

## Chapter 1

### *Legal Heritage and the Information Age*

1) The law in the United States has been influenced by English law, but not by French or Spanish law.

**Answer:** FALSE

**Diff:** 2

**Topic:** Introduction to Legal Heritage and the Information Age

2) Law is intended to protect persons and their property from unwanted interference from others.

**Answer:** TRUE

**Diff:** 1

**Topic:** Sources of Law in the United States (Priority of Law)

3) That which must be obeyed and followed by citizens subject to sanctions or legal consequences can be thought of as law.

**Answer:** TRUE

**Diff:** 1

**Topic:** Sources of Law in the United States (Priority of Law)

4) Shaping moral standards is beyond the function of the law.

**Answer:** FALSE

**Diff:** 2

**Topic:** Sources of Law in the United States (Priority of Law)

5) Law serves both to facilitate orderly change and to maintain the status quo.

**Answer:** TRUE

**Diff:** 2

**Topic:** Sources of Law in the United States (Priority of Law)

6) The Supreme Court's landmark decision in *Brown v. Board of Education* is an example of one Supreme Court case overruling a prior Supreme Court case to promote justice.

**Answer:** TRUE

**Diff:** 1

**Topic:** Sources of Law in the United States (Priority of Law)

7) *Plessy v. Ferguson* overruled *Brown v. Board of Education*.

**Answer:** FALSE

**Diff:** 2

**Topic:** Sources of Law in the United States (Priority of Law)

8) Flexibility is undesirable in the law because the courts become straightjacketed.

**Answer:** FALSE

**Diff:** 2

**Topic:** Sources of Law in the United States (Priority of Law)

9) After *Brown v. Board of Education* was decided, integrating many public schools required court orders as well as U.S. Army Enforcement.

**Answer:** TRUE

**Diff:** 2

**Topic:** Sources of Law in the United States (Priority of Law)

10) *Brown v. Board of Education* legitimized the judicial philosophy of 'separate but equal.'

**Answer:** FALSE

**Diff:** 2

**Topic:** Sources of Law in the United States (Priority of Law)

11) The Natural Law School of jurisprudence believes that men and women create the correct natural laws by using reason to determine what is good and evil.

**Answer:** FALSE

**Diff:** 1

**Topic:** Schools of Jurisprudential Thought

12) The Historical School of jurisprudence believes that the law should not change and that what has historically been the law should remain the law.

**Answer:** FALSE

**Diff:** 2

**Topic:** Schools of Jurisprudential Thought

13) The Sociological School of jurisprudence holds that the law should be based on the norms of conduct carried out by the majority of the people.

**Answer:** FALSE

**Diff:** 2

**Topic:** Schools of Jurisprudential Thought

14) The Command School of jurisprudence believes that the law will change when there is a change in the ruling class.

**Answer:** TRUE

**Diff:** 1

**Topic:** Schools of Jurisprudential Thought

15) Proponents of the Critical Legal Studies School argue for a stable set of rules that avoids the exercise of subjective judgment by judges.

**Answer:** FALSE

**Diff:** 2

**Topic:** Schools of Jurisprudential Thought

16) The Law and Economics School of jurisprudential thought holds that the law should promote market efficiency.

**Answer:** TRUE

**Diff:** 1

**Topic:** Schools of Jurisprudential Thought

17) The Analytical School of jurisprudential thought will tend to focus on how the result is achieved rather than on the logic of the result.

**Answer:** FALSE

**Diff:** 1

**Topic:** Schools of Jurisprudential Thought

18) English Common Law received its name because it was the law of the common people.

**Answer:** FALSE

**Diff:** 3

**Topic:** International Law (The Civil Law System)

19) The English law courts were characterized by the ability to apply a wide variety of flexible remedies.

**Answer:** FALSE

**Diff:** 1

**Topic:** International Law (The Civil Law System)

20) The courts in which decisions were based on fairness in circumstances where the limited remedies of the law courts did not achieve a fair result were called Chancery.

**Answer:** TRUE

**Diff:** 2

**Topic:** International Law (The Civil Law System)

21) Court decisions play the same role in common law systems as in civil law systems.

**Answer:** FALSE

**Diff:** 2

**Topic:** International Law (The Civil Law System)

22) The separate set of courts established in England to administer the law of merchants were called the Merchant Courts.

**Answer:** TRUE

**Diff:** 1

**Topic:** International Law (The Civil Law System)

23) Powers not given to the states by the U. S. Constitution are reserved for the federal government.

**Answer:** FALSE

**Diff:** 1

**Topic:** International Law (The Civil Law System)

24) Treaties with foreign governments are considered part of the supreme law of the land.

**Answer:** TRUE

**Diff:** 2

**Topic:** Sources of Law in the United States (Judicial Decisions)

25) The states are not permitted to have their own constitutions because doing so would conflict with the U.S. Constitution.

**Answer:** FALSE

**Diff:** 1

**Topic:** Sources of Law in the United States (Judicial Decisions)

26) Codified-- Law or Codes--is past court decisions that have been organized by jurisdiction into code books.

**Answer:** FALSE

**Diff:** 2

**Topic:** Sources of Law in the United States (Judicial Decisions)

27) The Uniform Commercial Code is an example of federal law.

**Answer:** FALSE

**Diff:** 2

**Topic:** Sources of Law in the United States (Judicial Decisions)

28) Each of the three branches of the federal government is empowered to create administrative agencies.

**Answer:** FALSE

**Diff:** 1

**Topic:** Sources of Law in the United States (Judicial Decisions)

29) The Executive Branch has the power to enact the law

**Answer:** FALSE

**Diff:** 3

**Topic:** International Law (The Civil Law System)

30) The power of the President or a state governor to issue executive orders can be derived from either an express grant from the legislative branch or by implication from a constitution.

**Answer:** TRUE

**Diff:** 3

**Topic:** Sources of Law in the United States (Judicial Decisions)

31) The doctrine of *stare decisis* provides for adherence to precedent.

**Answer:** TRUE

**Diff:** 1

**Topic:** Sources of Law in the United States (Judicial Decisions)

32) Based upon the common law tradition, past court decisions become precedent for deciding future cases.

**Answer:** TRUE

**Diff:** 2

**Topic:** Sources of Law in the United States (Judicial Decisions)

33) According to the text, law can be defined as:

- A) The actions that a person is not allowed to perform.
- B) A body of rules of action or conduct prescribed by controlling authority.
- C) What an individual believes to be fair and just.
- D) The persons responsible for the enforcement of society's rules.

**Answer:** B

**Diff:** 2

**Topic:** Sources of Law in the United States (Priority of Law)

34) Each of the following is a function of the law except:

- A) Shaping moral standards.
- B) Maintaining the status quo.
- C) Facilitating retaliation by victims.
- D) Facilitating orderly change.

**Answer:** C

**Diff:** 2

**Topic:** Sources of Law in the United States (Priority of Law)

35) Passing statutes only after considerable study, debate, and public input is an example of which function of the law?

- A) Maintaining the status quo.
- B) Facilitating orderly change.
- C) Keeping the peace.
- D) Shaping moral standards.

**Answer:** B

**Diff:** 2

**Topic:** Sources of Law in the United States (Priority of Law)

36) Laws passed to discourage drug and alcohol abuse would serve which function?

- A) Keeping the peace
- B) Promoting social justice
- C) Shaping moral standards
- D) Facilitating orderly change

**Answer:** C

**Diff:** 3

**Topic:** Sources of Law in the United States (Priority of Law)

37) Laws passed to prevent the forceful overthrow of the government would serve which function?

- A) Maintaining the status quo
- B) Shaping moral standards
- C) Facilitating planning
- D) Maximizing individual freedom

**Answer:** A

**Diff:** 2

**Topic:** Sources of Law in the United States (Priority of Law)

- 38) The concept of flexibility in the law is best illustrated by:
- A) The use of precedent to decide similar cases in similar ways.
  - B) The ability to overturn precedent when it is no longer valid or when it is erroneous.
  - C) The use of appointed judges rather than elected judges.
  - D) Imposing mandatory penalties for criminal violations.

**Answer:** B

**Diff:** 3

**Topic:** Sources of Law in the United States (Priority of Law)

- 39) Which doctrine was overturned in the case of *Brown v. Board of Education*?

- A) The legality of poll taxes
- B) The permissibility of separate but equal facilities
- C) Allowing only white males to vote
- D) The acceptability of paying women less than men for comparable work

**Answer:** B

**Diff:** 1

**Topic:** Sources of Law in the United States (Priority of Law)

- 40) Dictatorships, such as those in North Korea, are based upon which school of jurisprudential thought?

- A) Law and Economics school
- B) Command school
- C) Historical school
- D) Natural Law school

**Answer:** B

**Diff:** 1

**Topic:** Schools of Jurisprudential Thought

- 41) Under which school of jurisprudential thought do legal scholars look to past legal decisions to solve contemporary problems?

- A) Analytical
- B) Historical
- C) Sociological
- D) Law and Economic

**Answer:** B

**Diff:** 1

**Topic:** Schools of Jurisprudential Thought

42) Persons who believe that law is "discovered" by men and women through the use of reasoning and choosing between good and evil, believe in which school of jurisprudential thought?

- A) The Natural School
- B) The Historical School
- C) The Analytical School
- D) The Command School

**Answer:** A

**Diff:** 1

**Topic:** Schools of Jurisprudential Thought

43) Persons who believe that law is an aggregate of social traditions and customs, and that such societal changes will gradually be reflected in the law, believe in which school of jurisprudential thought?

- A) The Natural School
- B) The Historical School
- C) The Analytical School
- D) The Command School

**Answer:** B

**Diff:** 1

**Topic:** Schools of Jurisprudential Thought

44) Someone who believes that law is a reflection of those in power, believes in which school of jurisprudential thought?

- A) The Natural School
- B) The Historical School
- C) The Analytical School
- D) The Command School

**Answer:** D

**Diff:** 1

**Topic:** Schools of Jurisprudential Thought

45) Which of the following is most consistent with the Natural Law School of jurisprudence?

- A) Law is based on moral and ethical principles of what is right, and it is the job of men and women, through study, to determine what these principles are.
- B) The law is a reflection of society, thus the law must change naturally as society changes over time.
- C) The laws of people are secondary to the laws of nature, and thus the laws of nature take precedence whenever the laws of people are in conflict with the laws of nature.
- D) By applying the rules of logic to specific cases, the logical, or natural, result will be obtained.

**Answer:** A

**Diff:** 2

**Topic:** Schools of Jurisprudential Thought

46) The school of jurisprudence that believes that legal rules are unnecessary and used by the powerful to maintain the status quo, and that disputes should be resolved based on general notions of fairness, is:

- A) The Command School.
- B) The Sociological School.
- C) The Critical Legal Studies School.
- D) The Law and Economics School.

**Answer:** C

**Diff:** 2

**Topic:** Schools of Jurisprudential Thought

47) The Critical Legal Studies School of jurisprudence believes that:

- A) Free market forces and market efficiency are the most important principles underlying the law.
- B) Past court decisions must be analyzed and criticized in developing new law.
- C) Subjective decision making by judges based on general notions of fairness is appropriate.
- D) One of the main purposes of law is to serve as an official voice of criticism of those in power.

**Answer:** C

**Diff:** 2

**Topic:** Schools of Jurisprudential Thought

48) The school of jurisprudence that believes that free market forces should determine the outcomes to lawsuits is:

- A) The Command School.
- B) The Sociological School.
- C) The Critical Legal Studies School.
- D) The Law and Economics School.

**Answer:** D

**Diff:** 2

**Topic:** Schools of Jurisprudential Thought

49) Which of the following is true about the Law and Economics School of jurisprudence?

- A) It is also known as the New York School.
- B) It promotes the use of economic principles in resolving cases, so long as the case is one involving business.
- C) It would say a case that no lawyer would take on a contingent fee basis is probably a case that is not worth bringing.
- D) It holds that antitrust cases should be vigorously prosecuted in order to protect the economic viability of smaller firms.

**Answer:** C

**Diff:** 2

**Topic:** Schools of Jurisprudential Thought



50) The following courts were common in England before the founding of the United States except:

- A) Chancery Courts.
- B) Family Courts.
- C) Merchant Courts.
- D) Equity Courts.

**Answer:** B

**Diff:** 2

**Topic:** International Law (The Civil Law System)

51) The remedy, or relief, that was available in the law courts of England was:

- A) Specific performance.
- B) Fines and imprisonment.
- C) Monetary awards for damages.
- D) Returning the parties to their positions before the dispute arose.

**Answer:** C

**Diff:** 2

**Topic:** International Law (The Civil Law System)

52) Chancery Courts were also known as:

- A) Law Courts.
- B) Equity Courts.
- C) Criminal Courts.
- D) Merchant Courts.

**Answer:** B

**Diff:** 2

**Topic:** International Law (The Civil Law System)

53) Which of the following is true about the creation of courts in England?

- A) The law courts were created in order to have broader jurisdiction than the merchant courts.
- B) The merchant courts were created in order to have more flexibility in fashioning remedies than the chancery courts.
- C) The equity courts were created to allow remedies that could not be granted by the law courts.
- D) The different types of courts were created in order to handle different types of cases, but the remedies available to the different courts were the same.

**Answer:** C

**Diff:** 2

**Topic:** International Law (The Civil Law System)

54) The set of rules that were developed in Europe to settle disputes arising in commercial settings was called:

- A) Commercial law.
- B) Law Merchant.
- C) The Uniform Commercial Code.
- D) Fair trade law.

**Answer:** B

**Diff:** 2

**Topic:** International Law (The Civil Law System)

55) Common law consists of:

- A) Laws that all nations have in common.
- B) Laws that affect everyone, including ordinary persons.
- C) Opinions that have been issued by judges when deciding previous cases.
- D) Laws with which most people are familiar.

**Answer:** C

**Diff:** 2

**Topic:** International Law (The Civil Law System)

56) Common law is called common law because:

- A) It was the law that applied to the common people.
- B) By using precedent it could be applied uniformly and therefore be common among the courts of the various jurisdictions in England.
- C) It was intended to be the same in England and the United States, and thus would be common to the two nations.
- D) It was the law that applied to common everyday situations.

**Answer:** B

**Diff:** 3

**Topic:** International Law (The Civil Law System)

57) The distinguishing feature of a common law system is:

- A) Requiring guilt to be proven beyond a reasonable doubt.
- B) Using juries to decide cases.
- C) Following precedent in making decisions.
- D) Having an appeal process.

**Answer:** C

**Diff:** 2

**Topic:** International Law (The Civil Law System)

58) Prior court decisions that are precedent for later decisions are known as:

- A) Law Merchant.
- B) Common law.
- C) Judicial discretion.
- D) Civil law decisions.
- E) Equity law.

**Answer:** B

**Diff:** 1

**Topic:** International Law (The Civil Law System)

59) Which of the following is true about United States law today?

- A) The law of all states is based on English common law.
- B) Not all states base their legal system on English common law.
- C) The law and equity courts remain separate in most states today.
- D) The laws of the 50 states are essentially similar.

**Answer:** B

**Diff:** 2

**Topic:** International Law (The Civil Law System)

60) The state or states that do not base their legal system(s) on English Common Law is (are):

- A) Louisiana.
- B) Louisiana and Hawaii.
- C) Delaware and Louisiana.
- D) Alaska and Hawaii.

**Answer:** A

**Diff:** 1

**Topic:** International Law (The Civil Law System)

61) Which of the following is true about civil law systems?

- A) Very few nations use civil law systems today.
- B) Past court decisions are usually not a source of law in civil law systems.
- C) Civil law systems do not rely on extensive written codes.
- D) Civil law systems are found exclusively outside of Europe and North America.

**Answer:** B

**Diff:** 2

**Topic:** International Law (The Civil Law System)

62) Influential Civil Codes include the following except:

- A) The French Civil Code of 1804.
- B) The Roman *Corpus Juris Civilis*.
- C) The Spanish Civil Code of 1592.
- D) The German Civil Code of 1896.

**Answer:** C

**Diff:** 2

**Topic:** International Law (The Civil Law System)

- 63) In the United States, the supreme law of the land includes:
- A) The U.S. Constitution only.
  - B) The statutes passed by Congress only.
  - C) The U.S. Constitution and executive orders issued by the President.
  - D) The U.S. Constitution and treaties with foreign governments.

**Answer:** D

**Diff:** 2

**Topic:** Sources of Law in the United States (Judicial Decisions)

- 64) Which of the following sources of law ranks in priority with the U.S. Constitution?
- A) State constitutions
  - B) Federal statutes
  - C) Court decisions on constitutional matters
  - D) Treaties
  - E) None of the above

**Answer:** D

**Diff:** 2

**Topic:** Sources of Law in the United States (Judicial Decisions)

- 65) Which branch of government has the authority to determine the validity of a law?
- A) Executive
  - B) Administrative
  - C) Judicial
  - D) Legislative

**Answer:** C

**Diff:** 1

**Topic:** Sources of Law in the United States (Judicial Decisions)

- 66) Assume that there is a provision in the Colorado state constitution that is in conflict with a statute that was passed by the U.S. Congress and enacted into law. Which is true?
- A) The Colorado constitutional provision will control; the federal statute is invalid.
  - B) The federal statute will control and make the state constitutional provision invalid.
  - C) In Colorado, the Colorado constitutional provision will control over the statute passed by Congress, but the federal statute will apply in the other 49 states.
  - D) Within Colorado, whichever was passed first will control over the other.

**Answer:** B

**Diff:** 3

**Topic:** Sources of Law in the United States (Judicial Decisions)

67) Which of the following statements is true about treaties?

- A) Treaties are valid only if they do not conflict with a statute passed by Congress.
- B) Treaties are valid only if they do not conflict with a statute passed by Congress or any of the state legislatures.
- C) Treaties are the supreme law of the land, equal in priority with the U.S. Constitution.
- D) Treaties are the supreme law of the land, and take priority over any inconsistent constitutional provision.

**Answer:** C

**Diff:** 2

**Topic:** Sources of Law in the United States (Judicial Decisions)

68) When statutes are organized by topic, the resulting compilation of law is known as:

- A) An ordinance.
- B) Codified law.
- C) Common law.
- D) Civil law.

**Answer:** B

**Diff:** 2

**Topic:** Sources of Law in the United States (Judicial Decisions)

69) Ordinances are part of:

- A) Common law.
- B) State law.
- C) Federal law.
- D) Administrative law.

**Answer:** B

**Diff:** 1

**Topic:** Sources of Law in the United States (Judicial Decisions)

70) The term, "the fourth branch of government" has often been applied to:

- A) The Federal Trade Commission.
- B) Microsoft Corporation.
- C) Administrative agencies.
- D) The Supreme Court.
- E) The mayor's office in Washington, D.C.

**Answer:** C

**Diff:** 1

**Topic:** Sources of Law in the United States (Judicial Decisions)

71) Which of the following powers do administrative agencies typically have?

- A) Rulemaking only.
- B) Statute interpretation only.
- C) Dispute adjudication only.
- D) All of the above.

**Answer:** D

**Diff:** 2

**Topic:** Sources of Law in the United States (Judicial Decisions)

72) The United States prohibits the export of certain powerful encryption technology. This was accomplished by:

- A) The passing of a federal statute by Congress.
- B) The President with the consent of Congress entering into treaties with countries that have a history of terrorist activities.
- C) An administrative order of the Federal Trade Commission.
- D) The President issuing an executive order.

**Answer:** D

**Diff:** 2

**Topic:** Sources of Law in the United States (Judicial Decisions)

73) The power of the president to issue executive orders:

- A) Is expressly provided for in the U.S. Constitution.
- B) Was granted to the president in an early Supreme Court decision.
- C) Is implied, but not expressly stated in the U.S. Constitution.
- D) Subject to a two-thirds approval of the Senate.

**Answer:** C

**Diff:** 2

**Topic:** Sources of Law in the United States (Judicial Decisions)

74) *Stare Decisis* is the doctrine of:

- A) Separation of powers so that decisions are not made by a single branch of government.
- B) Following precedent so that legal principles in earlier cases are followed in later cases.
- C) Constitutional principles applied when making any decision.
- D) Spending long periods of time looking at facts before making a decision.

**Answer:** B

**Diff:** 3

**Topic:** Sources of Law in the United States (Judicial Decisions)

75) \_\_\_\_\_ rank as the highest state law.

- A) State Constitutions
- B) The Constitution of the United States of America
- C) Codified state law
- D) Codified federal law

**Answer:** A

**Diff:** 2

**Topic:** Sources of Law in the United States (Priority of Law)

76) John lives in a large city and wants to start an airport shuttle service. In order to do so, John must go through a complicated permit application and approval process. John believes that this process is in place in order to protect the persons already operating such services. John believes that these rules are arbitrary, and that he should be allowed to start his business based on notions of fairness. John's beliefs most closely correspond to which school of jurisprudence?

- A) Critical Legal Studies
- B) Law and Economics
- C) Natural Law School
- D) Historical School

**Answer:** A

**Diff:** 2

**Topic:** Schools of Jurisprudential Thought

77) Barry owns a small software development firm. Barry has an employee who needs special accommodations in order to be able to perform the functions of his job. These accommodations would cost \$10,000, an amount that Barry believes is more than he should have to spend. The Americans with Disabilities Act provides that an employer is required to make "reasonable accommodations" for employees with a disability, but does not define what constitutes a "reasonable accommodation." Assume that size of the employer (by some measure) determines the maximum amount of money that would be considered reasonable for a particular employer to be required to spend. Under the principles of *stare decisis*, which of the following is true?

- A) If a similar-size employer had been required to spend \$15,000 in the past, then Barry would be required to spend the \$10,000.
- B) If a similar-size employer had been required to spend \$15,000 in the past, this would not be relevant in Barry's case because it happened in the past.
- C) If a similar-size employer had not been required to spend \$15,000 in the past, then Barry would not be required to spend \$10,000.
- D) If a similar-size employer had not been required to spend \$15,000 in the past, then Barry would be required to spend \$10,000.

**Answer:** A

**Diff:** 3

**Topic:** Sources of Law in the United States (Judicial Decisions)

78) A city ordinance requires that "cars stop for pedestrians in crosswalks," but does not provide a definition for a pedestrian. Dan Driver is cited for not stopping for someone crossing the crosswalk on a skateboard. The court determines that "pedestrian" as used in the ordinance includes persons on skateboards. Which is most likely true?

- A) In all other statutes where the term pedestrian is used, it must be interpreted to include persons on skateboards.
- B) In the future, this ordinance will be interpreted to include persons on skateboards within the definition of pedestrian.
- C) Other judges in the future will be free to decide whether or not persons on skateboards are included within the definition of pedestrians in this ordinance.
- D) The judge's decision would prevent the city from revising the ordinance to exclude persons on skateboards from the definition of pedestrians.

**Answer:** B

**Diff:** 3

**Topic:** Sources of Law in the United States (Judicial Decisions)

79) A judge is deciding a copyright infringement case involving material distributed over the Internet. Assume that the only prior decision held that any distribution of material over the Internet was considered to be public broadcasting. The judge in the current case believes that this interpretation was erroneous. Which of the following is true about deciding the current case?

- A) The judge must follow the precedent if it is applicable to the current case.
- B) The judge is never obligated to follow precedent.
- C) The judge can try to have the earlier decision overturned by a higher court, but must follow the earlier decision if the higher court does not overturn it.
- D) The judge can choose not to follow the earlier precedent if the judge believes that it was erroneous.

**Answer:** D

**Diff:** 2

**Topic:** Sources of Law in the United States (Judicial Decisions)

80) What are the good and bad aspects of relying on precedent to decide current cases? Give an example of precedent that either was not followed in the past, or should not be followed in the future. How much leeway do judges have in deciding whether to follow precedent? How much leeway should they have?

**Answer:** Precedent provides consistency in the law, but can lead to bad decisions when precedent becomes outdated or when the precedent-setting decision was wrong. See *Brown v. Board of Education*.

**Diff:** 2

81) Administrative agencies have been called the fourth branch of government. How big a role do they play in the federal government today compared to when the Constitution was drafted? If there has been a change in their role, describe that change and the reasons for it. Should the role of administrative agencies be changed?

**Answer:** Administrative agencies today play a much bigger role than in the past due to the ever-increasing complexity of society. For example, the Federal Communications Commission plays a major role today, but was unnecessary before the era of electronic communications.

**Diff:** 2



82) As the world becomes more internationally focused, the role of treaties in United States law becomes greater. Where do treaties fit in the hierarchy of sources of United States law? Should the United States try to make treaties play a larger or smaller role? How could this be accomplished?

**Answer:** Treaties, like the U.S. Constitution, are considered the supreme law of the land. Whether the United States enters into more or fewer treaties is largely up to the President and the Senate through the confirmation process.

**Diff:** 2

83) Evaluate the Law and Economics School of jurisprudence. What are the benefits and drawbacks of using market efficiency in legal decision making?

**Answer:** An advantage is that decisions might lead to economically efficient allocation of resources. However, many considerations in lawsuits do not lend themselves to precise economic measurement. Furthermore, it might be improper to deny certain rights to specific individuals simply because the rights have a low measurable economic value.

**Diff:** 2

84) A number of the functions of the law can be viewed as being contradictory. For example, one function is to maintain the status quo, whereas another is to facilitate orderly change. What other functions could be in conflict with one another? How can the law simultaneously have seemingly inconsistent functions?

**Answer:** The law has the function to keep the peace, yet also to maximize individual freedom. Likewise the function of shaping moral standards can conflict with maximizing individual freedom. There are other examples of conflicting functions. This is reasonable because although all are legitimate functions of the law, these functions will inevitably come into conflict in some circumstances. Thus, the law not only has these functions, but it must also determine which function takes precedence when there is a conflict. So, for example, the law can have the function of maximizing individual freedoms, but that can be limited by the separate function of keeping the peace.

**Diff:** 3

85) A body of rules of action or conduct prescribed by controlling authority, and having binding legal force is known as the \_\_\_\_\_.

**Answer:** Law

86) \_\_\_\_\_ postulates that law is based on what is "correct."

**Answer:** Natural Law

87) \_\_\_\_\_ is the law developed by judges who issue decisions when deciding a case.

**Answer:** Common law

88) The \_\_\_\_\_ School of jurisprudence states that promoting market efficiency should be the central goal of legal decision making.

**Answer:** Law and Economics

89) The \_\_\_\_\_ is the supreme law of the land.

**Answer:** Constitution of the United States of America

90) Written law enacted by a legislature establishing certain required courses of conduct is known as a \_\_\_\_\_.

**Answer:** Statute

91) Administrative agencies adopt \_\_\_\_\_ to interpret statutes.

**Answer:** Rules and regulations

92) \_\_\_\_\_ is a rule of law established in a court decision that is followed by other courts in deciding similar cases.

**Answer:** Precedent

93) Other than the U.S. Constitution, \_\_\_\_\_ take precedence over federal regulations.

**Answer:** Federal statutes