**QUIZ 2**

**Comparative Law**

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***Prof. Letizia Coppo***

**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) If you find in an English case-book the word ‘contract’ and you need to express it into your own language, you:**

1. Always translate it.
2. Avoid translating it, without further enquiries.
3. Check whether your system is acquainted with a similar word and to what extent the meaning of such word differs.

**2) One of the factors leading to the divergence between the Romanistic legal family, and the Germanic legal family have been:**

1. The French Revolution
2. The teaching of *scientia juris* in the universities.
3. The Norman conquest

**3) What is the common feature of the Russian system, the Hindu law tradition and the Chinese law tradition?**

1. They are religion/ideology-based systems.
2. They are based on the socialist model.
3. They have no property law.

**4) Equity:**

1. Has developed from the King’s chancellor’s decisions to integrate the common law with catholic principles.
2. Does not differ from common law.
3. Has developed also in civil law countries.

**5) Which of the following statements is false?**

1. The trust was a creation of common law courts.
2. The trust has been one of the main products of equity.
3. The trust relies on a double ownership: ownership at law and at equity.

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

1. The system of writs bears a strong similarity with ancient Roman procedure.
2. The excessive formalism of writs had no impact on the development of equity.
3. The writs could not be applied analogically or extensively.

**7) The House of Lords:**

1. Was independent from the executive power.
2. Was replaced by the UK Supreme Court in 2005.
3. Had jurisdiction also over Scotland and Ireland.

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

1. Civil law systems do not allow judges to express dissenting opinions.
2. In order to understand the decision of the House of Lord you had to read the separate opinions of each judge and look for the majoritarian view.
3. The US Supreme court judgments are based on separate opinions rather than on the opinion of the court.

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

1. The legal profession in the US is based on the distinction between barristers and solicitors.
2. The US constitutional model is similar to the German constitutional model.
3. The North-American legal tradition has inherited, 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 German legal tradition have been:**

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

**11) Which of the following statements on the approach to litigation is false:**

1. Unlike the Far Eastern legal traditions, the Western legal tradition is characterised by a propensity of people to struggle for their rights.
2. The ultimate trend in US litigation is the spread of ADR movements.
3. None of the statements is false.

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

1. One of the features of the US prosecution is that he is entitled to bargain the plea.
2. The US prosecutor has a wide margin of discretion in deciding how to implement the criminal policy established by the government.
3. The US prosecutor is independent from the US government.

**13) The federal courts:**

1. Only have jurisdiction on federal questions.
2. Have exclusive jurisdiction when the dispute involves citizens of two different states.
3. Are bound both by federal and by state precedents.

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

1. Each US court is entitled to disregard unconstitutional statutes but not to perform the judicial review.
2. The UK Supreme Court is both a constitutional court and a court of cassation.
3. Both statements are true.

**15)** **The legal education in the US:**

1. Normally follows a degree in a different subject.
2. Is entirely decided by the American Law School Association.
3. Always grants access to the BAR exam.

**16) 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 through the *voir dire* procedure.

**17) The *Lii* can be defined as:**

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

**18) 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.

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

1. The concept of subjective right has developed following the foundation of the Republic of China.
2. The law has always been subordinated to philosophical ideals.
3. Both statements are true.

**20) Hindu law:**

1. Applies in all fields to all the people living in the Indian State.
2. Is one of the layers of the Indian system, together with personal laws of other ethnicities, colonial law, and post-colonial law.
3. Is only made of customs.