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CHAPTER 2

Multiple-Choice Questions

1. What mode of justice is utilized by civil law legal systems?
    a. Adversarial.
    b. Inquisitorial.
    c. Customary.
    d. Procedural.

2. Which of the following is the world's dominant legal system?
    a. Common law.
    b. Customary law.
    c. Civil law.
    d. Procedural law.

3. Which of the following involves disputes between private parties?
    a. Substantive law.
    b. Procedural law.
    c. Criminal law.
    d. Civil law.

4. Which of the following is not an example of a procedural law?
    a. Method of jury selection.
    b. Method of attorney appointment.
    c. Rules on evidence admissibility.
    d. Property crimes statutes.

5. What type of law is based on societal norms and traditions passed down through generations?
    a. Customary law.
    b. Procedural law.
    c. Substantive law.
    d. Common law.

6. What offenses are considered bad in and of themselves?
    a. *Mala in se* offenses.
    b. *Mala prohibita* offenses.
    c. Infractions.
    d. Misdemeanors.

7. What term refers to all the elements of a criminal offense, or the body of a crime?
    a. *Corpus delicti*.
    b. *Actus reus*.
    c. *Mens rea*.
    d. Concurrence.

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8. Which criminal element refers to the criminal intent, or motivation behind a crime?
    a. *Actus reus*.
    b. *Mens rea*.
    c. Concurrence.
    d. Causation.

9. What crime has been committed when two or more individuals enter into an agreement to commit a robbery?
    a. Conspiracy.
    b. Attempt.
    c. Solicitation.
    d. Robbery.

10. What crime has been committed when one person tries to persuade another to commit a murder on his or her behalf?
    a. Conspiracy.
    b. Attempt.
    c. Solicitation.
    d. Murder.

11. What defense may be used by a person who is compelled to commit a crime because of a threat of bodily harm by another person?
    a. Duress.
    b. Entrapment.
    c. Necessity.
    d. Self-defense.

12. Which of the following is not a crime classification in the FBI's Uniform Crime Reports?
    a. Crimes against society.
    b. Crimes against persons.
    c. Crimes against property.
    d. Crimes against public order.

13. Which courts are the arbiters of constitutional law disputes?
    a. Courts of limited jurisdiction.
    b. Courts of original jurisdiction.
    c. Courts of appellate jurisdiction.
    d. Courts of administrative jurisdiction.

14. In a civil lawsuit, _____ exists when both parties are at fault.
    a. Third-party negligence.
    b. Common law negligence.
    c. Contributory negligence.
    d. Communal negligence.

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15. The weight of the evidence required to prove a civil law violation is
    a. Preponderance of the evidence.
    b. Clear and convincing evidence.
    c. Beyond a reasonable doubt.
    d. Beyond a shadow of a doubt.

16. Which of the following is not a function of the legislature in the criminal justice system?
    a. Funding criminal justice operations.
    b. Coordinating the logistics of criminal justice operations.
    c. Creating criminal laws.
    d. Determining sentencing guidelines.

17. What type(s) of relief can be sought by individuals bringing a lawsuit based on a civil law violation?
    a. Monetary damages.
    b. Equitable relief.
    c. Fines paid to the government.
    d. Both a and b.
    e. Both b and c.

18. Criminal penalties in the prehistorical era most closely resemble what modern theory of punishment?
    a. Deterrence.
    b. Incapacitation.
    c. Restitution.
    d. Retribution.

19. In a civil law legal system, criminal suspects
    a. Are expected to take part in the criminal investigation against them.
    b. Have the right to remain silent throughout the trial proceedings.
    c. Must be proved guilty beyond any doubt.
    d. Have the same rights as suspects in common law legal systems.

20. In a civil lawsuit, an attorney may take case a case based on a _____, in which he or she would only receive a fee if his or her client recovers a monetary award.
    a. Retainer fee.
    b. Contingency fee.
    c. Contract fee arrangement.
    d. Court appointment.

Multiple-Choice Answer Key

1. b
2. c
3. d
4. d

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5. a
6. a
7. a
8. b
9. a
10. c
11. a
12. a
13. c
14. c
15. a
16. b
17. d
18. c
19. a
20. b

True/False Questions

1. Norms, mores, and folkways are the elements behind customary law.

    a. True

    b. False

2. Often in primitive societies the most serious form of punishment was banishment.

    a. True

    b. False

3. Incarceration in a prison or jail is an example of corporal punishment.

    a. True

    b. False

4. Religious or church-made law is known as civil law.

    a. True

    b. False

5. Legal precedent is illustrated by the term habeas corpus.

    a. True

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b. False

6. In criminal law, to secure a conviction the state must prove guilt beyond a reasonable doubt.

a. True

b. False

7. The person bringing a civil suit in the United States is known as the prosecutor.

a. True

b. False

8. A bench trial is before a judge with no jury.

a. True

b. False

9. The right to counsel is provided for in the Fourth Amendment to the Constitution.

a. True

b. False

10. Substantive law defines those acts that are considered crimes.

a. True

b. False

True/False Answer Key

1. a

2. a

3. b

4. b

5. b

6. a

7. b

8. a

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9. b

10. a

Essay Questions

1. Discuss the circumstances in which an irrational justice system would or would not be an effective method of governance. What societal, political, religious, and other factors would help determine whether this type of justice system could be successful?

2. Discuss the concept of *stare decisis* and case precedent and its role in both a common law and a civil law system. What role should case precedent play in the determination of a case's outcome? What are the advantages and disadvantages to each approach? How might this impact the final outcome of a case?

3. Discuss the five primary sources of U.S. law and the contributions that each has made to society and the legal system. Be specific and give examples.

4. Discuss the influence that the legal systems of early historical period have had on the U.S. legal system. What specific examples of influence are still present in today's legal system?

5. Discuss the primary differences between civil and criminal law in the United States. In your answer, provide specific examples of how and where these differences are observed in the U.S. legal system.

Matching Questions

1. Physical punishments, including beatings and floggings.

2. The most serious criminal offenses, usually punishable by at least 1 year in prison.

3. Criminal offenses that are punishable only through fines.

4. Sanction that was rarely utilized in prehistoric society because all clan members were needed.

5. Process by which courts examine legislative statutes and executive actions to determine their constitutionality.

6. Violations of local ordinances.

7. Most severe punishment imposed for law violations in prehistoric society.

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8. When both parties to a civil lawsuit are at fault.

9. Justice systems that rely on religious beliefs and ethical considerations.

10. Less serious criminal offenses, for which the potential punishment is less than 1 year in jail.

Word Bank

a. Death penalty
b. Banishment
c. Irrational justice
d. Corporal punishment
e. Contributory negligence
f. Judicial review
g. Felonies
h. Misdemeanors
i. Petty misdemeanors
j. Infractions

Matching Questions Answer Key

1. d
2. g
3. i
4. a
5. f
6. j
7. b
8. e
9. c
10. h