Multiple Choice Questions

1. A court’s application of prior judicial rulings to similar cases is the use of
   a. Substantive law
   b. Precedent
   c. Civil law
   d. Evidence

2. What offenses are not considered inherently evil, but are crimes because there is a law proscribing them?
   a. \textit{Mala in se} offenses
   b. \textit{Mala prohibita} offenses
   c. Felonies
   d. Misdemeanors

3. Which criminal element refers to the wrongful act that constitutes a crime?
   a. \textit{Actus Reus}
   b. \textit{Mens Rea}
   c. Concurrence
   d. Causation

4. Which of the following is not an inchoate offense?
   a. Conspiracy
   b. Attempt
   c. Solicitation
   d. Robbery

5. What crime has been committed when a person begins to commit an assault but is apprehended by the police before the assault is completed?
   a. Conspiracy
   b. Attempt
   c. Solicitation
   d. Battery

6. What defense may be used by a person charged with a crime when that person used necessary force to repel an attack for which they were not the initial aggressor?
   a. Duress
   b. Entrapment
   c. Necessity
   d. Self Defense
7. What publication gives a common method of classifying crimes in the U.S.?
   a. Federal Register
   b. Federal Reporter
   c. FBI Bulletin
   d. Uniform Crime Reports

8. What defense may be used by a person who commits a crime in order to save himself or
   herself from deadly forces of nature?
   a. Duress
   b. Entrapment
   c. Necessity
   d. Self Defense

9. The weight of the evidence required to prove a criminal law violation is
   a. Preponderance of the evidence
   b. Clear and convincing evidence
   c. Beyond a reasonable doubt
   d. Unambiguously demonstrated evidence

10. Which U.S. State uses the Napoleonic Code legal system?
    a. Louisiana
    b. California
    c. Texas
    d. Virginia

11. During what time period did there begin to be a separation of duties within the legal
    system into the current system of legislative, executive, and judicial branches?
    a. Pre-historical Era
    b. Early historical Period
    c. Modern era
    d. None of the above

12. The person who brings a criminal case to the court system for resolution is the
    a. Prosecutor
    b. Plaintiff
    c. Defendant
    d. Respondent

13. Which of the following is not a potential sanction for a criminal law violation?
    a. Damages and injunctions
    b. Fines and forfeitures
    c. Probation and community sanctions
    d. Jail and prison time
14. Who has the burden of proof in a criminal case?
   a. The victim
   b. The defendant
   c. The prosecutor
   d. The judge

15. The person who brings a civil lawsuit to the court system for resolution is the
   a. Prosecutor
   b. Plaintiff
   c. Defendant
   d. Respondent

**Multiple Choice Answer Key**

1. b
2. b
3. a
4. d
5. b
6. d
7. d
8. c
9. c
10. a
11. b
12. a
13. a
14. c
15. b
True/False Questions

1. The legislature plays a very insignificant role in the criminal justice system.
2. All civilizations throughout history have had some form of laws.
3. Customary law can be found in a series of formal criminal codes.
4. An irrational justice system is most likely to be effective in a heterogeneous society.
5. The applicability of natural law varies based upon jurisdiction.
6. Imprisonment is a potential sanction for a law violation under compensatory law.
7. In a civil or code law legal system, past judicial decisions are used to interpret and clarify the jurisdiction’s criminal code.
8. In a common law legal system, there is a significant emphasis on the rights of those accused of a crime.
9. In a civil law legal system, police, prosecutors, and judges all participate in the gathering of evidence that demonstrates a defendant’s guilt.
10. A civil law legal system relies more significantly on jury verdicts than a common law system does.
11. There are sometimes instances in which one action may lead to both civil and criminal penalties.
12. The government plays an active role in civil law disputes.
13. The person who has been accused of a law violation is called a defendant in both civil and criminal cases.
14. A criminal defendant is always tried by a jury of his or her peers.
15. U.S. criminal law exists primarily in written form.
True/False Answer Key
1. F
2. T
3. F
4. F
5. F
6. F
7. F
8. T
9. T
10. F
11. T
12. F
13. T
14. F
15. T

Study Questions
1. Discuss the formation of laws and the process of law enforcement during the prehistorical era. What factors made this process effective? What difficulties might such a legal system encounter in today’s society? Does this type of system have any place in contemporary society? Explain your reasoning.

2. Discuss the role of judge-made law and judicial policymaking, and the impact (both positive and negative) that they have upon society and the legal system. Is it preferable for judges to exercise judicial activism or judicial restraint? Explain your reasoning.

3. Attorneys accepting cases on a contingency fee arrangement is a controversial subject. What is the purpose of this practice, and what advantages and disadvantages does it have? Discuss the effects for the parties involved in a lawsuit, as well as society. Be specific and give examples.

4. What historical and societal factors have led to the criminalization of morally based actions, such as adultery or suicide? Have these factors continued to influence the development of modern criminal statutes? Be specific and give examples.

5. Discuss the primary differences between a common law legal system and a civil (code) law legal system. What are the benefits and drawbacks to each system? Which seems to be most effective in bringing about justice through the courts? Explain your reasoning.
## Matching Questions

1. Idea that there is a divine source of law that is higher than the church or earthly governments

2. Legal system that relies upon broad framework documents and judicial interpretation of those documents

3. Civil law disputes through which damages may be sought by private individuals

4. Laws based upon religious or church teachings

5. The highest source of law in the U.S.

6. Attempts to resolve legal disputes with a winning outcome for both parties

7. Written laws that are typically compiled into code volumes

8. The idea that people must be able to know what is against the law with enough specificity to conform their conduct to the law’s requirements

9. The actions and behaviors that are prohibited by a society and can be punished by the government

10. Law that sets out what actions are illegal and what the penalties are for committing those actions

11. Law that is created by federal regulatory agencies

12. Laws that develop over generations as the result of societal norms, mores, and folkways

13. Legal system in which all law violations are written out in a complete code

14. Law that defines how a case will be processed

15. Law that attempts to provide help, rather than punishment, for criminal offenders
Word Bank

a. customary law  
b. canon law  
c. natural law  
d. penal law  
e. compensatory law  
f. therapeutic law  
g. conciliatory law  
h. civil law  
i. common law  
j. substantive law  
k. procedural law  
l. constitutional law  
m. statutory law  
n. administrative law  
o. legality principle  

Matching Answer Key

1. c
2. i
3. e
4. b
5. l
6. g
7. m
8. o
9. d
10. j
11. n
12. a
13. h
14. k
15. f
Chapter Summary

The development of law is divided into three eras. In the pre-historical era, societies were based upon clans, tribes, or kinship, and law was derived from social norms and values. The enforcement of these customary laws was informal but effective. Judges were tribal chiefs or elders. This is a form of Khadi justice, in which there is significant reliance on religious and supernatural beliefs. Khadi justice is very effective in homogenous societies. The early historical era included the development of several written legal codes, which had a profound influence upon the U.S. legal system. There was an emergence of different roles within the legal system, including groups to enact, enforce, and judge laws. The modern era included the Renaissance and Age of Enlightenment, as well as a reemergence of natural law.

Penal law defines the activity that a society prohibits through criminal laws. Compensatory law consists of civil law disputes. Therapeutic law provides help for an offender’s behavior. Conciliatory law attempts to provide a win-win outcome through conflict resolution.

Civil law legal systems are modeled after Roman and Napoleonic codes. Civil law systems include a lack of judge-made law; rights of the community; a complete written code; an inquisitorial legal system; and decisions by judicial panels. Common law legal systems include framework documents interpreted by judicial rulings; rights of the accused; customary law and case precedent; an adversarial legal system; and decisions by juries.

Civil law deals with disputes between private parties. The parties are the plaintiff, who initiates the suit, and the defendant, against whom the suit is brought. Criminal law deals with offenses against society. The parties are the prosecutor, who brings the case, and the defendant, against whom the case is brought. Civil and criminal procedures govern the dispute resolution process.

Substantive law defines crimes, and procedural law tells how a case must be processed. Sources of law include the common law, constitutional law, statutory law, case law, and administrative law.

Crimes are classified by their evilness into mala in se crimes, which are evil in themselves, and mala prohibita crimes, which are wrong because there is a law prohibiting them. Crimes are classified by their seriousness into felonies, which are serious crimes that may be punished by at least one year in prison, and misdemeanors, which are less serious crimes that may be punished by jail time of up to one year. The state is responsible for proving all elements of a crime, which include the mens rea, actus reus, and concurrence.

Inchoate offenses are crimes in which the offense is not completed. This includes conspiracies, solicitations, and attempts. The two types of defenses are justifications, in which the defendant’s actions were not legally wrong, and excuses, in which there was an extenuating circumstance that excuses the behavior. Justification defenses include self-defense and necessity. Excuse defenses include duress, entrapment, infancy, insanity, and intoxication. The primary types of crime are crimes against persons, crimes against property, crimes against public order, and other offenses.