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Topic: Basics of Law

Subtopic: Characteristics of Law

Content Nathan Hurwitz:

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Multiple-Choice Question Type

<question type="mc">

1. As the U.S. transitioned from an industrial society to a technological and information-based society U.S. laws have had to adapt to the times. What characteristic of law does this represent?

- a. flexibility
- b. consistency
- c. persuasiveness
- d. positivism

Analysis:

a. Correct. The ability to adapt to changing times is vital to the continuity of law. As society changes, laws must change with it. Cyberlaw was not even imaginable 40 years ago, and that is only one of the more obvious examples.

b. Incorrect. The ability to adapt to changing times is vital to the continuity of law. As society changes, laws must change with it. Cyberlaw was not even imaginable 40 years ago, and that is only one of the more obvious examples.

c. Incorrect. The ability to adapt to changing times is vital to the continuity of law. As society changes, laws must change with it. Cyberlaw was not even imaginable 40 years ago, and that is only one of the more obvious examples.

d. Incorrect. The ability to adapt to changing times is vital to the continuity of law. As society changes, laws must change with it. Cyberlaw was not even imaginable 40 years ago, and that is only one of the more obvious examples.

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Level of difficulty: Medium

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<question type="mc">

2. "What are the rights of copyright holders when internet sites allow users to post copyrighted videos that were created before there was an internet?" This question tests what characteristic of law?

- a. positivism
- b. persuasiveness
- c. consistency

d. flexibility

Analysis:

a. Incorrect. The question of how to take a 300-year old law like copyright law and adapt it to function under a new set of circumstances tests the flexibility of the law. The ability of the law to address changes in society and respond accordingly is a characteristic of the law that is essential to assuring its survival.

b. Incorrect. The question of how to take a 300-year old law like copyright law and adapt it to function under a new set of circumstances tests the flexibility of the law. The ability of the law to address changes in society and respond accordingly is a characteristic of the law that is essential to assuring its survival.

c. Incorrect. The question of how to take a 300-year old law like copyright law and adapt it to function under a new set of circumstances tests the flexibility of the law. The ability of the law to address changes in society and respond accordingly is a characteristic of the law that is essential to assuring its survival.

d. Correct. The question of how to take a 300-year old law like copyright law and adapt it to function under a new set of circumstances tests the flexibility of the law. The ability of the law to address changes in society and respond accordingly is a characteristic of the law that is essential to assuring its survival.

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Level of difficulty: Medium

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<question type="mc">

3. The widespread knowledge and acceptance of the fact that stealing a car will result in time spent in prison deters most people from stealing cars. What characteristic of law does this represent?

a. flexibility

b. consistency

c. persuasiveness

d. positivism

Analysis:

a. Incorrect. Although the law needs to be flexible to adapt to changes in our society, consistency is also a characteristic of a successful legal system. Knowing that being caught stealing a car will result in incarceration is a deterrent from auto theft and encourages following that particular law.

b. Correct. Although the law needs to be flexible to adapt to changes in our society, consistency is also a characteristic of a successful legal system. Knowing that being caught stealing a car will result in incarceration is a deterrent from auto theft and encourages following that particular law.

c. Incorrect. Although the law needs to be flexible to adapt to changes in our society, consistency is also a characteristic of a successful legal system. Knowing that being caught stealing a car will result in incarceration is a deterrent from auto theft and encourages following that particular law.

d. Incorrect. Although the law needs to be flexible to adapt to changes in our society, consistency is also a characteristic of a successful legal system. Knowing that being caught stealing a car will result in incarceration is a deterrent from auto theft and encourages following that particular law.

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Level of difficulty: Medium

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<question type="mc">

4. Of necessity, corporate law needs to cover the formation, operation, and dissolution of corporations while not infringing on the ability of businesses, directors, and officers to act freely in their corporations' best interests. What characteristic of law does this represent?

- a. flexibility
- b. consistency
- c. persuasiveness
- d. positivism

Analysis:

a. Incorrect. Business law needs to be all-encompassing enough to cover all necessary areas while not infringing on individual freedoms. This quality is called pervasiveness and is one of the key characteristics of law.

b. Incorrect. Business law needs to be all-encompassing enough to cover all necessary areas while not infringing on individual freedoms. This quality is called pervasiveness and is one of the key characteristics of law.

c. Correct. Business law needs to be all-encompassing enough to cover all necessary areas while not infringing on individual freedoms. This quality is called pervasiveness and is one of the key characteristics of law.

d. Incorrect. Business law needs to be all-encompassing enough to cover all necessary areas while not infringing on individual freedoms. This quality is called pervasiveness and is one of the key characteristics of law.

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Level of difficulty: Medium

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<question type="mc">

5. Laws regulate how corporations are to expand, develop, and change while still protecting the rights of businesses, directors, and officers to act freely. What characteristic of law does this represent?

- a. positivism
- b. persuasiveness
- c. consistency
- d. flexibility

Analysis:

- a. Incorrect. Laws need to regulate in an all-encompassing way without encroaching on personal freedoms. This difficult balancing act of pervasiveness is one of the characteristics of law.
- b. Correct. Laws need to regulate in an all-encompassing way without encroaching on personal freedoms. This difficult balancing act of pervasiveness is one of the characteristics of law.
- c. Incorrect. Laws need to regulate in an all-encompassing way without encroaching on personal freedoms. This difficult balancing act of pervasiveness is one of the characteristics of law.
- d. Incorrect. Laws need to regulate in an all-encompassing way without encroaching on personal freedoms. This difficult balancing act of pervasiveness is one of the characteristics of law.

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Level of difficulty: Medium

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<question type="mc">

6. Which one of the following is NOT one of the characteristics of law?

- a. flexibility
- b. consistency
- c. persuasiveness
- d. positivism

Analysis:

- a. Incorrect. The primary characteristics of law are flexibility (the ability to change with shifting circumstances), consistency (predictability), and pervasiveness (completeness). By balancing the conflicts of these three characteristics the integrated system of laws is complete and effective without being restrictive. Positivism is not one of these characteristics.
- b. Incorrect. The primary characteristics of law are flexibility (the ability to change with shifting circumstances), consistency (predictability), and pervasiveness (completeness). By balancing the conflicts of these three characteristics the integrated system of laws is complete and effective without being restrictive. Positivism is not one of these characteristics.
- c. Incorrect. The primary characteristics of law are flexibility (the ability to change with shifting circumstances), consistency (predictability), and pervasiveness (completeness). By balancing the

conflicts of these three characteristics the integrated system of laws is complete and effective without being restrictive. Positivism is not one of these characteristics.

d. Correct. The primary characteristics of law are flexibility (the ability to change with shifting circumstances), consistency (predictability), and pervasiveness (completeness). By balancing the conflicts of these three characteristics the integrated system of laws is complete and effective without being restrictive. Positivism is not one of these characteristics.

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Level of difficulty: Medium

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7. Knowing that breaching or failing to perform as defined in a contract is likely to result in a range of possible judicial remedies tends to keep parties focused on successfully fulfilling business contracts. What characteristic of law does this represent?

- a. positivism
- b. persuasiveness
- c. consistency
- d. flexibility

Analysis:

a. Incorrect. Knowing that actions receive consistent responses helps us decide how to act. Knowing that a breach of contract is very likely to result in judicial remedies is an example of why consistency is an important characteristic of law.

b. Incorrect. Knowing that actions receive consistent responses helps us decide how to act. Knowing that a breach of contract is very likely to result in judicial remedies is an example of why consistency is an important characteristic of law.

c. Correct. Knowing that actions receive consistent responses helps us decide how to act. Knowing that a breach of contract is very likely to result in judicial remedies is an example of why consistency is an important characteristic of law.

d. Incorrect. Knowing that actions receive consistent responses helps us decide how to act. Knowing that a breach of contract is very likely to result in judicial remedies is an example of why consistency is an important characteristic of law.

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Level of difficulty: Difficult

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True/False Question Type

<question type="true-false">

8. The more flexibility we permit in the law, the less predictability we enjoy.

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Correct. This statement is true. Flexibility is an essential characteristic of law. Some of that legal flexibility exists in the way that judges interpret and apply laws. The downside of this flexibility is that two adjacent courts hearing nearly identical cases can result in different conclusions.

While flexibility is an essential characteristic of law it can also make inconsistent.

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Incorrect. This statement is true. Flexibility is an essential characteristic of law. Some of that legal flexibility exists in the way that judges interpret and apply laws. The downside of this flexibility is that two adjacent courts hearing nearly identical cases can result in different conclusions.

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