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Chapter 1
Introduction to Law and the Legal Process

Section 1.1: What Is Law?

- Learning Objectives
    1. State a definition of *law* that makes sense to you.
    2. List and describe the various functions of the law.
    3. Explain the relationship between law, business activities, and politics.
    4. Explain why "the rule of law" matters for a nation.

- Law: Its functions
    - Keep the peace and ensure public safety
    - Maintain status quo
    - Protect minorities against majorities
    - Promote social justice
    - Provide for orderly change
    - Regulate markets to be more competitive and more fair
- Law: The Moral Minimum in a Democratic Society
    - Sets the level of acceptable behavior at which the law is triggered.
    - The connection between law and ethics is strong for **tort** law—harming others is usually considered unethical.
- Law, Business, and Politics
    - Historically, powerful interests in society are prone to usurping government power for their own benefit.
    - In some countries referred to as "**nation-states**," the legal term for countries in international law—the connection between business influence and politics is so strong that the word "corruption" is often used.
        - Knowing who has power to make and enforce the laws is a matter of knowing who has political power.
    - In general, businesses are more likely to prosper and contribute positively to society in nations committed to "the rule of law."

- Key Takeaway

    - Law is the result of political activity, and the legal-political rules for people and business firms differ vastly from nation to nation. Unstable, corrupt, and authoritarian governments often fail to serve many of the principal functions of law that citizens and businesses desire.

Exercises

1. Consider North Korea. What political rights do you have that the average North Korean citizen does not?
   Answer: voting, free speech, the right to organize and protest, among others

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2. What is a nongovernmental organization, and what does it have to do with government? Do you contribute to (or are you active in) a nongovernmental organization? What kind of rights do they espouse, what kind of laws do they support, and what kind of laws do they oppose?
   Answer: "NGOs" are usually incorporated as not-for-profit organizations, and can be active locally, nationally, or globally in support of their mission. E.g., Greenpeace is global, while the local League of Women voters can be very local. Pick one of your favorites and see what "rights" they espouse and how they would legislate if they could.

3. Contrast the political advocacy of the Brady Campaign Against Gun Violence with the political advocacy of the National Rifle Association. Which has been more effective in shaping state and federal policies regarding the sale of semi-automatic weapons used in mass shootings in the United States?
   Answer: The NRA. Why? Refer to https://sunlightfoundation.com/2014/05/21/money-cant-buy-you-the-nra/

Section 1.2: Schools of Legal Thought

- Learning Objectives
  1. Distinguish different philosophies of law—schools of legal thought—and explain their relevance.
  2. Explain why natural law relates to the rights that the founders of the U.S. political-legal system found important.
  3. Describe legal positivism and explain how it differs from natural law.
  4. Compare and contrast "critical legal studies" and "ecofeminist legal perspectives" with both natural law and legal positivist perspectives.

- Philosophy of law is also called **jurisprudence**, and two main schools are **legal positivism** and **natural law**.
- Legal Positivism: Law as Sovereign Command
  - Law is only law, in other words, if it comes from a recognized authority and can be enforced by that authority, or **sovereign**—such as a king, a president, or a dictator—who has power within a defined area or territory.
- Natural Law
  - Law is part of natural order of things as ordained on high (U.S. Natural Law theories include "equal protection" and "due process.")
  - The **natural-law school** of thought emphasizes that law should be based on a universal moral order.
- Other Schools of Legal Thought
  - **Legal-realist school**: Law changes to reflect changes in society ("sociological theory").
  - **Critical legal studies (CLS) school of thought**: Law supports the existing power structure.

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- **Ecofeminist school of legal thought**: Law is made by and supports the masculine, "dominator" order in society.

- Key Takeaway

- Each of the various schools of legal thought has a particular view of what a legal system is or what it should be. The natural-law theorists emphasize the rights and duties of both government and the governed. Positive law takes as a given that law is simply the command of a sovereign, the political power that those governed will obey. Recent writings in the various legal schools of thought emphasize long-standing patterns of domination of the wealthy over others (the CLS school) and of men over women (ecofeminist legal theory).

Exercises:

1. Vandana Shiva draws a picture of a stream in a forest. She says that in our society the stream is seen as unproductive if it is merely there, fulfilling the need for water of women's families and communities, until engineers come along and tinker with it, perhaps damming it and using it for generating hydropower. The same is true for a forest, unless it is replaced with a monoculture plantation of a commercial species. A forest may very well be productive—protecting groundwater; creating oxygen; providing fruit, fuel, and craft materials for nearby inhabitants; and creating a habitat for animals that are also a valuable resource. She criticizes the view that if there is no monetary amount that can contribute to gross domestic product, neither the forest nor the river can be seen as a productive resource. Which school of legal thought does her criticism reflect?
   Answer: ecofeminist school of legal thought

2. Anatole France said, "The law, in its majesty, forbids rich and poor alike from sleeping under bridges." Which school of legal thought is represented by this quote?
   Answer: critical legal studies school of legal thought

3. Adolf Eichmann was a loyal member of the National Socialist Party in the Third Reich and worked hard under Hitler's government during World War II to round up Jewish people for incarceration—and eventual extermination—at labor camps like Auschwitz and Buchenwald. After an Israeli "extraction team" took him from Argentina to Israel, he was put on trial for "crimes against humanity." His defense was that he was "just following orders." Explain why Eichmann was not an adherent of the natural-law school of legal thought.
   Answer: If law is simply the command of the sovereign, and if Adolph Hitler and the National Socialist Party (Nazis) are in control of the government, then obedience to that authority is legal (positive law), without further questioning the law from a "natural law" perspective.

Section 1.3: Basic Classifications of U.S. Law

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- Learning Objectives

  1. Differentiate between civil law and criminal law.
  2. Differentiate between substantive law and procedural law.
  3. Differentiate between common law and statutory law.
  4. Differentiate between public law and private law.
  5. Differentiate between law and equity.

- Civil Law versus Criminal Law
  - **Civil law**: The plaintiff is any legal entity, the purpose is defendant's compensation to make plaintiff whole, and the burden of proof is by preponderance.
  - **Criminal law:** Only the government can be the plaintiff, the purpose is to punish, and the burden is beyond reasonable doubt.
  - Governments can be sued, as well; people occasionally sue their state or federal government, but they can only get a trial if the government waives its **sovereign immunity** and allow such suits (e.g., *Warner v. U.S.*).
- Substantive Law versus Procedural Law
  - **Substantive law**: What is actually prohibited or directed to individuals, firms, and government.
  - **Procedural law**: How courts process litigant's claims that substantive law was violated.
  - In the United States, all state procedural laws must be fair, since the due process clause of the Fourteenth Amendment directs that no state shall deprive any citizen of "life, liberty, or property," without due process of law.
- Common Law versus Statutory Law
  - Common law: judge-made, reported in cases; based on ***stare decisis***—precedent governs.
  - Most judicial decisions are common law and involve three areas of law:
    - Property law
    - Contract law
    - Tort law
  - Statutory law: legislatively made, reported in statutes or ordinances.
- Public Law versus Private Law
  - **Public law** is a set of rules that govern the relationships between private individuals or private organizations and public bodies.
    - Administrative law
    - Constitutional law
    - Criminal laws
    - Municipal laws
    - International laws
  - **Private law** is concerned with private persons, corporations, and their dealings with one another.
- Law versus Equity
  - Law: monetary relief
  - Equity: non-monetary relief (e.g., specific performance, injunctions)

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Case

Equity in Contracts (Distinguishing Law from Equity)
Campbell Soup Co. v Wentz (3rd Cir. Federal Ct., 1948)

Facts: Campbell Soup Co. (plaintiff) entered into a contract with the Wentz brothers, farmers (defendants), for the latter to sell and deliver to Campbell a particular kind of carrot at a price of $30 a ton. The defendants instead sold the carrots to neighboring farmer Lojeski at $90/ton [about $381 per ton in 2024 dollars); Lojeski sold some of those carrots to Campbell.
Procedure: Campbell sued the defendants (including Lojeski) in equity seeking an injunction on Lojeski's sale of carrots to others, and to compel specific performance of the Wentz contract. Trial court dismissed the case, ruling that Campbell's relief should be in law, for money damages, not in equity for specific performance. Campbell appealed.
Issue: Should the plaintiff's case be dismissed?
Held: Yes, but on a different ground. Not because Campbell had no equitable claim, but because it behaved inequitably.
Reason: The facts were clear below that the specific carrots were not available on the open market, and that these carrots were uniquely useful in making soup. Equity is appropriate where no legal remedy (damages) is available. However, one who seeks equity must himself have behaved equitably—equity does not enforce unconscionable bargains. Here the contract between Campbell and the Wentzes is very unfairly one-sided and onerous in Campbell's favor. Affirmed, on different bases.

Case Questions

1. What relief did the plaintiff (Campbell's) want from the lower court?
   Answer: Campbell's wanted an injunction prohibiting Lojeski from selling the carrots that "belonged" to Campbell's, and it wanted specific performance from the Wentzes (that they would actually deliver the carrots as contracted for).

2. Why did the lower court refuse to give Campbell's that relief?
   Answer: It dismissed the case. It said the matter belonged in law, not equity—money would solve Campbell's problem: buy the carrots elsewhere.

3. The court on appeal came to the same result as the lower court, but for a completely different reason. What was that reason?
   Answer: Campbell's contract with the defendant was unconscionable, and equity does not enforce unconscionable agreements.

Authors' note: Why is a contract dispute about the sale of carrots in federal court? (Diversity) Here, the instructor may want to explain why there is a separate equity system (either here or later, in a discussion of tort and contract remedies). The royal law courts in England awarded money damages; if a litigant wanted an injunction or other non-monetary relief, recourse to the king himself was at first required (to correct the "errors" of the law courts), and later a separate chancellor of equity (a chancery is the medieval term for a writing office) was assigned these

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cases. By the 15th century the Chancery was a recognized judicial power, and in the famous Earl of Oxford's case (1615) the crown affirmed Chancery's nullification of a common-law ruling; the king's decree was that a conflict between the common law and equity would be resolved in favor of equity. Britain merged common-law and equitable courts in the 1870s—that is, abolished the separate court houses—but the systems remain distinct. In the U.S. state and federal courts have also merged law and equity in the general trial courts, but the substantive distinctions between them remain.

- Key Takeaway
    - To understand the law, several classifications are useful. We can distinguish between civil and criminal law; substantive and procedural law; common and statutory law; public and private law; and law versus equity.

Exercises

1. Jenna gets a ticket for careless driving after the police come to investigate a car accident she had with Jason on Hanover Boulevard. Jason's car is badly damaged through no fault of his own. Is Jenna likely to face criminal charges, civil charges, or both?
   Answer: Unless her insurance company settles quickly with Jason, she may also face a civil lawsuit for damages to Jason's car. In the absence of personal injuries to Jason, it is likely that her insurance company will pay up promptly and she will only be dealing with the criminal charge of careless driving.

2. Jenna's ticket says that she has thirty days in which to respond to the charges against her. The thirty days conforms to a state law that sets this time limit. Is the thirty-day limit procedural law or substantive law?
   Answer: Procedural, because she has violated the substantive criminal law on careless driving, but the legal system also requires that there be uniform processes for such violations, and the 30 day "window" provides a fair process for her to respond.

3. Why is it generally thought that the *first* responsibility of a government is to ensure public safety? How does tort law and contract law contribute to keeping the public safe?
   Answer: This probably goes back to Thomas Hobbes and his social contract theory that the first order of government is to maintain order. Without an orderly process through governmental laws for handling injury and breach of contract claims, people might "take the law into their own hands." E.g., "bill collectors" might threaten (and do) physical harm to those in breach of contract, and "revenge" might animate those who were injured through no fault of their own to find some satisfaction by injuring those who injured them.

4. What are the major differences between law and equity?
   Answer: As courts of law and equity developed in England, the various "writs" that were commonplace for pleadings in the law courts became quite specific, and failure to comply with the rigorous requirements left some litigants out of luck. Appeals to equity courts about lack of "fairness" in the law courts left some recourse where the strict pleadings

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required in the law courts could not be satisfied. New doctrines emerged in the equity courts (e.g., a plaintiff seeking contract damages must themselves have "clean hands," or "equity abhors a forfeiture." Refer to https://en.wikipedia.org/wiki/Maxims_of_equity.

5. Raul has a valuable piece of garden artistry ("yard art") in his front yard; vandals trash it and Raul wants to sue them. Will he or his lawyer look to private law or public law for compensation?
   Answer: Private law; the government is not involved except for providing the court system for Raul's dispute to be resolved.

Section 1.4: Sources of Law and Their Priority

- Learning Objectives
  1. Recognize the different sources of law in the U.S. legal system and the principal institutions that create those laws.
  2. Explain in what way a statute is like a treaty, and vice versa.
  3. Explain why the Constitution is "prior" and has priority over the legislative acts of a majority, whether in the U.S. Congress or in a state legislature.

- Overview of the Sources of Law
  Note: **Constitutions** provide the framework within which the "sources" operate.
  - Law by the legislature: The legislative process is not designed to make it easy to get laws passed, but—on the contrary—to make it difficult, so everybody gets to give input.
    - The federal legislature is **Congress** and has both a **House of Representatives** and a **Senate**.
  - Law by the executive
    - Veto and threat of veto
    - Issuing executive orders; proclamations
    - Appointment of department heads
  - Law by the judiciary
    - Judicial review
    - Judicial interpretation of legislation
    - Judicial adoption (or "discovery") of the common law
  - Law by administrative agencies—by rule making and by quasi-judicial decisions
  - Law by direct democracy
    - In twenty-six states, the people make the people themselves can make law directly by the **initiative** process—there are two types of initiatives: direct and indirect.
    - All states allow a **referendum** process, also known as a legislative referral.
- Priority of Laws
  - The U.S. Constitution is "the supreme law of the land."

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- Federal law is superior to state law if there is a conflict.
- Statutes have priority over common law, statutes over ordinances.

- Key Takeaways

  - There are different sources of law in the U.S. legal system. The U.S. Constitution is foundational; U.S. statutory and common law cannot be inconsistent with its provisions. States have constitutions, too. State legislatures and Congress create statutory law (with the signature of the executive), and courts will interpret constitutional law and statutory law. Where there is neither constitutional law nor statutory law, the courts function in the realm of common law.
  - Both the federal government and the states have created administrative agencies. An agency only has the power that the legislature gives it. Within the scope of that power, an agency will often create regulations, which have the same force and effect as statutes. Treaties are never negotiated and concluded by states, as the federal government has exclusive authority over relations with other nation-states. A treaty, once ratified by the Senate, has the same force and effect as a statute passed by Congress and signed into law by the president.

Exercises:

1. Give one example where common law was overridden by the passage of a federal statute.
   Answer: There are many examples. Take employment-at-will, a common law doctrine. Students may be familiar with Title VII of the Civil Rights Act of 1964. It allowed (for example) women to sue a business where the business refused to hire her because of her sex. Prior to that legislation, employment-at-will meant that you could hire or fire for any reason, or no reason.

2. How does common law change or evolve without any action on the part of a legislature?
   Answer: Judges can modify, amplify, or reverse course if precedents seem out of date or wrongly decided.

3. Lindsey Paradise is not selected for her sorority of choice at the University of Kansas. She has spent all her time rushing that particular sorority, which chooses some of her friends but not her. She is disappointed and angry and wants to sue the sorority. What are her prospects of recovery in the legal system? Explain.
   Answer: As far as remedies through the courts, she is probably out of luck. There are no known legislative acts, federal or state, that would recognize this as a serious social problem to be remedied, and no common law causes of action, either.

Section 1.5: Legal and Political Systems of the World

- Learning Objectives

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1. Understand how different legal systems will change how business is conducted in nations different from the U.S. common-law system.
2. Describe the basic features of democratic capitalism, and explain how common-law and civil-law systems are compatible with "democratic capitalism."

- Common-Law Systems
  - The law articulates a general principle ("don't be negligent") and the trial judge or jury determines if the law has been followed adequately.
- Civil-Law Systems
  - The law specifies the required behavior in detail, anticipating all (or almost all) possible fact scenarios.
    - For example, the Uniform Traffic Code explains what to do at a stop sign; the common law would only say, "Act reasonably," and the court would have to decide if the defendant did or not. Judges in civil law systems interpret "the Code" as best they can, but do not follow case precedent.
  - Other legal systems
    - Communist
    - Sharia
- Theocratic Systems
  - Religious leaders or religious institutions hold significant political power, and public policy is heavily influenced by the values and principles of a certain religion.
  - Islamic law, known as Sharia (or Shari'a), is a comprehensive legal framework derived from the Quran and the Hadith.
- Socialist Systems
  - In most socialist legal systems, the law is designed to support and promote socialist ideals and objectives that include:
    - Public ownership of key industries
    - Greater economic equality
    - Social welfare programs for housing, education and health care
    - Protection of workers' rights
    - Centralized planning
    - State ownership of natural resources
- Several key institutions and components support and uphold the principles of democratic capitalism in the United States:
  - Constitutional framework
  - Market economy
  - Financial system
  - Legal system
  - Political institutions
  - Free press
  - Nonprofit organizations
  - Labor unions
  - Education system

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  - Regulatory industries
  - Social safety net

- Key Takeaway

  - Legal systems vary widely in their aims and in the way they process civil and criminal cases. Common-law systems use juries, have one judge, and adhere to precedent. Civil-law systems decide cases without a jury, often use three judges, and often render shorter opinions without reference to previously decided cases. Both systems fit fairly comfortably within democratic and capitalistic norms. Theocracies are distinctly different, are usually not democratic, and are governed by religious leaders guided by holy scripture (usually the Quran). Socialist legal systems can offer a direct contrast to capitalist systems, as private property can be significantly restricted, and private enterprise may be wholly subservient to governmental requirements.

Exercises:

1. Use the Internet to identify some of the better-known nations with civil-law systems. Which Asian nations came to adopt all or part of civil-law traditions, and why?
   Answer: It will depend largely on which European nations were successful in establishing parts of their empires in Asia and the Indian subcontinent. England ruled over India until 1948, so common law traditions (and cricket) are well rooted there. French colony Vietnam has influences of Civil Law (the Napoleonic Code) as well as Communist legal theory.

2. Use the internet to find out what the largest state-owned enterprises are in the People's Republic of China, and what influence or control the Chinese Communist Party has on those enterprises.
   Answer: Student responses will vary but can include the following state-owned enterprises in the PRC: The two major players in the oil and gas sector, China National Petroleum Corporation (CNPC) and Sinopec (China Petroleum & Chemical Corporation)—both are heavily influenced (particularly concerning energy production and environmental regulations) by the government as the companies play a big role in energy security and policy. Other examples can include China Mobile (government regulations and policies over data security/telecommunications) and China State Construction Engineering Corporation (infrastructure projects often reflect state priorities). The Chinese Communist Party has significant influence over these enterprises, ensuring they all serve the economic/political objectives in China.

3. How likely is it that Islamic law will supplant U.S. legal traditions? Explain.
   Answer: Some politicians fear that all the Muslim immigrants will somehow shift U.S. law to Shari'a (Islamic Law), but the short answer is that this will not happen. Because of the Establishment Clause of the United States Constitution, no religious tradition can be established as the basis of laws that apply to everyone, including any form of Sharia, Christian canon law, Jewish halakha, or rules of dharma from Eastern religions.

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4. How would the legal environment of business change in the United States were a theocracy instead of a democracy?
   Answer: If the U.S. were a theocratic system, it would significantly change how businesses operate, prioritizing religious adherence over individual rights and secular legal principles. For example, employment laws could shift to reflect religious values, which could affect practices in hiring, employee rights, or conduct in the workplace; or legal disputes might go through religious courts rather than traditional civil courts.

Section 1.6: A Sample Case

Case: What is "a hostile work environment" for sex discrimination?
Harris v. Forklift Systems (U.S. Supreme Court, 1992)

Facts: Harris was variously harassed and abused by her boss who made many inappropriate and offensive comments to and about her because of her sex. She complained to him to no avail. A year and a half after getting the job, she quit.
Procedure: Harris sued in federal district court; judgment for defendant: plaintiff was abused, but the abuse was not enough to "seriously affect her psychological well-being" (citing cases) or to cause her to "suffer injury." Plaintiff appealed. Lower courts had differed in how much abuse triggered Title VII protections.
Issue: Did the lower court apply the correct standard?
Held: No.
Reason: So long as the environment would reasonably be perceived, and is perceived, as hostile or abusive, there is no need for it also to be palpably psychologically injurious. Remand.

Case Questions

1. Is this a criminal case or a civil-law case? How can you tell?
   Answer: Civil Law—the government is not the plaintiff, and no "punishment" is sought.

2. Is the court concerned with making a procedural rule here, or is the court making a statement about the substantive law?
   Answer: The Court is stating what the substantive law is: what is the definition of "discrimination on account of sex" under Title VII.

3. Is this a case where the court is interpreting the Constitution, a federal statute, a state statute, or the common law?
   Answer: The Supreme Court is interpreting a federal statute, Title VII of the Civil Rights Act of 1964.

4. In *Harris v. Forklift*, what if the trial judge does not personally agree that women should have any special right not to be subjected to this offensive but—alas—not uncommon treatment in the workplace? Why shouldn't that judge dismiss the case even before trial? Or should the judge dismiss the case after giving the female plaintiff her day in court?

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Answer: The judge's personal opinions are not the standard; the law is the standard and unless the plaintiff's case is so obviously unmeritorious as to be dismissed on summary judgment, she has a right to be heard. Dismissing the case after the plaintiff "had her day in court" would also be inappropriate unless, again, no reasonable person could think she had a case at all.

5. What was the employer's argument in this case? Do you agree or disagree with it? What if those who legislated Title VII gave no thought to the question of seriousness of injury at all?
   Answer: The employer argued that determining a hostile work environment should require proof of severe psychological harm or injury to the victim. Students' answers may vary regarding disagreement or agreement with the argument—some may understand the employer's perspective in wanting a clear standard for what a hostile environment constitutes or disagree because the focus should be on the impact of workplace conduct rather than the victim's mental health—harassment creates a harmful environment, whether psychological harm is documented or not.
   If those who legislated Title VII did not consider the question of the seriousness of injury, it reinforces the idea that the focus should be on the behavior and its effects on the workplace atmosphere. Title VII was designed to create a work environment free from discrimination and harassment. Therefore, the law's intent likely aimed to empower individuals to report harassment without needing to prove personal harm, highlighting the importance of a respectful and safe workplace.

Section 1.7: Summary and Exercises

Summary

- There are differing conceptions of what law is and of what law should be. Laws and legal systems differ worldwide. The legal system in the United States is founded on the U.S. Constitution, which was inspired by natural-law theory and the idea that people have rights that cannot be taken away by government. The various functions of the law are done well or poorly depending on which nation-state you look at. Some do very well in terms of keeping order, while others do a better job of allowing civil and political freedoms. Social and political movements within each nation greatly affect the nature and quality of the legal system within that nation.
- This chapter has familiarized you with a few of the basic schools of legal thought, such as natural law, positive law, legal realism, and critical legal studies. It has also given you a brief background in common law, including contracts, torts, and criminal law. The differences between civil and criminal cases, substance and procedure, and the various sources of law have also been reviewed. Each source has a different level of authority, starting with constitutions, which are primary and will negate any lower-court laws that are not consistent with its principles and provisions. The basic differences between the common-law and civil-law (continental, or European) systems of law have also been discussed.

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Exercises

1. What is common law? Where do the courts get the authority to interpret it and to change it?
   Answer: Common law is law made by judges when there is no legislation on the subject. Courts' authority to interpret and change this law is based on English tradition and history; the U.S. Constitution provides the judicial power of the United States "shall extend to all cases, in law and equity . . ."

2. After World War II ended in 1945, there was an international tribunal at Nuremberg that prosecuted various officials in Germany's Third Reich who had committed "crimes against humanity." Many of them claimed that they were simply "following orders" of Adolf Hitler and his chief lieutenants. What law, if any, have they violated?
   Answer: The Nazi defendants certainly had not violated German law—indeed, they were following German military orders. But the orders themselves were, the Allies asserted, illegal as violations of natural law. Natural law would assert that everyone is entitled to due process, and the "crimes against humanity" in which the defendants were implicated involved complete lack of due process. Because the Allies won, they could dictate what were "crimes against humanity."

3. What does *stare decisis* mean, and why is it so basic to common-law legal tradition?
   Answer: Stare decisis means "precedent governs" (the decision is static, not changing). It is basic to the common-law tradition because common law relies on precedent: the rule of law "discovered" to apply in one case applies to all such cases with similar fact situations. This provides predictability in the law, and flexibility, in that the rule may be extended or curtailed according to the particulars of the fact situation. It also gives authority to the common-law court: the judge is not just making up a rule of law off the wall.

4. In the following situations, which source of law takes priority, and why?
   a. The state statute conflicts with the common law of that state.
   b. A federal statute conflicts with the U.S. Constitution.
   c. A common-law decision in one state conflicts with the U.S. Constitution.
   d. A federal statute conflicts with a state constitution.

   Answers:
   a. Statutory law (made by the legislature) has priority over common law because the legislature is the primary and elected law-making entity in our system.
   b. The Constitution is superior to any conflicting federal law because of the Supremacy Clause which states "This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."
   c. The Constitution is superior to any state law, common or statutory.
   d. Federal law is superior to state law.

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