

Contemporary Business Law, 8e (Cheeseman)
Chapter 1 Legal Heritage and the Digital Age

1) Law is described as _____.

- A) a body of rules of action or conduct prescribed by controlling authority, and having binding legal force
- B) a study of fundamental problems, such as those connected with existence, knowledge and language
- C) a system that builds and organizes knowledge in the form of testable explanations and predictions
- D) a group of hypotheses employed to explain a phenomenon

Answer: A

Difficulty: Easy

Topic: What is Law?

LO: 1

2) Which of the following would be considered an example of "shaping moral standards," as seen as a function of the law?

- A) laws granting freedom of speech and religion
- B) laws discouraging drug and alcohol abuse
- C) laws providing rights to peaceful protest
- D) laws preventing overthrow of the government

Answer: B

Difficulty: Easy

Topic: What is Law?

LO: 2

3) What function of the law is being served when passing laws that prohibit discrimination at workplaces?

- A) keeping the peace
- B) providing a basis for compromise
- C) maintaining the status quo
- D) promoting social justice

Answer: D

Difficulty: Easy

Topic: What is Law?

LO: 2

4) Halfren, a county in the state of Halizona, is extremely earthquake-prone. A committee set up by the governor to study the effects of past earthquakes found that a new technique of using steel reinforcements in building columns would help reduce overall damages. The findings were put to a debate at the local town hall, where it was accepted by a majority of the residents of Halfren. The state government then passed a law making it mandatory to use the new steel-reinforced columns while constructing new buildings in Halfren. Which of the following function of the law did the state government of Halizona exhibit in this case?

- A) promoting social justice
- B) maximizing individual freedom
- C) shaping moral standards
- D) facilitating orderly change

Answer: D

Difficulty: Moderate

Topic: What is Law?

LO: 2

5) What function of the law is being served when passing laws that protect the U.S. government from the risk of being forcefully overthrown?

- A) maintaining the status quo
- B) shaping moral standards
- C) facilitating orderly change
- D) promoting social justice

Answer: A

Difficulty: Easy

Topic: What is Law?

LO: 2

6) Which of the following is true of "facilitating planning" as a function served by the law?

- A) It refers to laws that prohibit discrimination in employment.
- B) It refers to commercial laws that allow businesses to carry out their operations.
- C) It refers to laws enacted after careful study, debate, and public input.
- D) It refers to laws that allow for the settlement of cases even before they go to trial.

Answer: B

Difficulty: Easy

Topic: What is Law?

LO: 2

7) By allowing U.S. citizens to practice any religion of their choice, what essential function of the law does the U.S. Constitution serve?

- A) facilitating orderly change
- B) maintaining the status quo
- C) maximizing individual freedom
- D) facilitating planning

Answer: C

Difficulty: Easy

Topic: What is Law?

LO: 2

8) Mark Walton was involved in a car accident in which the airbag of his car failed to deploy. He sued the car manufacturer for installing faulty airbags. But in the course of the case being heard in court, the car company and Mark decided to settle the lawsuit out of court. What important function of the law was served in this case?

- A) promoting social justice
- B) maximizing individual freedom
- C) providing a basis for compromise
- D) maintaining the status quo

Answer: C

Difficulty: Moderate

Topic: What is Law?

LO: 2

9) _____ is described as the theory or philosophy of law.

- A) Morality
- B) Ethics
- C) Natural law
- D) Jurisprudence

Answer: D

Difficulty: Easy

Topic: Schools of Jurisprudential Thought

LO: 3

10) Proponents of the _____ School of jurisprudence emphasize a moral theory of law, where law is based on morality and ethics, and is discovered by human reasoning and making choices between good and evil.

- A) Sociological
- B) Analytical
- C) Historical
- D) Natural Law

Answer: D

Difficulty: Easy

Topic: Schools of Jurisprudential Thought

LO: 3

11) What School of jurisprudential thought is reflected in documents such as the U.S. Constitution, the Magna Carta, and the United Nations Charter?

- A) the Natural Law School
- B) the Historical School
- C) the Sociological School
- D) the Analytical School

Answer: A

Difficulty: Moderate

Topic: Schools of Jurisprudential Thought

LO: 3

12) Which school of jurisprudence views law as a sort of evolutionary process, where changing norms of society will be reflected in the law?

- A) the Natural Law School of jurisprudence
- B) the Sociological School of jurisprudence
- C) the Analytical School of jurisprudence
- D) the Historical School of jurisprudence

Answer: D

Difficulty: Easy

Topic: Schools of Jurisprudential Thought

LO: 3

13) Which of the following is true of the Historical School of jurisprudence?

- A) It postulates that law is based on morality and ethics.
- B) It asserts that law is an aggregate of social traditions and customs.
- C) It asserts that the purpose of law is to shape social behavior.
- D) It lays emphasis on the logic of the result rather than how the result is reached.

Answer: B

Difficulty: Easy

Topic: Schools of Jurisprudential Thought

LO: 3

14) A state court administering judgment based on the precedent established by the Supreme Court is an example of the _____ School of jurisprudential thought.

- A) Command
- B) Critical Legal Studies
- C) Historical
- D) Analytical

Answer: C

Difficulty: Moderate

Topic: Schools of Jurisprudential Thought

LO: 3

15) What is the difference between Natural Law School and Historical School of jurisprudence?

- A) Natural Law School emphasizes law shaped by logic, while Historical School emphasizes law enforced by the ruling party.
- B) Natural Law School emphasizes law shaped by sociological goals, while Historical School emphasizes law based on a moral theory.
- C) Natural Law School emphasizes law shaped by logic, while Historical School emphasizes law based on a moral theory.
- D) Natural Law School emphasizes a moral theory of law, while Historical School emphasizes law based on social traditions and customs.

Answer: D

Difficulty: Moderate

Topic: Schools of Jurisprudential Thought

LO: 3

16) The Analytical School of jurisprudence maintains that the law should be _____.

- A) shaped by logic
- B) based on social behavior
- C) set by the ruling class
- D) based on morality

Answer: A

Difficulty: Easy

Topic: Schools of Jurisprudential Thought

LO: 3

17) A government agency has been called in to interrogate prisoners in an attempt to stop future terrorist attacks on the United States and her allies. If the use of unapproved or unconstitutional methods to obtain information may prove to save lives, the government agency's actions best correspond to which school of jurisprudential thought?

- A) Command School
- B) Law and Economics School
- C) Analytical School
- D) Historical School

Answer: C

Difficulty: Moderate

Topic: Schools of Jurisprudential Thought

LO: 3

18) The followers of the _____ School of jurisprudential thought are known as realists.

- A) Sociological
- B) Critical Legal Studies
- C) Command
- D) Analytical

Answer: A

Difficulty: Easy

Topic: Schools of Jurisprudential Thought

LO: 3

19) Imposing a ban on public smoking can serve as an example of a law that adheres to the _____ School of jurisprudence.

- A) Command
- B) Sociological
- C) Law and Economics
- D) Analytical

Answer: B

Difficulty: Easy

Topic: Schools of Jurisprudential Thought

LO: 3

20) Proponents of the Command School of jurisprudence will assert that the law is _____.

- A) developed, communicated, and enforced by the ruling party
- B) a means to achieve and advance sociological goals
- C) a collection of a society's traditions and customs that has developed over the centuries
- D) based on human reasoning, and humans' choosing power between what is good and evil

Answer: A

Difficulty: Easy

Topic: Schools of Jurisprudential Thought

LO: 3

21) Zumania is a country where the government has installed a one-party rule. Most of the properties in the country are nationalized and the government has enforced a set of laws to be followed by the citizens of Zumania. Zumania's politics and law adheres to the _____ School of jurisprudential thought.

- A) Natural Law
- B) Command
- C) Historical
- D) Sociological

Answer: B

Difficulty: Moderate

Topic: Schools of Jurisprudential Thought

LO: 3

22) What is the difference between the Analytical and Command Schools of jurisprudence?

- A) The Analytical School believes that law is shaped by logic, while the Command School believes that law is enforced by the ruling party.
- B) The Analytical School believes that law is shaped by social traditions, while the Command School believes that law is shaped by a moral theory.
- C) The Analytical School believes that law is shaped by sociological goals, while the Command School believes that legal rules are unnecessary.
- D) The Analytical School believes that law is enforced by the ruling party, while the Command School believes that law is based on a moral theory.

Answer: A

Difficulty: Moderate

Topic: Schools of Jurisprudential Thought

LO: 3

23) Which school of jurisprudence bases its principles, for solving legal disputes, on broad notions of "fairness," and subjective decision making by judges?

- A) the Natural Law School of jurisprudence
- B) the Analytical School of jurisprudence
- C) the Critical Legal Studies School of jurisprudence
- D) the Sociological School of jurisprudence

Answer: C

Difficulty: Easy

Topic: Schools of Jurisprudential Thought

LO: 3

- 24) 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

Difficulty: Easy

Topic: Schools of Jurisprudential Thought

LO: 3

- 25) What school of jurisprudential thought emphasizes using law as a tool for market efficiency while solving legal disputes?

- A) the Critical Legal Studies School of jurisprudence
B) the Command School of jurisprudence
C) the Sociological School of jurisprudence
D) the Law and Economics School of jurisprudence

Answer: D

Difficulty: Easy

Topic: Schools of Jurisprudential Thought

LO: 3

- 26) Which of the following is true of the Law and Economics School of jurisprudence?

- A) It believes that law is based on morality and ethics.
B) It proposes that legal disputes should be solved by arbitrary rules that are based on broad notions of what is fair.
C) It believes that promoting market efficiency should be the central goal of legal decision making.
D) It maintains that the law changes when the ruling class changes.

Answer: C

Difficulty: Moderate

Topic: Schools of Jurisprudential Thought

LO: 3

- 27) Which of the following schools of jurisprudential thought is also known as Chicago School?

- A) the Historical School
B) the Natural Law School
C) the Law and Economics School
D) the Sociological School

Answer: C

Difficulty: Moderate

Topic: Schools of Jurisprudential Thought

LO: 3

28) The U.S. government passed draft laws during the Vietnam War decreeing that men of a certain age had to serve in the military if they met physical requirements. Which of the following schools of jurisprudential thought do such draft laws adhere to?

- A) the Historical School of jurisprudential thought
- B) the Natural Law School of jurisprudential thought
- C) the Sociological School of jurisprudential thought
- D) the Command School of jurisprudential thought

Answer: D

Difficulty: Moderate

Topic: Schools of Jurisprudential Thought

LO: 3

29) What was the key factor in the development of the English common law?

- A) the development of forensic science in helping decide cases
- B) the supremacy of the king and his intervening powers when deciding cases
- C) the use of precedence of past cases for judges to decide similar cases
- D) the subjective decision making of judges when it came to similar cases

Answer: C

Difficulty: Easy

Topic: History of American Law

LO: 3

30) The only relief, or remedy, offered in the early law courts of England was _____.

- A) rigorous imprisonment
- B) threatening with logical consequences
- C) monetary awards for damages
- D) withholding privileges offered by the law

Answer: C

Difficulty: Easy

Topic: History of American Law

LO: 3

31) What was the key reason for the creation of law courts during the early development of the English common law?

- A) to administer law in a uniform manner
- B) to help merchants form a standardized set of commercial laws
- C) to increase the power of the king in law-making
- D) to facilitate legal disputes for the wealthy and influential

Answer: A

Difficulty: Moderate

Topic: History of American Law

LO: 3

32) Which of the following statements best indicates how chancery courts were different from law courts?

- A) Chancery courts emphasized developing merchant laws rather than laws for the common citizen.
- B) Chancery courts inquired into the merits of the case rather than emphasize legal procedures.
- C) Chancery courts emphasized a standard set of remedies across different cases rather than provide equitable remedies.
- D) Chancery courts had lower precedence level over legal decisions than the law courts.

Answer: B

Difficulty: Moderate

Topic: History of American Law

LO: 3

33) _____ courts were allowed to give equitable remedies under early English common law.

- A) Merchant
- B) Law
- C) Chancery
- D) Appellate

Answer: C

Difficulty: Easy

Topic: History of American Law

LO: 3

34) What led to the creation of the chancery courts?

- A) the insistence for a court system that emphasized legal procedure rather than the merits of a case
- B) the law courts' inability to hear all the cases presented to them
- C) the increase in overseas trade and proliferation of piracy
- D) the unfair results and limited remedies provided by the law courts

Answer: D

Difficulty: Easy

Topic: History of American Law

LO: 3

35) Chancery courts were also known as _____.

- A) law courts
- B) equity courts
- C) criminal courts
- D) merchant courts

Answer: B

Difficulty: Easy

Topic: History of American Law

LO: 3

- 36) Which of the following is true of equitable remedies of the chancery courts?
- A) They were shaped to fit each situation.
 - B) They did not take precedence over the legal decisions and remedies of the law courts.
 - C) They were mostly used to solve commercial disputes.
 - D) They were administered by the judges appointed in local areas.

Answer: A

Difficulty: Easy

Topic: History of American Law

LO: 3

- 37) What is considered as the "supreme law of the land" in the United States?

- A) Judicial decisions issued by the state courts.
- B) The Constitution of the United States of America.
- C) The federal statutes passed by the United States Congress.
- D) Executive orders passed by the President.

Answer: B

Difficulty: Easy

Topic: Sources of Law in the United States

LO: 4

- 38) The _____ is often referred to as a "living document" because it is so adaptable.

- A) Articles of Confederation
- B) Lee Resolution
- C) Declaration of Independence
- D) U.S. Constitution

Answer: D

Difficulty: Easy

Topic: Sources of Law in the United States

LO: 4

- 39) The _____ branch of the federal government has the power to enforce the law.

- A) judicial
- B) legislative
- C) executive
- D) commissary

Answer: C

Difficulty: Easy

Topic: Sources of Law in the United States

LO: 4

40) The function of the judicial branch of the federal government is to _____.

- A) interpret and determine the validity of the law
- B) enact the law
- C) enforce the law
- D) act as a liaison between legislative and the executive branches

Answer: A

Difficulty: Easy

Topic: Sources of Law in the United States

LO: 4

41) The _____ branch of the federal government has the power to enact laws.

- A) legislative
- B) judiciary
- C) consulate
- D) executive

Answer: A

Difficulty: Easy

Topic: Sources of Law in the United States

LO: 4

42) Which of the following legal documents establishes the U.S. federal government and specifies its powers?

- A) the Articles of Confederation
- B) the U.S. Constitution
- C) the combined list of state statutes
- D) the set of codified laws called ordinances

Answer: B

Difficulty: Easy

Topic: Sources of Law in the United States

LO: 4

43) A(n) _____ is a compact made between two or more nations.

- A) amendment
- B) treaty
- C) charter
- D) statute

Answer: B

Difficulty: Easy

Topic: Sources of Law in the United States

LO: 4

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

A) The U.S. Constitution provides that the president, with the advice and consent of one-half of the Senate, may enter into treaties with foreign governments.

B) The U.S. Constitution provides that the president may enter into treaties with foreign governments even without the consent of the Senate.

C) The U.S. Constitution provides that the president, with the advice and consent of two-thirds of the Senate, may enter into treaties with foreign governments.

D) The U.S. Constitution provides that the president, with the advice and consent of one-third of the Senate, may enter into treaties with foreign governments.

Answer: C

Difficulty: Moderate

Topic: Sources of Law in the United States

LO: 4

45) A(n) _____ is a written law enacted by the legislative branch of the federal and state governments that establishes certain courses of conduct that covered parties must adhere to.

A) charter

B) treaty

C) executive order

D) statute

Answer: D

Difficulty: Easy

Topic: Sources of Law in the United States

LO: 4

46) Which of the following is true of code books?

A) They are federal statutes organized by topic.

B) They are the list of executive orders issued by the President.

C) They are the treaties signed with other countries organized by topic.

D) They are commercial laws organized by chronology of enactment.

Answer: A

Difficulty: Easy

Topic: Sources of Law in the United States

LO: 4

47) What would be an example of codified law in the United States?

A) judicial rulings

B) federal statutes

C) treaties

D) executive orders

Answer: B

Difficulty: Moderate

Topic: Sources of Law in the United States

LO: 4

48) Ordinances are codified laws that are issued by _____.

- A) the President of the United States
- B) the state legislature
- C) Supreme Court judges
- D) local government bodies

Answer: D

Difficulty: Easy

Topic: Sources of Law in the United States

LO: 4

49) What is the difference between statutes and ordinances?

- A) Statutes are enacted by federal administrative agencies, while ordinances are enacted by state administrative agencies.
- B) Statutes are enacted by counties, while ordinances are enacted by state legislatures.
- C) Statutes are enacted by Congress and state legislatures, while ordinances are enacted by local government bodies.
- D) Statutes are enacted by the president, while ordinances are enacted by state governors.

Answer: C

Difficulty: Moderate

Topic: Sources of Law in the United States

LO: 4

50) _____ are empowered to issue an executive order.

- A) State governors
- B) State Supreme Court judges
- C) Appellate court judges
- D) Senators

Answer: A

Difficulty: Easy

Topic: Sources of Law in the United States

LO: 4

51) _____ are established by the legislative and executive branches of the federal government to enforce and interpret statutes enacted by the Congress and state legislatures.

- A) Commissaries
- B) State courts
- C) Administrative agencies
- D) Councils

Answer: C

Difficulty: Easy

Topic: Sources of Law in the United States

LO: 4

52) What is a judicial decision?

- A) a decision issued by the executive branch in a state of emergency
- B) a decision about an individual lawsuit issued by a federal or state court
- C) a codified law passed by the state legislature
- D) a decision issued by the legislative branch to establish courses of conduct that covered parties must adhere to

Answer: B

Difficulty: Easy

Topic: Sources of Law in the United States

LO: 4

53) Stare decisis is the doctrine of _____.

- A) providing proof to assert a fact in court
- B) adhering to legal precedent
- C) separating powers between state and religion
- D) ensuring all legal rights are provided to a person when otherwise deprived of them

Answer: B

Difficulty: Easy

Topic: Sources of Law in the United States

LO: 4

54) Which of the following is true of how legal precedent is used between courts of different states?

- A) Courts of a state cannot cite the judicial decisions of courts of another state in its decisions.
- B) Courts of a state must always follow precedent set from courts of another state for similar cases.
- C) Courts of a state can use precedent from courts of another state as a form of guidance.
- D) Courts of a state cannot challenge the precedence of courts of another state.

Answer: C

Difficulty: Moderate

Topic: Sources of Law in the United States

LO: 4

55) Which of the following is true of how legal precedent is used between the U.S. Supreme Court and state courts?

- A) State courts are not required to follow the legal precedent established by the Supreme Court.
- B) State courts can use the legal precedent established by the Supreme Court as guidance but are not bound to follow.
- C) The Supreme Court must follow the legal precedent established by state courts.
- D) State courts must follow the legal precedent established by the Supreme Court.

Answer: D

Difficulty: Moderate

Topic: Sources of Law in the United States

LO: 4

56) How does the doctrine of stare decisis help in creating stability in a legal system?

- A) by ensuring that witnesses of a case will be protected by the state
- B) by ensuring that the legal rights of a defendant are preserved
- C) by allowing the use of precedence in deciding future cases
- D) by allowing the use of writs

Answer: C

Difficulty: Moderate

Topic: Sources of Law in the United States

LO: 4

57) The Securities and Exchange Commission (SEC), created by the Congress to enforce federal securities laws, is an example of a(n) _____.

- A) intelligence agency
- B) congressional body
- C) judicial body
- D) administrative agency

Answer: D

Difficulty: Easy

Topic: Sources of Law in the United States

LO: 4

58) According to the priority of law in the United States, which of the following statements is true?

- A) State regulations take precedence over state statutes.
- B) Valid state laws take precedence over any conflicting federal laws.
- C) Valid state laws take precedence over local laws.
- D) State laws take precedence over the U.S. Constitution within that state.

Answer: C

Difficulty: Easy

Topic: Sources of Law in the United States

LO: 4

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

- A) The state courts are not bound to follow the legal precedents established by the Supreme Court.
- B) The law of all states in the U.S. except Louisiana is based on English common law.
- C) The law and equity courts remain separate in most states today.
- D) The U.S. Congress mandates that all 50 states follow the same law.

Answer: B

Difficulty: Easy

Topic: Sources of Law in the United States

LO: 4

60) Which of the following is true of the Equal Protection Clause of the Fourteenth Amendment?

- A) It was enacted to guarantee equality to freed African Americans.
- B) It was enacted to provide equal rights to foreign companies operating in the U.S.
- C) It ensured equal rights to all the illegal immigrants in the U.S.
- D) It offered equal rights to expatriate workers in the country.

Answer: A

Difficulty: Easy

Topic: What is Law?

LO: 5

61) The law consists of rules that regulate the conduct of individuals, businesses, and other organizations in society.

Answer: TRUE

Difficulty: Easy

Topic: What is Law?

LO: 1

62) The "shaping moral standards" function of the law prohibits discrimination in employment.

Answer: FALSE

Difficulty: Easy

Topic: What is Law?

LO: 2

63) The "maintaining the status quo" function of the law prohibits drug abuse.

Answer: FALSE

Difficulty: Easy

Topic: What is Law?

LO: 2

64) The "facilitating orderly change" function of the law refers to laws enacted after considerable study, debate, and public input.

Answer: TRUE

Difficulty: Easy

Topic: What is Law?

LO: 2

65) The U.S. law remains static despite the changes in society, technology, and the growth of commerce.

Answer: FALSE

Difficulty: Easy

Topic: What is Law?

LO: 2

66) The Natural Law School of jurisprudence believes that law is an aggregate of social traditions and customs.

Answer: FALSE

Difficulty: Easy

Topic: Schools of Jurisprudential Thought

LO: 3

67) The Natural Law School of jurisprudence emphasizes that law should be based on morality and ethics.

Answer: TRUE

Difficulty: Easy

Topic: Schools of Jurisprudential Thought

LO: 3

68) According to the Historical School of jurisprudential thought, the law is an evolutionary process.

Answer: TRUE

Difficulty: Easy

Topic: Schools of Jurisprudential Thought

LO: 3

69) The followers of Analytical School of jurisprudence are known as realists.

Answer: FALSE

Difficulty: Easy

Topic: Schools of Jurisprudential Thought

LO: 3

70) The Analytical School of jurisprudence believes that law is shaped by logic.

Answer: TRUE

Difficulty: Easy

Topic: Schools of Jurisprudential Thought

LO: 3

71) The followers of Sociological School of jurisprudence are more likely to adhere to precedents.

Answer: FALSE

Difficulty: Easy

Topic: Schools of Jurisprudential Thought

LO: 3

72) Laws that impose penalties for drunk driving are examples of Sociological School of jurisprudential thought.

Answer: TRUE

Difficulty: Easy

Topic: Schools of Jurisprudential Thought

LO: 3

73) The Command School of jurisprudence believes that legal rules are unnecessary.

Answer: FALSE

Difficulty: Easy

Topic: Schools of Jurisprudential Thought

LO: 3

74) The Critical Legal Studies School of jurisprudence believes that legal disputes should be solved by applying arbitrary rules.

Answer: TRUE

Difficulty: Easy

Topic: Schools of Jurisprudential Thought

LO: 3

75) The Law and Economics School of jurisprudence believes that promoting market efficiency should be the central goal of legal decision making.

Answer: TRUE

Difficulty: Easy

Topic: Schools of Jurisprudential Thought

LO: 3

76) Early English law courts were presided over by a Lord Chancellor.

Answer: FALSE

Difficulty: Easy

Topic: History of American Law

LO: 3

77) Early English law courts emphasized the merit of a case over the legal procedures.

Answer: FALSE

Difficulty: Easy

Topic: History of American Law

LO: 3

78) Chancery courts were also referred to as equity courts.

Answer: TRUE

Difficulty: Easy

Topic: History of American Law

LO: 3

79) Chancery courts were presided over by judges appointed by the king or queen.

Answer: FALSE

Difficulty: Easy

Topic: History of American Law

LO: 3

80) Chancery courts emphasized the merits of a case rather than the legal procedures.

Answer: TRUE

Difficulty: Easy

Topic: History of American Law

LO: 3

81) Any law—whether federal, state, or local—that conflicts with the U.S. Constitution is unenforceable.

Answer: TRUE

Difficulty: Easy

Topic: Sources of Law in the United States

LO: 4

82) The executive branch of the federal government has the power to enact the law.

Answer: FALSE

Difficulty: Easy

Topic: Sources of Law in the United States

LO: 4

83) The judicial branch of the federal government has the power to interpret and determine the validity of the law.

Answer: TRUE

Difficulty: Easy

Topic: Sources of Law in the United States

LO: 4

84) The U.S. Constitution provides that the president may enter into treaties with foreign governments without the consent of the Senate.

Answer: FALSE

Difficulty: Easy

Topic: Sources of Law in the United States

LO: 4

85) Statutes are written laws that establish certain courses of conduct that covered parties must adhere to.

Answer: TRUE

Difficulty: Easy

Topic: Sources of Law in the United States

LO: 4

86) Code books contain the list of treaties signed by the president with foreign governments.

Answer: FALSE

Difficulty: Easy

Topic: Sources of Law in the United States

LO: 4

87) Ordinances refer to the laws enacted by local government bodies.

Answer: TRUE

Difficulty: Easy

Topic: Sources of Law in the United States

LO: 4

88) According to the doctrine of *stare decisis*, state courts are bound by the legal precedent established by the courts of another state.

Answer: FALSE

Difficulty: Easy

Topic: Sources of Law in the United States

LO: 4

89) All federal and state courts in the U.S. must follow the precedents established by U.S. Supreme Court decisions.

Answer: TRUE

Difficulty: Easy

Topic: Sources of Law in the United States

LO: 4

90) According to the priority of law in the U.S., state regulations take precedence over state statutes.

Answer: FALSE

Difficulty: Easy

Topic: Sources of Law in the United States

LO: 4

91) Explain the function of law in shaping moral standards with an example.

Answer: The law is often described by the function it serves in a society. One such function is "shaping moral standards." The law sets forth rules that guide the moral behavior of people in a society. These rules prevent people from engaging in behaviors that affect the moral standards set by the society. For instance, most of the countries in the world prevent drug abuse. It is not an individual's right to intake illegal drugs. Even though the physical health of a person is the major thing at stake here, the law makes it illegal to consume certain drugs. These moral standards set forth by the law helps people lead an active life without affecting the society's harmony.

Difficulty: Moderate

Topic: What is Law?

LO: 2

92) How does the law maximize individual freedom?

Answer: The law guarantees that individuals enjoy a maximum amount of freedom with respect to their speech, religious beliefs, and associations. These are granted by the First Amendment of the U.S. Constitution. An individual living in the U.S. can follow any religion of choice and has the right to voice out displeasure even if it is against the government. Laws provide moral grounds for how a person should behave in the society. However, it ensures that every individual has the right to lead a life he/she chooses as long as it doesn't affect other people in the society.

Difficulty: Moderate

Topic: What is Law?

LO: 2

93) Analyze Natural Law School of jurisprudential thought with an example.

Answer: The Natural Law School of jurisprudence postulates that the law is based on what is "correct." Natural law philosophers emphasize a moral theory of law—that is, law should be based on morality and ethics. This law is based on the use of reasoning between good and evil. For instance, the U.S. Constitution has a lot of rules and statutes that clearly differentiate what is good and what is evil. The basis for this differentiation is through a moral theory of law—that is, law should be based on morality and ethics. Through the course of our existence, humans discovered the reasoning behind good and evil. This sets the basis for the development of the U.S. Constitution.

Difficulty: Moderate

Topic: Schools of Jurisprudential Thought

LO: 3

94) Discuss the difference between the Historical School of jurisprudence and the Analytical School of jurisprudence.

Answer: The Historical School of jurisprudence believes that the law is an aggregate of social traditions and customs that have developed over the centuries. It believes that changes in the norms of society will gradually be reflected in the law. Most importantly, it looks to the past legal precedents to solve contemporary problems. The Analytical School of jurisprudence maintains that the law is shaped by logic. Analytical philosophers believe that results are reached by applying principles of logic to the specific facts of a case. Here, the emphasis is on the logic of the result rather than on how the result is reached.

Difficulty: Moderate

Topic: Schools of Jurisprudential Thought

LO: 3

95) Analyze Command School of jurisprudence with an example.

Answer: The philosophers of the Command School of jurisprudence believe that the law is a set of rules developed, communicated, and enforced by the ruling party rather than a reflection of the society's morality, history, logic, or sociology. This school maintains that the law changes when the ruling class changes. During military conflicts, a country may enact certain laws for the welfare of the nation. If there is another ruling party, the decision would have been different. In certain countries, the government is based on a single party rule. Here, the rules set forth by the government are the laws of the land.

Difficulty: Moderate

Topic: Schools of Jurisprudential Thought

LO: 3

96) According to early English common law, how did chancery courts provide equitable remedies?

Answer: Chancery courts were a second set of courts for people who believed that the decision of a law court was unfair. In the law courts, the judgments were based on the legal procedures rather than the merits of the case. However, in chancery courts, the judgments were based on the merits of a case rather than the legal procedures. These courts were under the authority of a Lord Chancellor. The remedies offered in these courts were shaped to fit each situation. These remedies are called equitable remedies.

Difficulty: Moderate

Topic: History of American Law

LO: 3

97) Describe the structure of the federal government.

Answer: The U.S. Constitution created three branches of government with different powers. The legislative branch refers to the Congress and it has the power to make the law. The executive branch refers to the president who has the power to enforce the law. The judicial branch refers to the courts and it has the power to interpret and determine the validity of the law. Powers not given to the federal government by the Constitution are reserved for the states. States also have their own constitutions. State constitutions are often patterned after the U.S. Constitution, although many are more detailed. State constitutions establish the legislative, executive, and judicial branches of state government and establish the powers of each branch.

Difficulty: Moderate

Topic: Sources of Law in the United States

LO: 4

98) Differentiate statutes and ordinances with an example.

Answer: Statutes are written laws that establish certain courses of conduct that covered parties must adhere to. The U.S. Constitution has many federal and state statutes to regulate the covered parties. For instance, the federal Clean Water Act regulates the quality of water and restricts water pollution. Ordinances are enacted by local government bodies. State legislatures often delegate lawmaking authority to local government bodies, including cities and municipalities, counties, school districts, and water districts. These governmental units are empowered to adopt ordinances. For instance, an ordinance passed by the city council of Chesapeake, Virginia in 2007 required contractors to certify that they do not and will not employ illegal aliens during the performance of a city contract.

Difficulty: Moderate

Topic: Sources of Law in the United States

LO: 4

99) Explain how the doctrine of *stare decisis* brings stability to the legal system.

Answer: The doctrine of *stare decisis* dictates that lower courts must follow the precedent established by higher courts. That is why all federal and state courts in the United States must follow the precedents established by U.S. Supreme Court decisions. State courts are not bound to follow the precedents of other state courts. However, they can use them as guidelines. Without the doctrine of *stare decisis*, there won't be any stability in the legal system. This doctrine channels the law and establishes which one should take priority in the case of a conflict.

Moreover, it makes the court system more efficient and makes the law more predictable for individuals and businesses.

Difficulty: Moderate

Topic: Sources of Law in the United States

LO: 4

100) Explain the Equal Protection Clause of the Fourteenth Amendment.

Answer: The Fourteenth Amendment, added to the Constitution in 1868, contains the Equal Protection Clause, which provides that no state shall "deny to any person within its jurisdiction the equal protection of the laws." The original intent of this amendment was to guarantee equality to freed African Americans. But equality was denied to African Americans for years. In 1896, the U.S. Supreme Court upheld the "separate but equal" doctrine in the state of Louisiana. For instance, this doctrine dictated that there will be separate but equal accommodations for African American and white railway passengers. It was only in 1954 that the U.S. Supreme Court reversed this decision declaring that the "separate but equal" doctrine violated the Equal Protection Clause of the Fourteenth Amendment to the Constitution.

Difficulty: Moderate

Topic: What is Law?

LO: 5