**QUIZ 1**

**Comparative Law**

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**Instructions:** choose the correct option among the 3. Each correct answer is worth 1 point, each wrong or missed answer is worth 0 points. Remember to read all the answers carefully before deciding.

**1) Which of these statements about the formation of the civil law tradition and the common law tradition is/are true**

1. The civil law tradition has developed from the *scientia juris* taught in the universities, while the common law tradition has developed from the Norman organisation of society.
2. The civil law tradition developed in the lack of a centralised power, while the common law tradition developed thanks to the presence of a strong centralised power.
3. Both statements are true.

**2) The approach of a comparative lawyer faced with translation problems should be:**

1. To leave the term untranslated in any case.
2. To check the degree of discrepancy between the legal meaning of the term in one system and its meaning in the other system.
3. To translate the term in any case.

**3) Which of the following legal traditions are ideology/religion based**

1. Russian, Islamic, Canadian.
2. Hindu, Chinese, Russian.
3. Islamic, Jewish, Italian.

**4) Which of the following statements is false:**

1. Common law is the code, while equity is the gap filler.
2. Common law is based on precedents, while equity is based on legislation.
3. Common law and equity were born at the same time.

**5) The main achievements of equity have been:**

1. The principle of the sanctity of contract.
2. The trust and the prohibition of usury.
3. The bindingness of precedents.

**6) Which of the following statements is false:**

1. The system of writs bears a strong similarity with ancient Roman procedure.
2. The excessive formalism of writs contributed to the development of equity.
3. The writs could not be applied analogically or extensively.

**7) The UK Supreme Court:**

1. Is also a chamber of the English Parliament.
2. Is now independent from the legislative and political power.
3. Has no jurisdiction over Scotland and Ireland.

**8) Which of the following statements is false:**

1. The judgments of the former House of Lords were made of separate opinions of the judges.
2. The judgments of the US Supreme Court are made of one opinion, the opinion of the court.
3. In civil law systems dissenting opinions do not exist.

**9) The North American legal tradition has inherited:**

1. From common law systems the distinction between barristers and solicitors.
2. From civil law systems the Constitution and judicial review, from common law systems the importance of legislation.
3. From common law systems a powerful judiciary, from civil law systems the importance of law schools.

**10) The main streams of legal thought in the North American legal tradition have been:**

1. The Pandect School and the Historical School of Law.
2. The school of exegesis and the school of free scientifical research.
3. The legal formalism and the legal realism.

**11) Which of the following is not included among the main features of US litigation:**

1. Contingency fees and Third Party Litigation Funding.
2. Prevalence of boutique law firms.
3. Aggressive advertising of law firms.

**12) Which of the following is not included among the main features of US prosecution:**

1. Plea bargaining.
2. Prosecutorial discretion.
3. Independence from the government.

**13) The State courts:**

1. Have no jurisdiction on federal questions.
2. Cannot be addressed in diversity jurisdiction.
3. Bind with their precedents also federal courts.

**14) Which of the following statement is false:**

1. The UK Supreme Court is both a constitutional court and a court of cassation.
2. Each US court is entitled to perform the judicial review.
3. Each US court is entitled to disregard unconstitutional statutes.

**15) The jury:**

1. Is a constitutional right in the UK.
2. Is a constitutional right in the US only in criminal trials.
3. Is selected by the judge and the parties’ attorneys through an ad hoc procedure.

**16)** **Which of the following statements about the legal education in the US is false:**

1. The law degree is a second level degree.
2. The syllabi and bar exams are decided by the ALSA and ABA together.
3. The choice of the law school has no impact on the career in the legal profession.

**17) The Chinese tradition and the Hindu tradition share the following features:**

1. They are based on a strict hierarchy of social classes.
2. They are exclusively based on religious/philosophical sources.
3. Both statements are true.

**18) The *Li* can be defined as:**

1. The legislation enacted by the ancestors.
2. Distributive justice.
3. Rules and rituals governing social relationships.

**19) Which of the following statements about the Chinese legal tradition is false:**

1. The law has always been subordinated to philosophical ideals.
2. Women and man have always had the same succession rights.
3. The concept of subjective right has developed following the foundation of the Republic of China.

**20) The law in India:**

1. Applies in all fields to all the people living in the Indian State.
2. Is only made of customs.
3. Results from a stratification of traditional Hindu law, personal laws of other ethnicities, colonial law, and post-colonial law.