
FINAL EXAM
PROF. REYNOLDS
SPRING 1991

INSTRUCTIONS:

This is a take home exam. It consists of five questions. You are to answer two of the five questions. You must confine your answers to one bluebook. You may write on both sides of the page. If you choose to type your exam you are limited to twelve double-spaced pages. Please take time to organize and plan your answers. You may refer to your personal notes and the textbook only. You are not to discuss the exam with other people. Senior exams are due by 5:00 P.M. on May 7, 1991. Junior exams are due by 5:00 on May 14, 1991. Good luck.

The Supreme Court of the United States has consistently upheld the power of local communities to set up economic zoning mechanisms to exclude undesirable, minorities, and lower economic classes from moving into the communities. Thus upper class whites may move away from cities which have substantial poor and minority populations and set new political communities. In order to bar the entry of minorities and the poor, the city councils adopt zoning regulations which limit residential areas to single family residences of a certain size and value. This economic barrier effectively insulates the upper class whites from minorities, the poor, and the riff-raff. The court chooses to characterize these zoning regulations as measures to protect property values as long as there is no discriminatory intent expressly in the regulations. Discuss this action by Court and upper class communities from a positivist-formalist perspective, a natural law perspective, an American legal realist perspective, and a critical legal studies perspective.

II

Explain how the U.S. Constitution can be considered as a natural law document, a positivist-formalist document, and a social institution from a sociological perspective.

III

Critically discuss the notion that the traditional positivist formalist concept of law is amoral, ahistorical, asociological, and apolitical.

IV

In recent years law and order advocates have demanded mandatory prison sentences and more severe penalties as a means of checking the increases in crime. In addition many states are in the process of greatly expanding their jails and prisons to accomodate greater numbers of prisoners. Critically discuss these actions from a consensus model sociological perspective and contrast it with conflict model sociological perspective.

During the semester I have often spoken of the notion of "the politics of language and meaning". Explain and discuss this notion.