

Chapter 1 Introduction to Law and Legal Systems

True/False Questions

1. With regard to the functions of the law, the empire may have kept the peace—largely with force—but it did not change the status quo and seldom promoted the native peoples' rights or social justice within the colonized nation.
False; Easy
2. The positivist school of legal thought relies on social context and the actual behavior of the principal actors who enforce the law.
False; Easy
3. If a lawmaker issues a command that is in violation of natural law, a citizen would be morally justified in demonstrating civil disobedience.
True; Easy
4. A priori means “existing in the mind prior to and dependent on experience.”
False; Easy
5. According to the contract law, promise-breaking is considered as unethical.
True; Easy
6. If a competitor lies about your product, your remedy would be in contract, not tort.
False; Easy
7. The substantive rules tell us how to act with one another and with the government.
True; Easy
8. In the case of Virginia Rulon-Miller, the court gave the judgment based on the treaties agreement.
False; Easy
9. The Constitution prescribes that the president has the veto power over any legislation, but the House and Senate can override a presidential veto with two-thirds vote in each chamber.
True; Easy
10. Common law consists of decisions by courts that involve interpretation of statutes, regulations, and treaties.
False; Easy
11. Under most treaties, the United States cannot withdraw any voluntary limitation on its sovereignty.
False; Easy
12. A holding is the court's complete answer to an issue that is critical to deciding the case and thus gives guidance to the meaning of the case as a precedent for future cases.
True; Easy

13. The main alternative to the common-law legal system is based in Roman and Napoleonic law.
True; Easy
14. State and federal statutes that prohibit discrimination on any basis other than race are essentially legislative exceptions to the common-law employment-at-will rule.
False; Easy
15. According to the case *Harris v. Forklift Systems*, the Supreme Court decided that an employee need not prove severe psychological injury in order to win a Title VII sexual harassment claim.
True; Easy

Multiple Choice Questions

1. According to which school of thought is law the command of a sovereign?
- a. Positive-law school of legal thought
 - b. Natural-law school of legal thought
 - c. Legal realist school of thought
 - d. Critical legal studies school of thought
 - e. Ecofeminist school of legal thought
- a; Easy**
2. According to the legal realist school of thought, _____.
- a. precedent was more important than moral arguments
 - b. law is politics and is thus not neutral
 - c. wives, children, land, and animals are valued as economic resources
 - d. the social context of law was more important
 - e. there is preeminence of man and his dominance of both nature and women
- d; Easy**
3. Which of the following was a belief held by some Critics?
- a. Precedent is more important than moral arguments
 - b. Distributive justice theory
 - c. Dominator culture
 - d. Social context of law
 - e. Upheaval of women
- b; Easy**
4. Dominator culture is _____.
- a. one in which man is charged with making all that he controls economically productive
 - b. dominated by those with power, wealth, and influence
 - c. influenced by the economist Karl Marx
 - d. more important to legal realists than the formal application of precedent to current or future legal disputes
 - e. one in which man has historically oppressed those with less wealth and has maintained social control through law
- a; Easy**

5. The historical school of law _____.
a. believed that precedent would be more important than moral arguments
b. stated that the social context of law was more important
c. stressed the need for certain laws and doctrines to be altered in order to remain current
d. emphasized the longstanding domination of men over both women and the rest of the world
e. influenced the emergence of critical legal studies
a; Easy
6. The _____ would use the law to overturn the hierarchical structures of domination in the modern society.
a. historical school of law
b. critical legal studies school of thought
c. ecofeminist school of legal thought
d. legal realist school
e. natural law school of thought
b; Easy
7. According to contract law _____.
a. harming others is considered unethical
b. private ownership of property is socially useful
c. anarchy is caused if people are not restrained by law
d. promise-breaking is seen as unethical
e. compensation is provided when serious injuries or harms occur
d; Easy
8. Tort law deals with _____.
a. the rights and duties of those who can legally own land
b. what kinds of promises courts should enforce
c. how ownership can be legally confirmed and protected
d. cases that involve dispute over illegally owned property
e. cases that involve some kind of harm between plaintiff and defendant when no contract exists
e; Easy
9. Which of the following is true of civil cases?
a. Plaintiff brings the case and defendant must answer
b. Their purpose is to maintain order in society.
c. Their purpose is to deter serious wrongdoing
d. Proof must be beyond reasonable doubt
e. Remedies include fines, jail, and forfeitures
a; Easy
10. Which of the following is true of criminal cases?
a. Disputes are settled peacefully between private parties.
b. The most blameworthy are punished.
c. Prosecutor brings the case.
d. Proof depends upon preponderance of evidence.
e. Defendant must answer or lose by default.
b; Easy

11. In the case of Virginia Rulon-Miller, the court gave the judgment based on which source of law?
- a. Statutes
 - b. Constitution
 - c. Agency regulations
 - d. Judicial decisions
 - e. Treaties agreements

b; Easy

12. Which of the following is true about statutes?
- a. They are more important than treaties or conventions.
 - b. Under most statutes, the United States may unbind itself whenever it chooses.
 - c. U.S. environmental statutes cannot be overruled contrary to U.S. treaty obligations.
 - d. They generally take precedence over case laws.
 - e. The tuna-dolphin dispute between the United States and Mexico is an example of statutes taking priority over treaties.

d; Easy

13. What is the meaning of the Latin expression *de minimis non curat lex*?

- a. What the law should be
- b. Let the decision stand
- c. The law does not deal in trifles
- d. The rationale for the decision
- e. A matter settled by judgment

c; Moderate

14. A code-law system ____.

- a. is used to resolve particular cases, usually by judges and a jury
- b. is unique to England, the United States, and former colonies of the British Empire
- c. recognizes the use of precedents in judicial cases
- d. is similar to the communist and socialist legal systems
- e. is one where all the legal rules are in one comprehensive legislative enactment

e; Easy

15. In the *Harris v. Forklift Systems* case, the Supreme Court ____.

- a. ruled that whether an environment is hostile or abusive can be determined just by the present circumstances
- b. ruled that an employee had to prove severe psychological injury in order to win a Title VII sexual harassment claim
- c. ruled that Title VII comes into play only if the harassing conduct has led to a serious nervous breakdown
- d. raised the bar and made hostile-working environment claims under Title VII more difficult to win
- e. reversed the judgment of the Court of Appeals

e; Moderate

Short Answer Questions

1. What are the functions of law?

In a nation, the law can serve to:

- Keep the peace.
- Maintain the status quo.
- Preserve individual rights.
- Protect minorities against majorities.
- Promote social justice.
- Provide for orderly social change.

Moderate

2. Explain the main sources of law in the United States.

The main sources of law in the United States are:

- **Constitutions—both state and federal:** **Constitutions** are the foundation for a state or nation's other laws, providing the country's legislative, executive, and judicial framework.
- **Statutes and agency regulations:** Statutes are legislative directives, having the form of general rules that are to be followed in the nation-state or its subdivisions. Statutes are controlling over judicial decisions or common law, but are inferior to (and controlled by) constitutional 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.
- **Judicial decisions:** Common law consists of decisions by courts (judicial decisions) that do not involve interpretation of statutes, regulations, treaties, or the Constitution. Courts make such interpretations, but many cases are decided where there is no statutory or other codified law or regulation to be interpreted. United States law comes primarily from the tradition of English common law.

Moderate