

Note for answer alternatives referring to other answers within a question: when an answer refers to other answer alternatives and the condition of that answer is satisfied, it is the best or most correct answer even if individually some of the other answer alternatives are correct. This idea is demonstrated affirmatively in selection “e” in questions 1 and 2 below because selection “e” is the correct answer in those two questions. The idea is demonstrated in the negative in question 3 below because the condition of answer selection “e” is not satisfied, rendering it not the correct answer selection.

Module One – Ownership

Question 1. Which of the following is the most correct statement concerning Blackstone’s *Commentaries on the Laws of England*.

- a. To own property is to have sole and despotic dominion over it such that one has the legal capability to use, enjoy and dispose of it without control or diminution by others except for the laws of the land.
- b. To own property is to have dominion over it such that one has the legal capability to enjoy it but can only dispose of it when compelled to do so by the legislature.
- c. To own property is to have the right to reasonable compensation for a violation of the property when a legislature compels transfer to another for the public good.
- d. To own property is to have an interest in the public good of all commonly owned resources controlled by the legislature.
- e. The statements in selections *a* & *c* are all correct.

Question 2. Recalling Jacque v. Steenberg Homes, choose the answer selection that is the most accurate characterization of the court’s reasons for upholding the award to the Jacques.

- a. The alternative route that worried Steenberg Homes and prompted their trek across the Jacques’s land was not as inconvenient as Steenberg estimated.
- b. The jury that rendered the damages award was properly chosen and constituted, and appropriately balanced the harms that might occur to the Jacques versus the benefits obtained by Steenberg.
- c. The property rights at issue are an essential right, one that would be hollow without enforcement.
- d. Enforcing the property rights at issue promotes confidence in the legal system, diminishing incentives for people in the Jacques’s situation to resort to self-help.
- e. Two and only two of the selections *a* through *d* are accurate characterizations.

Question 3. Squid Corporation owns a town where four thousand people live and work in the Squid factories in the town. The town has open borders and anyone can pass freely through it. Religious persons from outside the town came into it and distributed religious pamphlets. Which of the following statements is most correct regarding any legal action by Squid to eject the religious persons.

- a. Squid will win because it has sole and despotic dominion over the resources it owns with property rights.
- b. Squid will lose because it has created a public venue within the town it owns and freedom of expression rights require some relaxation of the full exclusivity that normally accompanies property.
- c. Squid will win because the religious persons could have stopped at the border of the town and distributed their pamphlets there, and this alternative would sufficiently protect freedom of expression rights.
- d. Squid will lose because property's exclusion right does not apply when a corporation is an owner.
- e. None of the statements are accurate characterizations.

Question 4. Recalling the discussion in Module One of the topics by Hohfeld, Merrill, and Smith, which of the following statements is most correct.

- a. While Hohfeld would emphasize the *in rem* nature of a system of property rights, Merrill and Smith would emphasize the centrality of the *in personam* nature of property rights.
- b. Smith and Merrill proved that Hohfeld's conception of jural opposites and jural correlates are in fact a single conception called *numerus clausus*.
- c. Smith and Merrill emphasize that property rights should be conceived with some reference to and involvement with the resource to which the right attaches.
- d. Smith posits the "bundle of sticks" as a new theory to understand property rights.
- e. Smith argues that modularity is a better way to understand property rights because it provides a conception of property rights completely disentangled from the resources or things to which the property rights attach.

Module One – Ownership – Answer Key

Question Number	Correct Answer
1	e
2	e (c and d are accurate characterizations; the others are not)
3	b
4	c