

Vago/Nelson *Law and Society*, Fourth Canadian Edition  
Chapter 2 Theoretical Perspectives

1. Traditional legal systems are typically characteristic of \_\_\_\_\_.

- a. early industrial societies
- b. post-industrial societies
- c. industrial societies
- d. hunting-and-gathering societies
- e. early agrarian societies

ANSWER: D      DIFFICULTY: EASY      PAGE: 26

2. Transitional legal systems are typically characteristic of \_\_\_\_\_.

- a. early industrial societies
- b. post-industrial societies
- c. industrial societies
- d. hunting-and-gathering societies
- e. early agrarian societies

ANSWER: A      DIFFICULTY: EASY      PAGE: 27

3. A distinctive feature of modern legal systems is the proliferation of \_\_\_\_\_.

- a. criminal law
- b. tort Law
- c. public law
- d. private law
- e. administrative law

ANSWER: E      DIFFICULTY: MODERATE      PAGE: 29

4. Modern legal systems contain which of the following descriptors?

- a. universalistic
- b. rational
- c. amenable
- d. separate
- e. all of the above

ANSWER: E      DIFFICULTY: EASY      PAGE: 29

5. According to Montesquieu's *Spirit of the Laws*, \_\_\_\_\_.

- a. law is a product of economic forces
- b. law is a tool of the ruling class on behalf of the economically weak
- c. laws can be understood only in the context of particular societies

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- d. government intervention is seen as an unwanted interference with the laws of natural selection
- e. arbitrary will is not legally binding

ANSWER: C      DIFFICULTY: MODERATE      PAGE: 31

6. \_\_\_\_\_ was the founder and principal proponent of the English historical school of law.

- a. Baron de Montesquieu
- b. Herbert Spencer
- c. Charles Darwin
- d. William Graham Sumner
- e. Sir Henry Sumner Maine

ANSWER: E      DIFFICULTY: MODERATE      PAGE:32

7. According to \_\_\_\_\_, the movement of the progressive societies has hitherto been a movement from status to contract.

- a. Baron de Montesquieu
- b. Herbert Spencer
- c. Charles Darwin
- d. William Graham Sumner
- e. Sir Henry Sumner Maine

ANSWER: E      DIFFICULTY: MODERATE      PAGE: 33

8. \_\_\_\_\_ considered the legal and moral to constitute two quite separate and distinct realms in law.

- a. Legal realism
- b. Dialectical materialism
- c. Legal positivism
- d. Natural justice
- e. Left realism

ANSWER: C      DIFFICULTY: MODERATE      PAGE: 30

9. The religious, social, political, and cultural order of any given epoch is determined by the existing system of production. This is exemplified in the doctrine of \_\_\_\_\_.

- a. legal realism
- b. dialectical materialism
- c. legal positivism
- d. natural justice
- e. left realism

ANSWER: B      DIFFICULTY: MODERATE      PAGE: 33

10. \_\_\_\_\_ would be determined when a religious judge makes a decision without any legal recourse to explicit rules or legal principles.

- a. Substantive irrationality
- b. Formal irrationality
- c. Substantive rationality
- d. Formal rationality
- e. Situated irrationality

ANSWER: A      DIFFICULTY: MODERATE      PAGE: 34

TRUE/FALSE

11. According to Weber, the use of ordeals and oaths would exemplify formal irrationality.

ANSWER: F      DIFFICULTY: EASY      PAGE: 34

12. According to Weber, modern Canadian or Western law would exemplify formal rationality.

ANSWER: T      DIFFICULTY: EASY      PAGE: 34

13. According to Weber, Kahdi justice is dispensed by the judge of the Islamic *Shari'a* court.

ANSWER: T      DIFFICULTY: EASY      PAGE: 35

14. According to Durkheim, organic solidarity prevails in relatively simple and homogeneous societies.

ANSWER: F      DIFFICULTY: EASY      PAGE: 35

15. According to Durkheim, mechanical solidarity is associated with repressive and penal law.

ANSWER: T      DIFFICULTY: EASY      PAGE: 35

16. E. Adamson Hoebel is considered the founder of left pragmatism.

ANSWER: F      DIFFICULTY: MODERATE      PAGE: 38

17. Oliver Wendell Holmes is considered father of legal realism.

ANSWER: T      DIFFICULTY: EASY      PAGE: 37

18. Stratification can be measured by differences of social mobility.

ANSWER: T      DIFFICULTY: MODERATE      PAGE: 39

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19. In 1988, the Supreme Court of Canada ruled that employment discrimination against women was an instance of discrimination.

ANSWER: F      DIFFICULTY: EASY      PAGE: 48

20. Latent functions are understood to be the unintended consequences of a system designed to serve other purposes.

ANSWER: T      DIFFICULTY: MODERATE      PAGE: 42

SHORT ANSWER

21. Your textbook outlines three predominant themes in feminist literature. Identify and discuss each. [p. 48]

22. Discuss the three basic methods used in feminist legal research. [p. 50]

23. Discuss the basic tenets of critical race theory. [pp. 51–52]

24. Discuss the foundations and basic tenets of critical legal studies. [pp. 46–47]

25. Identify the theorists typically thought of as the European pioneers of legal study. How do they differ in their theoretical stance? [pp. 30–33]