Marion High School Student Instructional Packet Assignments September 8th - September 21st

Student:	Student:			
Period: 2 nd	Please put your name and			
Teacher(s): Circle your teacher's name, if more than one teacher is listed below.	class period on this sheet.			
Teacher 1: Miss M. McClellan Email: mmcclellan@marion.k12.sc.us	You will need to return			
Teacher 2: Email:	this sheet and any			
Teacher 3: Email:	assignments attached.			
Teacher 4: Email:	Circle your teacher's			
Course: Business Law	name			
Teacher Planning Period: 4 th School Number: 843-423-2571 ext. 3628				
	Tuesday – September 8 th			
	Read Syllabus and keep for future reference			
	2. Read Chapter 1 Section 1 of textbook			
	3. Complete Lesson 1-1 Outline, Page 1			
	4. Complete Lesson 1-1 Review, Pages 1-2			
Wednesday – September 9 th	Thursday – September 10 th			
 Read Chapter 1 Section 1 of textbook Complete Lesson 1-1 Outline, Page 1 Complete Lesson 1-1 Review, Pages 1-2 	 Complete Lesson 1-1 Reteach, Page 1-3 Complete Lesson 1-1 Enrichment, Page 1-4 			

Marion High School Student Instructional Packet Assignments September 8th - September 21st

Jeptember 6	September 21
Friday – September 11 th	Monday – September 14 th
1. Lesson 1-1 Quiz, Page 1-1	1. Read Chapter 1 Section 2 of textbook
(Use book and notes)	2. Complete Lesson 1-2 Outline, Page 3
·	3. Complete Lesson 1-2 Review, Page 4
Tuesday – September 15 Th	Wednesday – September 16 th
1. Read Chapter 1 Section 2 of textbook	1. Lesson 1-2 Quiz, Page 1-5
2. Complete Lesson 1-2 Review, Page 4	(Use book and notes)
3. Complete Lesson 1-2 Reteach Page 1-	2. Read Chapter 1 Section 3
Thursday – September 17 th 1. Read Chapter 1 Section 3 of textbook 2. Complete Lesson 1-3 Outline, Page 6 3. Complete Lesson 1-3 Review, Page 6	Friday- September 18 th 1. Read Chapter 1 Section 3 of textbook 2. Complete Lesson 1-3 Review, Page 7 3. Complete Lesson 1-3 Reteach, Page 1-11
Monday – September 21 st	
1. Lesson 1-3 Quiz, Page 1-9	
(Use book and notes)	



Syllabus: EXPLORING COMPUTER SCIENCE FUNDAMENTALS OF COMPUTING

COURSE CODE: 5023

COURSE DESCRIPTION: Fundamentals of Computing is designed to introduce students to the field of computer science through an exploration of engaging and accessible topics. Through creativity and innovation, students will use critical thinking and problem solving skills to implement projects that are relevant to students' lives. They will create a variety of computing artifacts while collaborating in teams. Students will gain a fundamental understanding of the history and operation of computers, programming, and web design. Students will also be introduced to computing careers and will examine societal and ethical issues of computing.

Instructor:

Miss Michele McClellan

Room 103

mmcclellan@marion.k12.sc.us

843-423-2571 ext. 3628

OBJECTIVE: Given the necessary equipment, software, supplies, and facilities, the student will be able to successfully complete the following core standards for courses that grant one unit of credit.

COURSE CREDIT: 1 unit

COMPUTER REQUIREMENTS

One computer per student with Internet access

Time: Semester - 90 minute semester course

Resources:

❖ Introduction to Computers and Information Technology, 3rd Edition (Pearson Learning)

Code.org

Units of Instruction:

A. SAFETY

B. STUDENT ORGANIZATIONS

C. TECHNOLOGY KNOWLEDGE

D. PERSONAL QUALITIES AND EMPLOYABILITY SKILLS

E. PROFESSIONAL KNOWLEDGE

F. EVOLUTION OF COMPUTING

G. COMPUTING SYSTEMS

H. PROBLEM SOLVING AND

COMPUTATIONAL THINKING (TO BE IMPLEMENTED THROUGHOUT

THE



Syllabus: EXPLORING COMPUTER SCIENCE FUNDAMENTALS OF COMPUTING COURSE CODE: 5023

COURSE)

- I. FUNDAMENTALS OF PROGRAMMING
- J. FUNDAMENTALS OF WEB DESIGN

K. ETHICAL, LEGAL & SOCIAL ISSUES OF COMPUTING

L. L. COMPUTING CAREERS

Rules and Procedures

- RESPECT EVERYONE
- Identify a suitable workspace
- Log in 5 minutes before virtual class session begins
- RESPECT OTHERS
- Proper Internet usage
- Do not abuse Internet privileges
- Complete and submit assignments
- No posting negativity or bullying
- RESPECT OTHERS
- Dress appropriately

GRADING SYSTEM

- A (90-100)
- B (80-89)
- C (70-79)
- D 60-69)
- F (59 & below)

RESPECT EVERYONE

- No cursing, vulgar language or inappropriate gestures, memes
- RESPECT OTHERS
- Log off before leaving class
- Push chairs in when leaving
- RESPECT OTHERS
- Stay focused
- Mute your microphones until it is time to speak

Major Assessments of Learning -40% (Summative)
Formative Assessments – 30%

(Formative)
Homework/Classwork/Cooperative
Learning/ Bell work- 20% (Formative)

Nonfiction Writing/Reading Response Journals -10% (Formative)

Parents and Students

I would like to express my excitement about working with you during the 2020-2021 academic school year. I believe students can grow and develop by examining the issues we cover in class. Critical thinking will be emphasized in this course. Also note that if you ever have any comments, questions or concerns, I am available via phone, email or meeting. Thank you for your continued support in educating and empowering students by providing purpose, direction and motivation.



Return This copy with completed packet. is substitution of the contract of the contrac

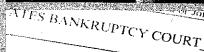
for BUSINESS and Personal Use 19e

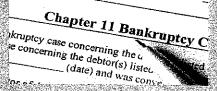






















Adamson & Morrison



Laws and Their Ethical Foundation

- Laws and Legal Systems
- Types of Laws

 Ethical Bases for Laws

HOT Debaite

Mariann was texting her boyfriend as she drove home from school. A police officer pulled her over and cited her for violation of the city's ordinance against distracted driving. As he did so, Mariann noticed drivers pulling out onto the street from a fast-food drive-through. Many of them were using their hands to eat the food they had purchased. She pointed

this out to the officer and asked why the members of the city council felt that texting was too great a distraction for a driver but eating was not. He told her they felt that texting was more distracting for a driver, and, unlike buying and eating drive-through food, it served no useful commercial purpose.

Where Do You Stand?

- 1. Is the ordinance against distracted driving lawful?
- 2. Has the ordinance been fairly applied?
- 3. Can you suggest some changes in the ordinance that might make it a better law?

TIM MAINIERO, SHUTTERSTOC

Laws and Legal Systems

GOALS

- Explain the stages in the growth of law
- Describe the differences between common law and positive law
- Identify the origin of the U.S. legal system

LEGAL VOCABULARY

laws, p. 5 code, p. 5 common law, p. 6 positive law, p. 6 jurisdiction, p. 7 equity, p. 9

What is Law?



WHAT'S YOUR VERDICT?

Two archeologists, Professor DiPalermo and Professor Shuster, were deciphering some stone law tablets from the Middle East dating back before 2000 B.C.E. Looking up from his work, Professor DiPalermo commented that, while the amount of knowl-

edge held by humanity had increased dramatically, its basic nature had not changed. Professor Shuster agreed, saying, "Just compare the laws they had way back then with the ones we have now. We're still making the same mistakes and still need the same protections from the conduct of others."

Do you think their observations are correct?

The laws, or enforceable rules of conduct in a society, typically reflect the culture and circumstances that create them. Laws may be grouped into an organized form referred to as a code. When you compare one civilization's code with the codes of other civilizations, you see many similarities. For example, the law code set down about four thousand years ago by Hammurabi, King of Babylon, had sections on criminal law, property law, business law, family law, personal injury law, labor law, and others. Such coverage is similar to that found in the U.S. law codes today.

The professors in *What's Your Verdict?* were correct. The need for law has not changed much over recorded history. People still make the same mistakes and still need the same protections from the conduct of others.

Stages In the Growth of Law

Most societies go through four distinct stages in forming their legal systems:

1. Individuals are free to take revenge for wrongs done to them.

- 2. A leader acquires enough power to be able to force revenge-minded individuals to accept an award of goods or money instead.
- The leader gives this power to a system of courts.
- The leader or central authority acts to prevent and punish wrongs that provoke individuals to seek revenge.

In the first stage, injuries inflicted on one human being by another are matters for personal revenge. Those who are wronged feel that justice



The law code set down by King Hammurabi of Babylon contained sections or categories similar to those found in modern U.S. law codes. How do you think the specific content of Hammurabi's codes compares to that of U.S. law codes today?

can be done only through personally punishing the wrongdoers. Gang wars in the inner cities often result from this type of attitude. Whether they occur in a big city or in a developing society, such events usually disrupt the normal productive routine of the people and result in harm to innocent bystanders.

The resulting chaos often leads to one individual taking power and exerting control to bring peace to the society. To achieve this peace, the powerful leader or authority, often called the *sovereign*, hears and resolves disputes between the people. The sovereign then forces the injured parties to accept awards of money or goods as a substitute for their taking revenge. This is the second stage in the growth of law.

In many civilizations, the sovereign ultimately becomes faced with more cases than one person can handle. As a consequence, the sovereign sets up a system of courts and gives them powers to decide certain types of disputes. Elders or priests generally preside over these courts. However, the sovereign still presides over the most important matters.

In the fourth and final stage, the sovereign takes a step beyond being merely a passive authority working only to resolve disputes after they occur. Instead the sovereign tries to prevent breaches of the peace before they can occur. The sovereign does this through enforcing a set of laws and matching punishments.

Common Law versus Positive Law

Laws reflect the wisdom—or lack thereof—of their creators. In any society laws should be both predictable and flexible. A system of laws that is not predictable will not produce a stable society. Chaos, unrest, and the replacement of the system by one that can exercise control and restore peace will follow.

A legal system that is too controlling and too rigid to change with the wants and needs of the people also will be overthrown. The best system of laws is always evolving towards a form that matches the current standards of the people.

Law based on the current standards or customs of the people is called **common law**. Common law usually is formed from the rules used by judges to settle people's disputes. However, as noted earlier, some laws are set down by a sovereign or other central authority to prevent disputes and wrongs from occurring in the first place. Law dictated from above in this fashion is called **positive law**.

CHECKPOINT > >

How does common law differ from positive law?

What Is the Origin of the U.S. Legal System?



WHAT'S YOUR VERDICT?

LaBonne, from Louisiana, was visiting his cousin in St. Louis, Missouri. While they were talking about the differences in traffic laws in the two states, LaBonne told his cousin that Louisiana's legal system was different from that used in Missouri and all the other states.

Is LaBonne correct?

The world's two great systems of law are the English common law and the Roman civil law. Countries with systems patterned after the Roman civil law have adopted written, well organized, comprehensive sets of statutes in code form. The laws in these codes are typically only changed by the central government, not by the judges who administer them. Only one state in

GLOBAL ISSUES

Napoleonic Code

The area of the United States that is now the state of Louisiana was claimed for France by the explorer Lasalle in 1682. French settlers brought many French influences to the state of Louisiana—customs, food, language, and law. Louisiana's legal system was developed using the French Code Napoléon (or Napoleonic Code) as a foundation. However, over the years Louisiana has modified its laws to correspond with those of the other 49 states. The Napoleonic Code was derived from Germanic customs and Roman law as modified by the French Republic in the late 1700s. The Napoleonic Code also was the model for the civil law codes of Italy, the Netherlands, Spain, and the Canadian Province of Quebec.

the United States—Louisiana—has a civil law system. The legal system used in the other 49 states is based on the English common law. Therefore, in What's Your Verdict?, LaBonne was correct.

Colonists from England brought the common law system to this continent. To understand how this system works, you must look back to England to see how it was developed.

English Common Law

Before the English common law system developed, feudal barons acted as judges within their territories. Disputes were settled on the basis of local customs and enforced by the barons' power. Because of this, the laws of England differed from region to region. Such differences were difficult for people to follow. They also made it hard for a central government to maintain control.

KING'S BENCH Around 1150 King Henry II decided to improve the situation. He appointed a number of judges from a group of trusted nobles. King Henry gave these judges the power to order that wrongdoers pay with money or goods the parties they injured.

In good-weather months the judges would "ride circuit" into the countryside, holding court in the villages. During bad-weather months, the judges stayed in London and sat together as a court to hear cases on appeal that might have been decided unwisely on circuit. This court so formed by the circuit-riding judges came to be called King's Bench—or Queen's Bench if the regent was female.

The baron's courts, which heard local cases before the King's courts were created, kept the power to decide some of the minor cases. However, the King's courts always had **jurisdiction**—the power to decide a case—over the most important cases.

JURY King Henry recognized that it was important to decide the court cases in harmony with the customs of the people. To do otherwise would cause unrest, if not revolution. Therefore, the judges were instructed to choose citizens from each region to help interpret that region's customs for the court. This panel of citizens evolved into what we know today as the *jury*. The jury is an institution unique to the English common law system.

AN EXAMPLE The early system of English common law worked something like this. Imagine that a farmer named William is on his way to market one morning in his ox cart. He is traveling



Because he could not resolve all the disputes in the nation by himself, King Henry appointed a group of judges to decide them for him. What personal qualities do you think he looked for in these judges?

through an unfamiliar region. As he approaches an intersection, he sees another person in a similar ox cart coming into the intersection from his right.

In William's home region the right of way at an intersection goes to the person on the left. So he continues on, expecting the other person to rein in. The other party, a local resident named Gwen, does not yield and a collision results. Both William and Gwen are injured. Their oxen are gored. Their carts and other property are destroyed. As a consequence, the next time the circuit-riding judge comes into Gwen's region, both people appear in court and request damages (a monetary award) for their losses.

The judge needs to know who is at fault in the case in order to decide who must pay. To find out, the judge chooses a jury of 12 residents to decide which person, according to their customs, acted improperly. The jury hears evidence to allow it to understand the facts of the accident. Then it determines that, because the right of way customarily goes to the person on the right in their region, William is at fault and must pay Gwen damages. The judge accepts the decision and orders William to pay.

The decision, however, upsets William. He knows that throughout most of his travels the right of way is given to the person on the left. Therefore, he decides to take his case to the higher, or appellate, court—King's Bench in London—on appeal. That court will not be in

session for several months yet, so William uses the time to collect information on the law used in other courts in England that have ruled on the issue of right of way. Finally, the time comes to appear before King's Bench. The judges listen to William's appeal and Gwen's defense of the lower court's decision.

The appellate court judges review the information presented to them by both parties, including the laws used by other courts to settle like issues. They decide that it would be wisest to reverse the holding in the lower court (that the right of way should go to the person on the right). Instead, says King's Bench, the right of way will be given to the person on the left. They send the case back down to the lower court with instructions to enter a judgment for damages in William's favor.

From that point on, anyone in the kingdom will need to give the right of way to the person on the left. If any lower court, including the one in Gwen's region, decides a case using a different rule, the result can be appealed to King's Bench, where it will be reversed.

ADVANTAGES OF ENGLISH COMMON LAW

The judicial process described in the example was repeated over and over in England throughout the centuries. As a result, a uniform web of custom-based common law developed across the whole country. The process used to achieve this end is called the English common law system. The English common law system achieves uniformity while maintaining an ability to

adapt to changes in society. It has been a model for legal systems worldwide, including that in the United States.

Equity: An Alternative to Common Law The common law courts carefully follow precedent. This means the courts use prior cases as a guide for deciding similar new cases as would be done with the decision in William v. Gwen as discussed earlier. Following precedent helps to provide stability in the law. However, if overdone it can have the disadvantage, as came to be the situation in old England, of requiring a rigid adherence to proper form. For example, a misplaced period or misspelled word could nullify, or void, the effect of a document.

Another disadvantage of the early common law system was that its courts could only grant the remedy of damages. This meant that common law courts had to wait until the harm actually occurred before they could take action.

For example, if a farmer decided to dam up the stream that watered the neighbor's crops and animals, the courts of law had to wait until the harm had occurred and then award the neighbor damages for what the farmer did. The courts of law could not order the farmer to stop building the dam. This inability to stop a wrong before it inflicted actual harm often resulted in a waste of resources from the perspective of the country as a whole.

However, if the neighbor were a noble, he might be able to get around the courts and directly petition the king for help. The king would refer the

CYBERLAW



Many precedents currently are being set in the relatively new Internet law arena. Consider, for example, e-mail, the instant communication of thoughts. You feel it. You say it. You send it. But, if your message is perceived

as a threat, you could be prosecuted and convicted for it. In the first conviction of an online hate crime, a 21-year-old Los Angeles man was found guilty in federal court. He sent death threats by e-mail to more than 50 Asian students. The case set a precedent, as it put Internet communications on equal legal ground with telephone calls and postal mail.

It also addressed civil rights violations committed online—hate crimes in this case. The defense team argued this was a "stupid prank" and that so-called flames or abusive messages are commonplace with Internet culture and discussion groups. The jury thought otherwise and took the threats seriously. At first the Net was considered to be a fantasy land where users could be anonymous. This case shows that the legal system will not treat the Net differently from other forms of communication.

Think About It

Do you think people should be held accountable for threats they make online? Why or why not?

matter to his chancellor, who was usually a high clergyman respected for his equity, or fairness.

The chancellor would conduct a hearing under rules different from those of a common law court. There would be no jury, for example, and the remedies the chancellor could impose in the king's name were different from those available to the law courts.

For example, the chancellor might issue an order to compel that something be done. Or, he might issue an *injunction*, which stops something from being done. For example, the chancellor could issue an injunction to stop the dam from being built. However, if the neighbor were not a noble, he would not have been able to petition the king. The harm would be allowed to occur.

Eventually the king sensed a need for access to equitable remedies for all citizens. He created a system of equity courts and placed them under the chancellor's control. These courts were given the power to issue injunctions or to compel specific

LAW BRIEF

Three states in the United
States administer law and
equity separately. In Delaware
and Mississippi equity is administered in chancery
courts. In Tennessee equity is administered in
law-equity courts.

actions. In the United States today, law courts and equity courts generally are merged. Consequently, most American courts can award damages or issue orders or both.

CHECKPOINT | | |

On which early legal system is the U.S. legal system based?

141/Assessment

THINK ABOUT LEGAL CONCEPTS

- 1. Substitution of damages for revenge is the first stage in the evolution of law. **True or False**
- 2. The two systems of law in use today are the English common law and the (a) American Constitution (b) French legal code (c) Roman common law (d) none of the above.
- 3. An organized group of laws is referred to as a code. **True or False**



- Louisiana is the only one of the 50 states whose legal system was not originally based on the English common law system. True or False
- Most American law courts can use either damages or an injunction or both as remedies in civil cases. True or False

THINK CRITICALLY ABOUT EVIDENCE

Study the situation, answer the questions, and then prepare arguments to support your answers.

- 6. You are on your daily jog when a car negligently pulls out in front of you. Unable to stop, you run into it and injure yourself. Should you be able to recover damages for the harm done to you?
- 7. The driver of the car in exercise 6 becomes abusive towards you after your recovery. The driver follows you on your jogs and yells threats at you. He has recently taken to driving very close to you as you jog. What can you do legally to make him stay away from you?
- Cracked Mirror, a local rock group, contracts to play for your high school prom. A week before
- the dance, the group cancels its appearance. A teacher finds out that the band has instead booked a concert elsewhere at the same time as the prom that will pay them \$800 more. If you sue the band for damages, what would be an appropriate amount and why?
- For the situation in exercise 8, fashion an equitable remedy that might encourage Cracked Mirror to decide to keep its commitment to play at your prom.

Types of Laws

GOALS

- Identify the four sources of law
- Discuss how conflicts between laws are resolved
- Compare and contrast criminal and civil law, and substantive and procedural law

LEGAL VOCABULARY

constitution, p. 10 statutes, p. 11 ordinances, p. 11 case law, p. 11 stare decisis, p. 11 administrative agencies, p. 12 civil law, p. 13 criminal law, p. 13 procedural law, p. 14 substantive law, p. 14

What Are the Sources of Law?



WHAT'S YOUR VERDICT?

The federal Constitution guarantees the citizens of the United States many rights. These include freedom of speech, of press, of assembly, to petition, to bear arms, against unreasonable searches and seizures, and more.

What part of the U.S. Constitution contains most of these guarantees?

Laws in this country are created at all three levels of government—federal, state, and local. The forms that these laws can take include constitutions, statutes, ordinances, case law, and administrative law.

Constitutions

A **constitution** is a document that sets forth the framework of a government and its relationship to the people it governs. When constitutions are adopted or amended, or when courts interpret constitutions, *constitutional law* is made. You are governed by both the Constitution of the United States and the constitution of your state. The Supreme Court of the United States is the final interpreter of the federal Constitution.

Constitutions are the highest sources of law, and the federal Constitution is "the supreme law of the land" (U.S. Constitution, Article VI). This means that any federal, state, or local law is not valid if it conflicts with the federal Constitution. Similarly, within each state the state constitution is supreme over all other state laws.

Federal and state constitutions are concerned primarily with defining and allocating certain

powers in our society. Constitutions allocate powers (1) between the people and their governments, (2) between state governments and the federal government, and (3) among the branches of the government.

ALLOCATION OF POWER BETWEEN PEOPLE AND THEIR GOVERNMENTS In the United States, the federal Constitution and the state constitutions are the main instruments for allocating powers between the people and their governments. The federal Constitution does this in the main body of the document as well as in its first ten amendments, called the *Bill of Rights*. The Bill of Rights reserves the rights of citizens and protects them from actions of their governments. This is the section of the federal Constitution referred to in *What's Your Verdict?* The Bill of Rights will be discussed in detail in Chapter 2.

LEGALRESEARCE

The Fraudulent Online Identity Sanctions Act (H.R.3754) was signed into law in December 2004. It increased prison sentences by up to seven years for someone who provided "material and misleading false contact information to a domain name registrar, domain name registry, or other domain name registration authority." It was intended to prevent online scams and also make it much easier for recording studios and movie producers to track down copyright violators and obtain the \$150,000 per violation damages. However, opponents of the law saw it as a danger to the exercise of several Constitutional rights. They also claimed it would be ineffective in achieving its intended results. Research and assess the accuracy of these criticisms. Does the Act achieve its intended goals?



Railroads often are used to transport goods over long distances. What type of commerce, interstate or intrastate, does this represent, and which level of government should regulate it?

ALLOCATION OF POWER BETWEEN FEDERAL AND STATE GOVERNMENTS The federal Constitution also allocates powers between the federal and state governments. For example, many governmental powers over business are divided between state governments and the federal government on the basis of commerce. In general, the Constitution gives the federal government the power to regulate both foreign and interstate commerce. Interstate commerce occurs between two or more states. The power to regulate intrastate commerce, which occurs within one state, is left with that state.

ALLOCATION OF POWER AMONG THE BRANCHES OF GOVERNMENT State and federal constitutions also allocate governmental powers among the three branches of government: executive, legislative, and judicial. Traditionally these powers are distributed so as to create a system of checks and balances between the branches of each government. This ensures that no branch of government becomes too powerful. For example, the U.S. Constitution gives the federal courts the authority to determine which laws passed by Congress are constitutional. However, in turn it gives Congress the power to ordain and establish the courts in the first place.

Statutes

The federal Constitution created the Congress of the United States. State constitutions created the state legislatures. These state and federal legislatures are composed of elected representatives of the people. Acting for their citizens, these legislatures enact laws called statutes.

Ordinances

All states delegate some legislative authority to local governments. Thus, towns, cities, and counties can legislate on matters over which the state has given them authority. These pieces of legislation created by a town or city council or by a county board or commission are typically referred to as ordinances. They are only effective within the boundary of the local governments that enacted them.

Case Law

The judicial branch of governments creates case law. Case law usually is made after a trial has ended and one of the parties has appealed the result to a higher court. This appeal will be based on legal issues arising from rulings made by the lower court in deciding the case.

When the appellate court publishes its opinion on the issues arising in a case under appeal, that opinion may state new or more appropriate rules to be used in deciding the case and others like it. These rules are referred to as case law at either the federal or state level.

The effectiveness of case law arises out of the doctrine of stare decisis. This is Latin for "let the decision stand." This doctrine requires that lower courts must follow established case law in deciding similar cases. Generally, case law doctrines are carefully established and seldom revoked. However, the doctrine of stare decisis generally does not bind supreme courts.

IN THIS CASE

Carol borrowed her stepfather's car without his express permission. The police stopped her and discovered the car was not registered in her name. They then phoned her stepfather. When he said he did not know where his car was, Carol was arrested. At her trial, Carol and her stepfather testified that she had his permission to use the car without asking each time. The trial judge nevertheless found Carol guilty of auto theft, which, the judge stated, occurs when one person takes the car of another without expressly asking permission. Carol appealed. The appellate court issued an opinion stating implied permission is enough, and, therefore, Carol's conviction was overturned. The appellate court's ruling concerning implied permission then became state case law to be applied in similar cases.

Administrative Law

Federal, state, and local legislatures all create administrative agencies. Administrative agencies are governmental bodies formed to carry out particular laws. The federal Social Security Administration, your state's division of motor vehicles, and your county's zoning commission are examples of administrative agencies.

Although created by legislatures, administrative agencies usually are controlled by the executive branch of government. Thus, the president, governor, or mayor will supervise the agency's activities. Legislatures sometimes give administrative agencies legislative powers and limited judicial powers. Legislative power means the agency is authorized to create administrative laws, also called rules and regulations. For example, the federal Social Security Administration might establish rules for determining when a student is depending on support from a widow or widower and thereby qualified to receive Social Security payments.

If an agency has judicial power, it can hold hearings, make determinations of fact, and apply the law to particular cases. In the above example, the Social Security Administration might hold a hearing to judge whether a particular student is in fact a dependent. Once this determination is made, the Social Security Administration would use its executive powers to carry out the rules on payments to dependents of widows or widowers. Judicial review of administrative agency decisions is extremely limited. Therefore, most agency rulings are final.

CHECKPOINT »

What are the five sources of law?

What Happens When Laws Conflict?



WHAT'S YOUR VERDICT?

When adopted, the U.S. Constitution provided that there could be no income tax. So when Congress levied a 2 percent income tax in 1894, the U.S. Supreme Court declared it unconstitutional. Many people wanted the federal government to raise money

by taxing incomes because the burden imposed would be based on one's current ability to pay.

What did the people do to override the Supreme Court decision?

Sometimes laws created by different levels of government conflict. For example, a city ordinance setting a speed limit of 35 mph on a state highway near an elementary school may conflict with a state statute setting 45 as a minimum speed limit on state roads. Different types of laws created by the same level of government also may conflict. A federal administrative regulation requiring the phase-out of coal-fired electric-generating plants may conflict with a federal court decision holding that such regulations are unconstitutional.

In these situations, legal rules are used that determine which statement of the law is superior to the other and should therefore be enforced. Generally, these supremacy rules hold that federal law prevails over state law and state law prevails over local (city and county) law. Within the state and federal systems, constitutional law prevails over statutory law and statutory law over administrative law. Finally, within each of the state and federal court systems, a higher court's decision prevails over a lower court's.

CONSTITUTIONS AND VALIDITY Constitutions are the highest sources of law, and the federal Constitution is "the supreme law of the land" (U.S. Constitution, Article VI). This means that no statute (federal, state, or local), case law, or administrative decision is valid if it conflicts with the federal Constitution. Within each state's legal jurisdiction, the state constitution is supreme to all other state and local laws.

When any type of law is declared invalid by a state or federal court because it conflicts with a constitution, it is said to be unconstitutional. Such a determination may be appealed to the highest court within the state and federal systems. Within the federal system, the U.S. Supreme Court has the final say. The highest state court wins out on state issues. Of course, even when interpreting constitutions, courts are not the ultimate authority. The people have the power to amend constitutions if they disagree with the courts' interpretations.

In answer to What's Your Verdict? the people's response to the Supreme Court decision was the Sixteenth Amendment to the U.S. Constitution. Adopted in 1913, it gave Congress the power to lay and collect an income tax. This in effect nullified the U.S. Supreme Court decision.

STATUTES AND VALIDITY As discussed, statutes or ordinances must be constitutional to be valid. In addition, when needed in a particular case. courts also examine the statutes and ordinances

involved to see whether or not the law's enactment exceeded the scope of the powers of the body that authored it.

ADMINISTRATIVE REGULATIONS AND

VALIDITY Administrative regulations also can be reviewed by courts to determine whether they are constitutional. The courts also may invalidate a rule or regulation if it is outside the scope of powers delegated to the agency by the legislature that created it.

by a court holding a statute invalid is not always the end of the issue. The legislative body that passed the statute can always put it back in force by rewriting it in a form that complies with the court's decision. Administrative agencies also can revise their regulations when challenged.

CHECKPOINT D D

Which source of law in the United States is the highest authority?

What Are the Main Types of Laws?



WHAT'S YOUR VERDICT?

Joe was a respiratory therapist in a nursing home. He
controlled the ventilation
equipment that kept some of
his patients breathing. One
day, to show the importance
of his job to his girlfriend,
Joe, without permission or
warning, completely cut off

the ventilator support to a severely ill patient. Within a few moments, the patient began to gasp for air and nearly lost consciousness before a nurse ordered Joe to restore the ventilator's function.

Did Joe violate civil law or criminal law or both?

Laws may be classified in various ways. Common classifications include civil law, criminal law, procedural law, substantive law, and business law.

Civil and Criminal Laws

When the private legal rights of an individual are violated, the matter is governed by civil law. The use of the term **civil law** within the common law system refers to the group of laws that allows

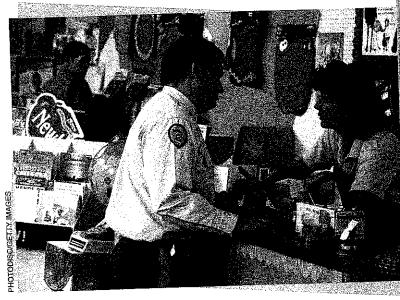
individuals to seek legal remedies for wrongs done to them. (Civil law in this sense does not refer to the comprehensive system of law mentioned in Lesson 1-1.)

For example when a tenant fails to pay the rent as promised, the landlord has the right to sue the tenant. (The police do not take action in civil matters.) If a defendant loses a civil case, that defendant is liable. This means that she or he must pay compensation to the plaintiff for his or her loss. This is typically done by the payment of money in civil matters. In addition to enforcing legal promises, civil law also applies whenever one person is injured by another. Such private wrongs (civil offenses) against people or organizations are referred to as *torts*.

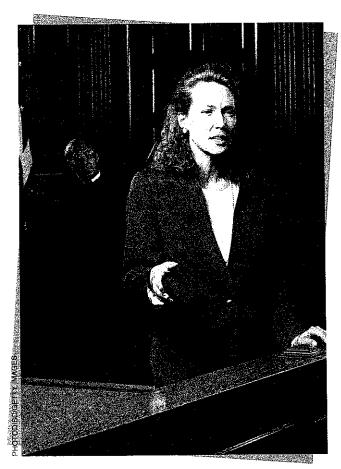
A crime is an offense against society rather than individuals. It disrupts the stable environment that we all depend upon to make civilization work. So, when the citizens' right to live in peace is violated by such activity, the offense is governed by criminal law. Acting in the name of all the people, the government investigates an alleged wrongdoing. If a crime has been committed and the person responsible can be found, the government will prosecute. Conviction of a crime can result in a fine, imprisonment, and in some states, execution.

Usually when a crime occurs, private injuries may be inflicted as well. A result may be both a crime and a civil offense. Thus, the civil law may also apply, and the victim of the crime may sue the wrongdoer.

In What's Your Verdict? Joe committed both a crime and a civil offense. Denying ventilation



Is shoplifting a crime or a tort? Explain your answer.



Assume that the woman in this photo is a public prosecutor giving her closing argument in a case to a jury. Is this most likely a civil trial or a criminal trial? Justify your answer.

support to the patient was a criminal act for which Joe could be arrested, convicted in a criminal trial, and fined and/or imprisoned. In addition, Joe committed a civil offense by intentionally harming the patient. As a consequence, Joe (and perhaps his employer) would likely be held liable in a civil lawsuit and required to pay damages to the patient.

Procedural and Substantive Laws

Procedural law sets forth how rights and responsibilities can be legally exercised and enforced through the legal system. Procedural laws, for example, determine what remedies are available in a lawsuit and how those remedies are to be secured. They determine whether equitable remedies, such as an injunction, are available. The doctrine of stare decisis is a procedural law. Rules for determining the supremacy of conflicting laws are procedural laws.

In contrast, **substantive law** defines rights and duties. It is concerned with all rules of conduct except those involved in enforcement.

Substantive laws define offenses, such as murder, theft, breach of contract, and negligence.

There are two types of procedural law: civil procedure and criminal procedure. *Criminal procedure* defines the process for enforcing the law when someone is charged with a crime. *Civil procedure* is used to achieve the same end when a civil law has been violated. Civil law is concerned only with private offenses. When a civil law is violated the injured party is entitled to protect his or her rights. Police and public prosecutors generally do not involve themselves in the dispute.

Business Law

Business law covers rules that apply to business situations and transactions. The topics listed in this book's table of contents show that the scope of business law is broad. Business law is important for all students—not just those planning careers in business or law. Most business transactions involve a merchant and a consumer. As you study business law, you will gain legal knowledge that will make you a better consumer.

Business law mainly is concerned with civil laws governing contracts, property, and many other business-related areas. Business activities are at times also governed by criminal law. For example, criminal law would punish a firm that conspires with competitors to fix prices or an employee who steals company tools.

uniform business LAWS Laws of our various states do not have to be alike as long as they are constitutionally valid. However, with the growth of interstate commerce and large business firms, more uniformity among state laws governing business and commercial transactions is important.

Committees of legal experts have written model laws covering such areas as sales, certain credit transactions, and business forms. Sets of these model laws were then offered to the states for adoption in place of their current statutes covering the areas. The result has been more uniformity in state commercial laws. The *Uniform Commercial Code (UCC)* is a widely adopted set of laws pertaining to business. You will learn more about the UCC throughout this book.

CHECKPOINT > > >

Compare and contrast criminal and civil law and substantive and procedural law.

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TYPES OF LAW

Constitutional law Based on constitutions

Statutory law Enacted by legislative bodies

Administrative law Rules and regulations made by administrative agencies

Civil law Addresses wrongs done to individuals

Criminal law Addresses wrongs done to society

Procedural law Deals with methods of enforcing legal rights and duties

Substantive law Defines legal rights and duties

Business law Rules that apply to business situations and transactions

Study Tools www.cengage.com/school/blaw/law

THINK ABOUT LEGAL CONCEPTS

- 1. The first ten amendments to the U.S. Constitution are known as the _?_.
- 2. A crime is considered an offense against (a) its victims (b) those who commit it (c) the state (d) none of the above.
- 3. Legislative enactments by a city government are called _?_.
- 4. Stare decisis is the doctrine that requires lower courts to adhere to existing case law in their decisions. **True or False**
- 5. Torts are private wrongs committed against individuals or organizations. True or False
 - 6. Business activities are at times governed by criminal law. **True or False**
 - 7. Businesses cannot commit torts. True or False
 - 8. The statutory definition of murder is a (a) substantive law (b) procedural law (c) prohibitive law (d) none of the above

THINK CRITICALLY ABOUT EVIDENCE

Study the situation, answer the questions, and then prepare arguments to support your answers.

- 9. Suppose the principal of a public school required all students to recite a prayer at the start of each school day. What level of government (federal, state, or local) would most likely determine whether or not the principal's action was constitutional?
- 10. In exercise 9, what governmental body would make the determination?
- 11. Sonoma County passed a law making it legal to drive 65 mph on freeways inside the county. A state law limited all vehicles anywhere in the state to 55 mph. What is the valid speed limit on freeways inside this county?
- 12. In 1896, the U.S. Supreme Court held in *Plessy v. Ferguson*, 163 U.S. 537, that equal treatment of different races is provided when public and semipublic facilities, even though separate, are substantially equal in quality. For years,
- railroad cars, buses, schools, and other facilities had separate and supposedly equal facilities for blacks. In 1954 black plaintiffs in Delaware, Kansas, South Carolina, and Virginia sought admission for their children to public schools on an integrated basis. Does the doctrine of stare decisis bar the U.S. Supreme Court from changing the law declared in *Plessy v. Ferguson?* (Brown v. Board of Education, 347 U.S. 483)
- 13. On a two-week vacation in a neighboring state, you buy several large firecrackers and take them home. A police officer notices them in your car on a routine traffic stop. She cites you for possession of an illegal explosive device, which is a felony in your state. Possession of fireworks in the neighboring state is not a crime. Can this be a defense for you?

Ethical Bases for Laws

GOALS

- Define ethics
- Compare and contrast consequences-based ethics with rule-based ethics
- Discuss ways in which ethics are reflected in laws

LEGAL VOCABULARY

ethics, p. 16 civil disobedience, p. 18

Ethics and the Law



WHAT'S YOUR VERDICT?

Tyrone Bradmore was a cadet at the national military academy. His father, General Lucius Bradmore, was intensely proud that his son had followed in his footsteps by attending the school. All cadets at the academy adhered to an ethical system created by the cadets

themselves. This system, which had been in place for almost two centuries, was called the *honor code*, and it required cadets not to lie, cheat, steal, or tolerate those who do. During football practice, Tyrone learned that several of the team members had broken into an academic office and photocopied exams they were to take. Tyrone did not report this behavior to the honor committee before the exam was given. Later, ridden with guilt at tolerating the players' behavior, he turned himself in and was dismissed from the academy along with the players. His father was heartbroken by what had occurred.

Did Tyrone act ethically?

Ethics is a collection of standards of conduct and moral judgment forming the basis for a reasoned, impartial decision as to what is right or wrong. An *ethical system* is composed of an organized and consistent compilation of such standards usually set down by an established authority. The law is such an authority. So are religious texts such as the Torah, the Bible, and the Koran. For example, a person might reason, "I believe that God is the source of the Bible, and the Bible tells me not to lie. Therefore, it would be wrong, or unethical, for me to lie." To make ethical decisions, we usually must base our decisions on reason, not on emotion.

In addition to being reasonable, ethical decisions should be impartial. *Impartiality* is the idea that the same ethical standards apply to everyone. In *What's Your Verdict?*, Tyrone's ultimate action of turning himself in was ethical. It reflected that the

honor standards of the academy were impartially applied even to football players and general's sons. The reason you are learning about ethics is to prepare you to apply ethical concepts to business decision making. *Business ethics* are the ethical principles used in making business decisions.

All too often, however, ethics are not considered when business decisions are made. The reason can be summarized in two words: profit maximization. The idea of profit maximization is supported by those who need a justification for actions that would optimize the income of business owners but hurt the common good. These actions might include moving factories offshore, having skilled jobs done overseas instead of by American workers, and buying solid, conservatively run companies only to close them down and sell the company's assets piecemeal. To move toward a more ethically motivated economy, the profit maximization justification for such actions would need to be replaced by more humane ethical standards.

Basic Forms of Ethical Reasoning

Ethical reasoning about right and wrong takes two basic forms. One form is based on consequences. In this style of ethical reasoning, rightness or

IN THIS CASE

As Gabriella was pulling out of her parking spot at the mall, her tires slipped on the coating of ice and snow left by a recent winter storm. Her car slid sideways, causing her bumper to crunch into the back fender of the car parked next to her. Gabriella's car was undamaged by the impact, but the bumper left a large dent and deep scratches on the other car. Gabriella realized she could just drive off without anyone knowing. Then she considered that the damage would probably cost more than a thousand dollars to repair. Consequently, she flagged down a mall security car and had the other owner paged so as to take appropriate responsibility.

wrongness is based only on the results of the action. Particular acts have no ethical, or moral, character. An act that produces good consequences is good. An act that produces bad consequences is bad.

The other form of moral reasoning is based on ethical rules. In this style of reasoning, acts are either right or wrong. For example, telling the truth is always right, and lying is always wrong. In rule-based ethics, good consequences do not justify wrong or bad acts. For example, in rule-based ethics, you cannot justify lying by showing that it produces good consequences.

For almost all ethical decisions, these two forms of reasoning reach the same conclusion. In the decision of whether to lie or to tell the truth, for example, both forms usually conclude that one should not lie.

CONSEQUENCES-BASED ETHICAL

REASONING Consequences-based reasoning is best exemplified by utilitarianism, an ethical system that reflects the work of two philosophers, Jeremy Bentham and John Stuart Mill. Utilitarianism evaluates the moral worth of a proposed action by forecasting the consequences of that action and alternatives to it. These consequences are then evaluated to see whether the action or an alternative confers the "greatest good on the greatest number affected by it." The action that maximizes the "good" is then chosen. This method of making ethical decisions often has been criticized because the defining of good—such as financial reward, pleasure, love, and justice—and the selection of those considered to be affected by the decision often predetermines what the decision will be.



A **Q**UESTION OF *Ethics*



The term culture refers to a society's shared values, beliefs, and behaviors. Values reflect the goals a society considers important. Values also express the culture's ideas of how people should act, as well as ideas about what is good, right, and desirable. Culture expresses a society's ethics. Different cultures may have very different ethical systems. What is considered ethical behavior in one culture may not be acceptable behavior in another. For example, it is estimated that more than 200 million children in various countries around the world are forced to work long hours under dangerous and harmful conditions. Compare this to the activities and treatment of children in U.S. society. Every society has a unique culture, which evolves and changes over time. Each culture develops a set of laws based on the ethical values expressed at the time. Laws evolve as the culture's sense of ethics evolves.

RULE-BASED ETHICAL REASONING With

fundamental ethical rules, the acts themselves are judged as right or wrong. However, wrong actions are never condoned even if they bring about a good result. The standard for judging usually comes from one of two sources—a recognized authority or human reasoning.

The authority, frequently a religious source, often clearly prescribes what is correct by timetested rules such as those found in the Ten Commandments. Using *Kantian ethics*, an ethical system developed by German philosopher Immanuel

Kant in the eighteenth century, human reasoning also can show what is basically wrong or right. Kant strongly opposed utilitarianism. He believed that acts such as murder, theft, and lying were always wrong. Kant proposed a test, called *universalizing*, to help in determining what actions were fundamentally wrong. In universalizing, you picture everyone doing the action and then ask yourself, "Would the result be irrational,

Universalize cheating on tests. Is it unethical? Why or why not?

illogical, or demeaning?" If so, the action is considered ethically wrong.

Ethics Reflected in Laws

Under the U.S. system of democracy, representatives must vote for laws that are acceptable to the majority of people if the representatives expect to be reelected. Because this system is grounded on majority rule, it uses many of the features of consequences-based ethics. In this system, laws are judged to be right or good when they affect the majority of the people positively. Laws are judged to be wrong when they affect the majority negatively. Thus the government, empowered by the U.S. Constitution, seeks to ensure that the federal lawmaking system provides the greatest good for the greatest number.

On the other hand, the Constitution also seeks to protect the well-being of minorities that might be taken advantage of by the government acting in the best interests of the majority. This is done primarily through the rights preserved in the first ten amendments to the Constitution. Such protection of basic human dignity afforded by the Bill of Rights and other civil rights laws reflect ethics based on rules.

Both ethics based on consequences and ethics based on rules conclude that we are obligated to obey the law. According to consequences-based reasoning, when the law is violated, many more people are injured than are benefited. With rule-based reasoning, if we say we have agreed to obey the law but violate it, we are breaking our promise. If we universalize promise breaking by imagining that everyone always breaks promises, there would be no point to promising. In this universalized state, promise breaking is illogical or pointless and thus wrong.

Even if unethical, the ease with which laws can be broken, especially by those with superior abilities or knowledge, such as a computer programmer, makes such behavior tempting. Aware of this, employers often purchase fidelity bonds for persons who handle large sums of money, such as cashiers, managers of movie theaters, or supervisors of restaurants. A *fidelity bond* is an insurance policy that pays the employer money in the case of theft by employees.

Unethical, lawbreaking behavior does not always occur on a large scale, however. Often, individuals do not obey even minor laws. These individuals are termed *scofflaws*. These are persons who do not respect the law at all. They simply assess the risk of being caught and punished against the benefits

they obtain by breaking the law. They lack personal *integrity*, or the capacity to do what is right in the face of temptation or pressure to do otherwise. They think they are smart because they frequently violate valid laws without being caught. A scofflaw is never ethically justified in violating the law.

In contrast to the self-serving behavior of scofflaws, some people care passionately about ethical behavior, human rights, and justice. Their concern for justice sometimes compels them to violate what they consider to be an unjust law—a law they believe to be in conflict with ethical reasoning. They violate the law by engaging in acts of civil disobedience.

Civil disobedience is an open, peaceful, violation of a law to protest its alleged, or supposed, injustice. The goal of those who engage in civil disobedience is not to advance their self-interest but rather to make the legal system more just. The participants may be willing, or even eager, to be arrested in order to test the validity of the law in court.

Dr. Martin Luther King, Jr., engaged in civil disobedience. Dr. King believed that civil disobedience is justified only in very limited circumstances. He and others conclude that civil disobedience is ethical when

- a written law is in conflict with ethical reasoning
- no effective political methods are available to change the law



Over what issue did Dr. Martin Luther King, Jr., and his followers engage in civil disobedience?

- the civil disobedience is nonviolent
- the civil disobedience does not advance a person's immediate self-interest
- the civil disobedience is public and one willingly accepts the punishment for violating the law

As a result of Dr. King's efforts, many human rights were extended for the first time to several minority groups in this country.

CHECKPOINT > >

In the U.S. system of democracy, how are ethics reflected in laws?



Access www.cengage.com/school/blaw/law and click on the link for Chapter 1. Read the excerpt from Dr. Martin Luther King's autobiography. How did Henry David Thoreau's essay on "Civil Disobedience" influence Dr. King's development as a civil rights activist?

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THINK ABOUT LEGAL CONCEPTS

- An ethical decision as to what is right or wrong must be reasoned and __?__.
- The two forms of ethical reasoning almost never reach the same conclusions. True or False
- Which of the following best describes the elements involved in civil disobedience?
 (a) violating the law (b) violating the law



openly (c) violating the law openly and peacefully (d) violating the law openly, peacefully, and accepting punishment for the violation

 Majority rule usually involves which of the following types of ethical reasoning? (a) reasoning based on consequences (b) rule-based reasoning

THINK CRITICALLY ABOUT EVIDENCE

Study the situation, answer the questions, and then prepare arguments to support your answers.

- 5. Conner walked past the candy section in the grocery store and quickly stuffed a handful of candy bars into her purse. A store security guard saw her do it, and she was arrested. Her parents came to the police station after her arrest to take her home. Did Conner's shoplifting affect anyone? If so, who? Was Conner basing her conduct on emotion or reason? Was she treating herself and the other customers and stockholders of the store equally?
- 6. Sharon knows about tax laws and how the Internal Revenue Service (IRS) audits tax returns. She knows a way to cheat on her tax return that would save her almost \$2,000. She thinks her chance of being caught is about one in 100. Can this cheating be justified by reasoning based on ethical rules? Can it be justified by ethics based on consequences? Explain your answers.
- 7. An ordinance of Walker County provided that all automobiles must pass a smog emissions test once a year. Ross was ticketed because his car had not been inspected and approved at a testing center. Ross claimed to be a skilled mechanic who kept his car well tuned and cleaner than the law required. According to Ross, the law violated his natural rights. Explain why you agree or disagree with Ross.
- 8. If a legislature enacted a law that made it illegal to shout "fire" in a movie theater, would the ethical character of the law reflect consequencesbased reasoning, rule-based reasoning, or both?
- 9. Assume a state legislature enacted legislation which budgeted more money to educating rich children than to educating poor children. Also assume that the majority of children are poor. Would complying with the law more reflect rulebased ethics or consequences-based ethics?

Name	Date	Class	
LESSON 1-1 LAWS AND LEGAL SYSTEMS			

Lesson 1-1 Outline

- I. What Is Law?
 - A. Stages in the Growth of Law
 - B. Common Law versus Positive Law
- II. What Is the Origin of the U.S. Legal System?
 - A. English Common Law
 - 1. King's Bench
 - 2. Jury
 - 3. An Example
 - 4. Advantages of English Common Law
 - B. Equity: An Alternative to Common Law

Lesson 1-1 Review

Vocabulary Review

Define each of the following vocabulary terms.

- 1. laws
- 2. code
- 3. common law
- 4. positive law

Page

Lesson 1-1 Review (continued)

5.	jurisdiction
6.	equity
Co	oncept Review
7.	Why do societies need laws and courts?
8.	What powers do the courts have when personal or private property is damaged or destroyed?
Go	pals Review
9.	Explain the stages in the growth of law.
10.	Describe the differences between common law and positive law.
	and the second of the second o
l 1.	Identify the origin of the U.S. legal system.
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✓ LESSON 1—1 RETEACH

Directions: Write the answers to Questions 1–12 on the blanks provided. The answer to Question 13 should appear in the vertical boxes.

	13.
1.	
2.	
3.	
4.	
5	
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9	
10.	
11.	
12.	
	

- 1. Decree issued by a court to prevent an action
- 2. Where one goes to seek a fair resolution of a legal dispute
- 3. Panel of citizens appointed by a judge to listen to evidence in a case
- 4. Law that is handed down by a king or higher authority
- 5. King Henry II's court of judges
- 6. An organized group of laws
- 7. King of Babylon responsible for setting down the code laws
- 8. Law based on the current standards or customs of the people
- 9. The use of prior cases to decide later cases that are similar
- 10. Primary achievement of the English common law system
- 11. Powerful leader or authority that sets up courts
- 12. The term for causing injuries to others for personal reasons
- 13. The power to hear a case

✓ LESSON 1—1 ENRICHMENT

You learned in the lesson that societies generally go through four stages in the formation of legal systems. In the world today, there are a number of societies practicing each of the four stages. Search through newspapers, magazines, and/or Internet news articles from the past year. For each of the four stages listed below, find an example of that stage being practiced in the world. Then use the space provided to explain how each news item applies to a stage in the development of legal systems.

1. Individuals take revenge for wrongs done to them.

2. Awards of money or goods are substituted for revenge.

3. Court systems are formed.

4. A central authority figure intervenes to prevent and punish wrongs.

LESSON 1—1 QUIZ

Legal Concepts

Directions: In the Answers column, write the letter from Column 1 that represents the word or phrase that matches the statement in Column 2.

	Column 1	C	olumn 2	Answers
A.	equity	1.	A group of laws in organized form	1
B.	laws	2.	The power to decide a case	2
	positive law King's Bench	3.	Law that is based on current standards or customs	3
	precedent injunction	4.	Panel of citizens who help interpret society's customs	4
G.	jurisdiction	5.	Enforceable rules of conduct in society	5
I.	common law	6.	An order that prevents something from being done	6
		7.	Law dictated by a sovereign or higher authority	7
		8.	Court appointed by King Henry II	8
		9.	Fairness	9
		10.	Using prior cases as a guide for deciding similar new cases	10

Legal Applications

- 11. Carlos sold the trees on his 300-acre farm to Redicut Lumber Company. Redicut used logging equipment and methods that caused severe erosion on steep hillsides and drainage problems in low-lying areas. How might Carlos's case have been decided in an early English common law court?
- 12. How would Carlos's case have been handled differently in an equity court?



Name		Date	Class	

LESSON 1-2 TYPES OF LAWS

Lesson 1-2 Outline

- I. What Are the Sources of Law?
 - A. Constitutions
 - 1. Allocation of Power Between People and Their Governments
 - 2. Allocation of Power Between Federal and State Governments
 - 3. Allocation of Power Among the Branches of Government
 - B. Statutes
 - C. Ordinances
 - D. Case Law
 - E. Administrative Law
- II. What Happens When Laws Conflict?
 - 1. Constitutions and Validity
 - 2. Statutes and Validity
 - 3. Administrative Regulations and Validity
 - 4. Case Law and Validity
- III. What Are the Main Types of Laws?
 - A. Civil and Criminal Laws
 - B. Procedural and Substantive Laws
 - C. Business Law

Lesson 1-2 Review

Vocabulary Review

Define each of the following voca	abulary terms.			
			e Santa	÷ •
·• ·				
2. statutes				
3. ordinances			A .	
4. case law	And the second			
5. stare decisis				
6. administrative agencies	in the second			
7. civil law				
8. criminal law				
9. procedural law Sets forth is enforced through the legal how those remedies are to l	system; determine	sponsibilities can t es what remedies a	pe legally exercis are available in a	ed and lawsuit and
0. substantive law		-		
-				
			·	

Concept Review

11. How is power allocated between federal, state, and local governments?

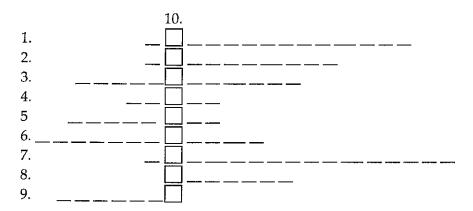


Lesson 1-2 Review (continued)

	Lesson 1-2 Review (continued)
12.	What determines whether a particular law, statute, ordinance, or regulation is valid?
	- · · · · · · · · · · · · · · · · · · ·
13.	How can a single act violate more than one kind of law, such as both civil law and criminal law? Give an example.
	als Review
14.	How are constitutional, statutory, case, and administrative laws created?
15	How are conflicts between constitutional, statutory, case, and administrative laws resolved?
٠.	Trow are constitutional, statutory, ease, and administrative laws resolved?
	•
6.	Describe the differences between criminal and civil law, substantive and procedural law, and
	business law and other forms of law.

✓ LESSON 1—2 RETEACH

Directions: Write the answers to Questions 1–9 on the blanks provided. The answer to Question 10 should appear in the vertical boxes.



- 1. Laws created by amending a constitution are considered
- 2. Law that enforces legal rights
- 3. Doctrine that demands lower courts follow prior case laws
- 4. An offense against society
- 5. Law is followed when a crime has taken place
- 6. Type of agency carries out laws
- 7. Law that conflicts with a constitution
- 8. Law that is created by the judicial branch
- 9. Laws that are enacted on state or federal level by a legislature
- 10. Laws that are enacted on a local level

STUDENT	CLASS	DATE

✓ LESSON 1—2 QUIZ

Legal Concepts

Directions: Fill in the blank(s) with the most appropriate term or phrase to complete the sentence.

		Answers
1.	? is created when constitutions are amended or adopted.	1
2.	? law defines legal rights and duties.	2
3.	The judicial branch of government creates? law.	3
4.	A law is considered <u>?</u> when it conflicts with a constitution.	4
5.	Laws enacted by state and federal legislatures are called?	5
6.	The doctrine of? requires lower courts to follow established case laws.	6
7.	Laws enacted by local legislatures are called?	7
8.	? enforces legal rights and duties.	8
9.	deals with the private legal rights of an individual.	9
10.	A(n) ? is an offense against society.	10

Legal Applications

- 11. Suppose the state of Pennsylvania passed a law forbidding large grocery store chains to sell 2% milk for less than \$2.49 a gallon in order to help the owners of smaller stores. Why would this legislation be invalidated by the federal government?
- 12. Sharon was driving down a street when she failed to stop at a red traffic light. Seeing a police car approaching in her rearview mirror, she speeded up to avoid being caught. She then lost control of her car and crashed through the wall of a convenience store. What types of law has Sharon violated and what penalties might she face?

Name	Date	Class
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LESSON 1-3 ETHICAL BASES FOR LAWS

Lesson 1-3 Outline

- I. Ethics and the Law
 - A. Basic Forms of Ethical Reasoning
 - 1. Consequences-Based Ethical Reasoning
 - 2. Rule-Based Ethical Reasoning
 - B. Ethics Reflected in Laws

Lesson 1-3 Review

Vocabulary Review

Define each of the following vocabulary terms.

- 1. impartiality
- 2. universalizing
- 3. ethics
- 4. ethical system
- 5. Utilitarianism
- 6. Kantian ethics
- 7. civil disobedience *injustice*.
- 8. integrity



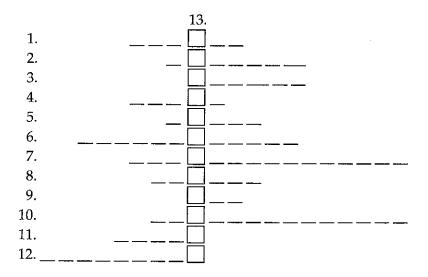
Concept Review

9.	Why do the two forms of ethical reasoning, consequences-based and rule-based, usually result in the same decision, and what is the probable cause when they do not?
10.	How does the majority rule principle demonstrate consequences-based reasoning in our laws?
Go	als Review
11.	How are ethical decisions reasoned out?
12.	Think about consequences-based ethics and rule-based ethical reasoning. Write a brief paragraph describing a scenario in which breaking the rules has an ethical outcome.
13.	How are ethics reflected in laws?

Page

✓ LESSON 1—3 RETEACH

Directions: Write the answers to Questions 1–12 on the blanks provided. The answer to Question 13 should appear in the vertical boxes.



- 1. Deciding what is right or wrong in an impartial manner
- 2. Another term for feelings
- 3. The primary motivation when businesses move overseas
- 4. A religious text other than the Bible that speaks about right and wrong
- 5. The opposite of right
- 6. Needs to be balanced with the interests of others
- 7. Test that asks, "Would the result be irrational, illogical, or demeaning if everyone did it?"
- 8. Bases for ethical decisions
- 9. What civil disobedience tests
- 10. Evaluates the moral worth of a proposed action by forecasting the consequences of that action and alternatives to it
- 11. Type of action resulting from an ethical decision
- 12. What people consult when deciding between right and wrong
- 13. Concept that the same ethical standards apply to everyone



✓ LESSON 1—3 QUIZ

Legal Concepts

Directions: Place a *T* for True or an *F* for False in the Answers column to show whether each of the following statements is true or false.

		Answers
1.	Ethical decisions are based on reason rather than emotion.	1.
2.	Ethics values one person or group more than another.	2
3.	Impartiality forces a person to balance self-interest with the interests of others.	3
4.	Business ethics are the ethical principles used in making business decisions.	4
5.	The idea of profit maximization is supported by those who want to create jobs and keep factories open in their own country.	5
6.	People often refer to a written authority when reasoning about right and wrong.	6
7.	The law is a written authority that provides consistency.	7
3.	An ethical decision should be partial.	8
9.	Behavior that is considered ethical in one culture may not be acceptable in another culture.	9

Legal Applications

- 10. Suppose you are driving down the street when you hit and seriously injure someone's dog. You were not driving over the speed limit or in a reckless manner. You are sure that no one saw you hit the dog, and you would like to drive on without notifying the dog's owner. You begin to think about how you would feel if someone left your dog to suffer. You decide to locate the owner and explain what happened. Have you made an ethical decision?
- 11. Jose can't wait to buy his first car next month. He imagines that he will make several new friends at school since everyone will want to ride in his car. He is even having a hard time concentrating on filling orders at the restaurant where he works. Does Jose's thinking have an ethical component? Who is most affected by Jose's conduct?