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Chapter Two

2-1
Which statement(s) best describes law?
a. Law is easily defined.
b. Governmental sanctions are an essential element.
c. Law is not directed at solving social problems.
d. a and b
Answer (b)
p.17

2-2
Which of the following does not define law?
a. Law is that which must be obeyed
b. Law is a body of rules enacted in a legitimate manner
c. Law is enacted by businesses and private social groups
d. Law is enforced by the state
e. All of the above define law
Answer (c)
p.17

2-3
Definitions of justice:
a. almost always make reference to victims rights
b. mostly refer to the debate about tort reform
c. rarely say anything about values
d. differ dramatically depending on the purpose of the advocate
Answer (d)
p.18

2-4
Roe v. Wade (1973) is a good illustration of which of the following:
a. the judiciary's insulation from public opinion
b. the error correction function of appellate courts
c. the controversial nature of the definition of justice
d. a and b
Answer (c)
p.18

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2-5
Civil law is:
a. widely used among Western nations
b. derived from religious principles
c. an earlier branch of Anglo-American law
d. based on the protection of the state
Answer (a)
p.20

2-6
Which family of law is the most widely used in the Western world?
a. Common law
b. Civil
c. Socialist
d. Religious
Answer (b)
p.21

2-7
In civil law, the starting point is:
a. juries
b. judicial decisions
c. the code
d. the bible
Answer (c)
p.21

2-8
In France, lawyers:
a. play less of a role than in the United States
b. play more of a role than in the United States
c. are not used
d. none of the above
Answer (a)
p.22

2-9
Socialist law:
a. is based on Marxist Leninist ideology.
b. reflects elements of civil law.
c. was copied by Eastern bloc nations from Russia.
d. a and b
e. a, b, and c
Answer (e)
p.23

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2-10
Islamic law is heavily influenced by:
a. legislatures
b. religion
c. parliament
d. communism
Answer (b)
p.23

2-11
The common law was first established in:
a. France
b. Italy
c. United States
d. Russia
e. England
Answer (e)
p.24

2-12
Equity developed as a rival to:
a. socialist law
b. court of chancery
c. common law
d. code law
e. criminal law
Answer (c)
p.25

2-13
Common law is often referred to as:
a. legislative law
b. judge-made law
c. discretionary law
d. procedural law
e. continental law
Answer (b)
p.26

2-14
Law that relies largely on decisions of judges in the past is called:
a. statutory law
b. criminal law
c. civil law
d. common law
e. code law

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Answer (d)
p.26

2-15
The legal doctrine that court decisions serve as precedent for future decisions is:
a. equity
b. amicus curie
c. stare decisis
d. dictum
e. habeas corpus
Answer (c)
p.26

2-16
What does the term *stare decisis* mean?
a. let the defendant take the stand
b. let the decision stand
c. let justice prevail
d. let the decision be reviewed
Answer (b)
p.26

2-17
Comments that go beyond what is necessary to decide the case before the court is known as:
a. dissent
b. concurring opinion
c. obiter dicta
d. ex post facto
c. equity
Answer (c)
p.26

2-18
Which of the following terms does not describe common law?
a. judge made
b. inductive reasoning
c. flexible
d. codified
Answer (d)
p.27

2-19
A key element(s) of the adversary system is:
a. the highly structured court procedures for testing evidence
b. party prosecution
c. a neutral and passive decision maker

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d. a and c
e. a, b, and c
Answer (e)
p.28

2-20
The following principle helps to focus attention on the legal questions and facts that are important to the litigants:
a. judicial restraint
b. party prosecution
c. judicial independence
d. precedent
Answer (b)
p.28

2-21
In a lawsuit, who has the responsibility of defining the legal issues?
a. the parties
b. the judge
c. the jury
d. the witnesses
e. the clerk
Answer (a)
p.28

2-22
Federalism refers to:
a. limits on the powers of state government
b. limits on the powers of the national government
c. division of powers between state and national governments
d. fundamental basis of law
e. legal authority of the courts to hear cases
Answer (c)
p.30

2-23
Constitutions are:
a. detailed documents written after many laws have been passed.
b. basic documents which set forth only the powers of government
c. basic documents which are subordinate to statutes
d. basic documents which define and limit the powers of
Answer (d)
p.31

2-24

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Statutory law is made by:
a. legislatures
b. courts
c. executives
d. administrative agencies
e. none of the above
Answer (a)
p.31

2-25
The fastest growing source of law is:
a. administrative
b. statutory
c. constitutional
d. judicial decisions
e. equity
Answer (a)
p.32

2-26
In the legal citation 558 U.S. 310, the number 558 refers to:
a. the volume number
b. the page number
c. the year
d. the West key number
Answer (a)
p.32

2-27
The following is an example of public law:
a. tort law
b. contract law
c. constitutional law
d. inheritance law
Answer (c)
p.33

2-28
Public law involves:
a. two private parties
b. a mediation specialist
c. an arbitration specialist
d. the government
Answer (d)
p.33

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2-29
All of the following are divisions of private law except:
a. tort
b. contract
c. administrative
d. property
e. divorce
Answer (c)
p.33

2-30
The branch of law which governs relationships between private citizens is known as:
a. public law
b. private law
c. specialized law
d. administrative law
Answer (b)
p.33

2-31
Which statement(s) best describes the criminal law?
a. Violations involve public wrongs
b. Violators are prosecuted by the state
c. Violators are punished by fine, probation, prison, etc.
d. a, b and c
Answer (d)
p.34

2-32
Civil law:
a. involves public wrongs which harm all of society
b. involves suits between private parties
c. violations are prosecuted by the state
d. a and b
Answer (b)
p.34

2-33
Which statement(s) best describe the relationship between civil and criminal law:
a. remedies for violations are the same
b. if the government is a party, the case is a criminal one
c. although distinct, civil and criminal law sometimes overlap
d. a, b, and c are all correct
e. only a and b are correct
Answer (c)
p.34

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2-34
Law which creates and defines legal rights is referred to as:
a. procedural law
b. substantive law
c. common law
d. private law
e. constitutional law
Answer (b)
p.34

2-35
Law which prescribes the methods and means of enforcing legal rights is referred to as:
a. substantive law
b. procedural law
c. tort law
d. administrative law
e. constitutional law
Answer (b)
p.34

2-36
The principle legal doctrine for limiting the arbitrariness of government officials is:
a. cross-examination
b. due process of law
c. equal protection
d. party prosecution
Answer (b)
p.35

2-37
Parties suing under common law mainly seek:
a. restitution
b. declaratory judgments
c. monetary damages
d. injunctive relief
e. judgment
Answer (c)
p.35

2-38
A court order to stop doing something is called:
a. an injunction
b. restitution
c. procedural adjudication
d. a sentence

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Answer (a)
p.35

2-39
Under equity a litigant normally requests:
a. monetary damages
b. tort
c. precedent
d. an injunction
e. restitution
Answer (d)
p.35

2-40
Doctrines of access have primarily been created by:
a. the legislature
b. the judiciary
c. the executive branch
d. a, b, and c
e. b and c
Answer (b)
p.35

2-41
Which of the following represents discretionary choices in the law?
a. reporting a crime
b. filing a lawsuit
c. interpreting the meaning of words
d. locating the law
Answer (c)
p.37

2-42
Which of the following is not an example of discretionary choices in the law?
a. gaps in the law
b. conflicting laws
c. standards of conduct
d. meaning of the words.
Answer (c)
p.41

2-43
The decision in *Salazar v. Buono* (2010) is an example of the Supreme Court being asked to:
a. interpret the establishment clause
b. interpret the freedom of religion clause
c. determine punitive damages

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d. write public policy
Answer (a)
p.40

2-44
The first ten amendments to the Constitution are often referred to as the:
a. Bill of Exchequer
b. Bill of Amendments
c. Bill of Rights
d. Bill of Exchange
Answer (c)
p.40

2-45
Socialist law is rapidly changing.
a. true
b. false
Answer (a)
p.23

2-46
In American courts judges are advocates for the prosecution.
a. true
b. false
Answer (b)
p.26

2-47
The United States Constitution is the supreme law, and any state constitutional provision or any law in conflict with it is invalid
a. true
b. false
Answer (a)

2-48
Administrative law is the fastest growing area of law.
a. true
b. false
Answer (a)
p.30

2-49
International law is an example of public law
a. true

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b. false
Answer (a)
p.31

2-50
A misdemeanor is more serious than a felony.
a. true
b. false
Answer (b)
p.34

2-51
Socialist law is aimed at maintaining order.
a. true
b. false
Answer (b)
p.23

2-52
The Bill of Rights is part of the Declaration of Independence.
a. true
b. false
Answer (b)
p.31

2-53
Compensatory damages are for the actual harm suffered.
a. true
b. false
Answer (a)
p.35

2-54
Compare and contrast two major legal systems of the world.

2-55
Distinguish between appellate and original jurisdiction? Define each kind of jurisdiction and differentiate between the two.

2-56
Explain the use of precedent in the common law system.

2-57
Describe three layers of the law.

2-58

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United States Supreme Court Justice Oliver Wendell Holmes once remarked, “The life of the law has not been logic; it has been experience.” First, define what the elements of “the law” are. Then, discuss the implications of Holmes’ observation in an analysis of the features of the common law system and the civil law system. Be sure to discuss the major elements of each system and the benefits and disadvantages of each. Use examples where appropriate to illustrate your points.

2-59
Explain two challenges faced by legal systems in dealing with information that is “leaked” on the Internet.

2-60
Compare and contrast substantive v. procedural law.

2-61
What are two characteristics of the common law? Explain their significance to the legal system.

2-62
Explain how politics and discretion impacted the outcome of the case of Salazar v. Buono (2010).

Key Terms
Law
Socialist law
Islamic law
Common law
Plaintiff
Equity
Precedent
Stare decisis
Obiter dicta (dicta)
Adversary system
Prosecution
Federalism
Constitution
Bill of Rights
Statutes
Administrative regulations
Administrative law
Public law
Private law
Tort
Injury
Contracts
Property
Real property
Personal property
Will

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Divorce
Felony
Misdemeanor
Substantive law
Right
Procedural law
Rules of court
Due process of law
Judgment
Remedy
Declaratory judgment
Restitution
Monetary damages
Compensatory damages
Punitive damages
Injunction
Doctrines of access
Salazar v. Buono (2010)

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