

Test Bank

for

Shelden

Controlling the Dangerous Classes A History of Criminal Justice in America

Second Edition

prepared by

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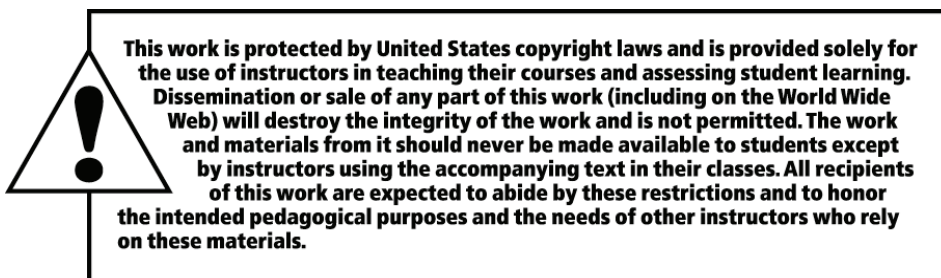


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Introduction

Multiple-Choice

1. The *sociological imagination*, as noted by C. Wright Mills, means that one needs to
 - a. Distinguish between “personal troubles” and “public issues”*
 - b. Distinguish between “community issues” and “national issues”
 - c. Distinguish between “personality” and “social structure”
 - d. Look for answers to society’s problems by examining the personal characteristics of individuals

2. Critical thinking involves:
 - a. Being able to confront others about their problems
 - b. Being able to think negatively, through oppositions
 - c. Being able to ask “why”
 - d. Being able to dig beneath everyday assumptions
 - e. All except a*

3. Howard Zinn advocates what he calls a “radical history.” This can be useful for which of the following reasons?
 - a. We can help people get ahead in the world.
 - b. We can expose the pretensions of government to either neutrality or beneficence
 - c. We can expose the ideology that pervades our culture
 - d. We can show how good social movements can go wrong
 - e. All except a.*

4. The term *social justice* refers to:
 - a. People getting everything they want in life.
 - b. Creating a society based on “market” principles.
 - c. Creating a society based on cooperative relations.*
 - d. Seeing that “justice” is socialized on the local level.
 - e. a and b only

5. The *pyrrhic defeat theory* means that:
 - a. The defense loses despite overwhelming evidence that the defendant is innocent.
 - b. The prosecution loses despite overwhelming evidence that the defendant is guilty.
 - c. The failure of the criminal justice system benefits those in power.*
 - d. Someone has won the war, even though a specific battle has been lost.

6. It has been estimated that the annual costs of white collar and corporate crime are about:
 - a. \$50 billion
 - b. \$100 billion
 - c. \$3-\$4 billion
 - d. \$1.5 trillion*
 - e. \$200 billion

7. From the consensus/pluralist perspective, the criminal law:
 - a. Makes official what are common norms or rules of everyday behavior.
 - b. Reflects the "social consciousness of a society" and the kind of behavior a community universally condemns.
 - c. Functions to achieve "social equilibrium" or to maintain "order."
 - d. Is a form of "social engineering."
 - e. All of the above*

8. From a consensus/pluralist perspective, the law:
 - a. Helps to maintain "social order."
 - b. Reflects a more or less universal consensus on what is or is not "proper" behavior.
 - c. Protects public, not private interests.
 - d. All of the above*
 - e. a and b only

9. The consensus model of the law maintains that:
 - a. The law represents the "will of the people"*
 - b. The law reflects the interests of powerful people
 - c. The law helps to perpetuate a capitalist system
 - d. None of the above

10. The "interest group" or "conflict" model of the law argues that the criminal law:
 - a. Incorporates the interests of some groups and not others.*
 - b. Defines behaviors that all would argue are harmful.
 - c. Establishes a system of punishment that most people, except for a few special interest groups, can live with.
 - d. Is the result of internal conflict that translates into statutes that all come to agree with.
 - e. All of the above.

11. Quinney's theory of the *Social Reality of Crime* includes which of the following key concepts?
 - a. Power*
 - b. Procedures
 - c. Substantive law
 - d. Regulation
 - e. Criminal justice system

12. Quinney's *Social Reality of Crime* model is based upon a society that is:
 - a. Singular
 - b. Segmented*
 - c. Fragmented
 - d. Meaningless
 - e. Purposeful

13. The main difference between the *Instrumentalist Perspective* and the *Structuralist Perspective* is that:
- The former argues that the “state” has some relative autonomy.
 - The latter suggests that the “ruling class” dominates the entire structure of society and therefore the legal system, since it is part of that structure.
 - The former perspective suggests that the “state” is a method whereby the ruling class rules.*
 - The latter says that since structural factors determine crime, they also determine law.
 - None of the above.
14. The gap between the very rich and the rest of the population can best be described as follows:
- The *gini index of inequality* has *decreased* during the past 20 years.
 - The *gini index of inequality* has *increased* during the past 20 years.*
 - The top wealthholders have seen their share of the total wealth decline during the past 20 years.
 - There are fewer poor people today than 20 years ago.
15. The term “dangerous classes” refers to:
- Marx’s term lumpenproletariat
 - Marx’s term relative surplus population
 - The “underclass” or “rabble”
 - All of these have been used to refer to the same phenomenon*
 - a and c only

True-False

- The “consensus” model of law is based upon a view of society as segmental. (F)
- The “conflict” model of law is based upon a view of society as singular. (F)
- The Marxist/critical model of law is based upon the idea that we need to live under the “rule of law” in order to be safe from crime. (F)
- Quinney’s *Social Reality of Crime* assumes that power and process are important concepts. (T)
- Prohibition and various laws against drugs have tended to target the most powerless segments of the society. (T)
- Recent polls suggest that most American citizens believe that the economic system is quite fair to people like themselves. (F)
- From a “social justice” perspective we need to eliminate such systemic problems as poverty, racism, sexism and class inequality which generates most of the crime we experience. (T)
- The term “ideology” generally refers to the rationale for the current social order. (T)
- The “sociological imagination” refers to an attempt to grasp history and biography and the relations between the two within society. (T)
- Critics of the “instrumentalist” position on the state argue that it exaggerates the cohesiveness of the ruling class and its use of the legal order. (T)

Short answer/essay questions.

1. Critically evaluate the consensus, conflict and Marxist/critical models of the law.
2. What is meant by the term “rule of law”? Why do you think this is used so often by politicians and other leaders?
3. Describe in some detail Quinney’s theory of the *Social Reality of Crime*? Outline some of the underlying assumptions of this view, along with some key concepts.
4. The author argues that you cannot have equal justice in an unequal society. What does he mean by this? Is this argument valid?
5. Distinguish between the “instrumentalist” and “structuralist” variations of the Marxist/critical model of law.

Chapter 1

Multiple-choice

1. Who was most likely to be punished during the Salem witchcraft craze?
 - a. women*
 - b. children
 - c. adult males
 - d. slaves
 - e. immigrants

2. The legislative branch of government performs which function?
 - a. It defines what behaviors are to be prohibited by the criminal law and how the violations are to be punished.*
 - b. It interprets laws and determines whether or not they are constitutionally valid.
 - c. It creates the official response in terms of agencies, personnel and the like.
 - d. All of the above.

3. After the American Revolution the major concern of those in power seemed to center around:
 - a. riots and disorders*
 - b. robberies
 - c. prostitution
 - d. witchcraft

4. Criminal law, as we understand the term today, developed only when the idea of "private vengeance" was replaced by the notion that the entire community was also victimized. **From the following list**, which points directly apply to what we are describing?
 - (1) "an offense against an individual is also an offense against the public order and the state."
 - (2) "the methods of punishment shall be administered by the state and not solely by the victim."
 - (3) "the protection the law provides theoretically should apply to all citizens, not just particular groups."
 - a. 1 only
 - b. 1 and 2 only
 - c. 1 and 3 only
 - d. 2 and 3 only
 - e. 1 and 2 and 3*

5. Which term best describes a system where land is held by a landlord who grants individuals (peasants) the right to live and work the land as tenant and sometimes perform military service?
 - a. Feudalism*
 - b. Communism
 - c. Socialism
 - d. Nationalism
 - e. Cannibalism

The emergence of criminal law in England did not occur in a vacuum. Rather it emerged in the context of larger structural changes in economic and political institutions. It reflected a shift from feudalism to nationalism. A new legal system emerged as well. Specifically there was a transition from **Tribal** law to **State** law. The following lists are indicative of **Tribal** or **State** law.

A	B
Territorial ties	Blood ties
Individual responsibility	Collective responsibility
State as unit of justice	Family as a unit of justice
Punishment	Feud or Compensation

6. Which list of traits is indicative of **Tribal** law?
 - a. A
 - b. B*

7. Which list of traits is indicative of **State** law?
 - a. A *
 - b. B

8. The Puritans of Massachusetts Bay injected a strong dose of the Old Testament into the English common law heritage. The puritans cited _____ authority for each crime and punishment.
 - a. The King's
 - b. Common Law
 - c. Biblical*
 - d. Constitutional

9. The Puritans of Massachusetts Bay colony, in their effort to establish a righteous community of believers had little tolerance for different religious beliefs. In the mid 1650s which religious group did the Puritans persecute?
 - a. Jews
 - b. Catholics
 - c. Mormons
 - d. Quakers*

10. In ancient societies:
 - a. A harm was considered an act committed against an individual or family.
 - b. A harm was considered an act committed against the state.
 - c. The initiation of a criminal case depended upon the initiative of the person wronged or, if he had been killed, by his family or kin folk.
 - d. a and c only*

11. The *Law of the Twelve Tables* was:
- The codification of Roman "customary law."*
 - A "bill of rights" granted to common folk in ancient societies.
 - A group of laws originally passed in 18th century New England.
 - A special code passed in France during the reign of Napoleon Bonaparte.
12. The term *jus gentium* refers to:
- A form of "natural law" or a law that theoretically protected all the people in Roman times.*
 - The idea that all are equal before the law.
 - Justice is reserved for gentlemen only.
 - Justice shall be administered in a gentle manner by wise judges.
13. *Acephalous* societies are societies characterized by:
- Ancient laws taken from the *Koran*.
 - A government ruled by monarchs.
 - No "state" or identifiable ruler.*
 - A strong centralized government of wise men.
14. The handling of deviance in *acephalous* societies was done usually through each of the following ways **except**:
- Blood revenge.
 - Retribution
 - Restitution
 - Imprisonment*
15. When William the Conqueror took over England he proceeded to do which of the following?
- Unify England and declare himself the supreme "landlord" of the country.
 - Separated the lay and ecclesiastical (church) courts.
 - Sent his own judges into the different sections of the country to enforce the law.
 - All of the above*
16. Under William the Conqueror a new group of government officials were used to handle disputes. These officials came to be known as:
- Court juries
 - Grand juries.
 - Petit juries
 - Justices of the peace*
 - Appellate court judges.

17. The emergence of criminal law in England paralleled the:
- Emergence of the concept of *mens rea*.
 - Idea that the *state* was transgressed against.
 - Emergence of the concept of *crime*.
 - All of the above*
 - b and c only
18. The Johnson-Reed Act of 1924:
- Restricted immigration for all foreigners.
 - Established quotas for certain immigrant groups.*
 - Restricted immigration of Japanese people only.
 - Curtailed the mobility of African-Americans.
19. Vagrancy laws have been used to:
- Regulate the mobility of laborers.
 - Secure a steady supply of cheap labor
 - Control the rogues, vagabonds and other criminals
 - All of the above*
20. The Tramp Acts:
- Were an extension of vagrancy laws already on the books
 - Punished people for traveling without visible means of support.*
 - Would be an example of the consensus model of law.
 - All of the above
- a. a and b only*
21. Among the methods used to legitimate the dominance of a ruling class include:
- The use of the law as a form of ideology.
 - The use of a jury of one's peers.
 - The use of religion.
 - All of the above*
22. Under Tribal law, responsibility lies with:
- Collectivities*
 - Individuals
 - The church
 - The state
23. The Carrier Case of 1473 represents:
- The law of vagrancy.
 - The law of theft.*
 - Laws concerning feudal rights and obligations
 - Labor law
 - None of the above

24. The Supreme Court case of *Plessy v. Ferguson* concerned:
- Treaties with Native Americans.
 - Restriction of Chinese Americans.
 - The doctrine of “separate but equal.” *
 - The doctrine of “White Man’s Burden.”
25. The Harrison Act of 1914 is significant because it:
- Made it illegal to trade in opium or its derivatives.*
 - Legalized the possession of marijuana.
 - Made the possession of marijuana illegal.
 - Restricted the importation of marijuana.
26. In the 1980s Congress passed legislation that distinguished between:
- Marijuana and hashish.
 - So-called “hard drugs” and “soft drugs.”
 - Crack and powder cocaine.*
 - Heroin in both liquid and powdered form.
27. Legislation concerning crack cocaine ended up targeting which of the following groups?
- College students.
 - Hippies.
 - African-Americans.*
 - Native-Americans.
 - Poor whites

True-False

- Under Tribal law, offenses are punished by the state. (F)
- The Carrier case of 1473 resulted in a new interpretation of the law of theft. (F)
- The “Statutes of Laborers” was an earlier version of vagrancy laws. (T)
- Following the American Revolution, the focus of the criminal law shifted to mostly the enforcement of morality. (F)
- The Tramp Acts represent an example of the “consensus” model of the law. (F)
- The Comprehensive Drug Abuse and Prevention Act of 1970 decriminalized marijuana. (F)
- Throughout the colonial period, concern for public order was generally deemed more important than individual rights. (T)
- During colonial times, the death penalty was frequently imposed but actually rarely carried out. (T)
- The roots of our modern criminal justice system can be traced only as far back as the time of William the Conqueror (11th century). (F)
- In early Roman society, the initiation of a criminal case depended upon the initiative of the person wronged or, if he had been killed, by his family or kin folk. (T)

11. The *Law of the Twelve Tables* guaranteed human rights for all Roman citizens. (F)
12. *Acephalous* societies are societies with no identifiable ruler or centralized state. (T)
13. The most common method of handling crime or deviance in *acephalous* societies was through "restitution." (T)
14. The ultimate source of the feudal system was "the act of homage" between two men, one the stronger (the *lord*) and the other the weaker (the *vassal*). (T)
15. During the 1980s when "crack" legislation first began, more than 25% of American citizens were using this drug on a daily basis. (F)

Essays/short answer questions.

1. Describe how the ruling class of England used "justice," "mercy," and "majesty" to help solidify their rule.
2. In what ways have anti-drug legislation reflected a class and racial bias? Give some specific examples.
3. One of the themes of this chapter is that the law favors the rich and the powerful. Why is this the case?
4. Write a short essay describing the most recent drug legislation as being the product of a "moral panic" (define the term "moral panic").