

<header>

Topic: Basics of Law

Subtopic: Jurisprudence

Content Nathan Hurwitz:

Creation Date: November 14, 2018

</header>

Multiple-Choice Question Type

<question type="mc">

1. Under theory of law known as Positive Law or the Positivist School what should be done in response to bad laws?
 - a. They should be questioned by being brought to court, challenged, and changed by the judicial branch.
 - b. The should be obeyed blindly and obediently for as long as they are the law of the land.
 - c. They should be ignored; if they are truly bad laws they are not likely to be prosecuted.
 - d. Nothing should be done since they will inevitably come into conflict with natural law, and natural law always takes precedence.

Analysis:

- a. Incorrect. Legal positivists believe that there is no higher law than a nation's positive laws, and that blind obedience to these laws are all that separates us from anarchy.
- b. Correct. Legal positivists believe that there is no higher law than a nation's positive laws, and that blind obedience to these laws are all that separates us from anarchy.
- c. Incorrect. Legal positivists believe that there is no higher law than a nation's positive laws, and that blind obedience to these laws are all that separates us from anarchy.
- d. Incorrect. Legal positivists believe that there is no higher law than a nation's positive laws, and that blind obedience to these laws are all that separates us from anarchy.

<metadata>

Level of difficulty: Medium

</metadata>

<question type="mc">

2. The United States Declaration of Independence states that "All men are ... endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the pursuit of Happiness." From which theory of jurisprudence does this belief come?
 - a. positive law
 - b. legal realism
 - c. natural law
 - d. the historical school

Analysis:

- a. Incorrect. The natural law school holds that a higher or universal law exists that applies to all people. Each law that is written should reflect the principles embodied in natural law.
- b. Incorrect. The natural law school holds that a higher or universal law exists that applies to all people. Each law that is written should reflect the principles embodied in natural law.
- c. Correct. The natural law school holds that a higher or universal law exists that applies to all people. Each law that is written should reflect the principles embodied in natural law.
- d. Incorrect. The natural law school holds that a higher or universal law exists that applies to all people. Each law that is written should reflect the principles embodied in natural law.

<metadata>

Level of difficulty: Medium

</metadata>

<question type="mc">

3. Under theory of jurisprudence known as the Natural Law School what should be done in response to bad laws?

- a. They should be questioned by being brought to court and challenged in light of the higher laws that apply to all people.
- b. The should be obeyed blindly and obediently for as long as they are the law of the land.
- c. They should be ignored; if they are truly bad laws then natural laws will automatically take precedence over them.
- d. Ultimately the logic behind such laws will make itself known and that rationale will make clear why the law is not actually bad at all.

Analysis:

- a. Correct. According to the theory of natural law, any laws that come into conflict with natural laws that apply to all people need to be questioned and revised or removed.
- b. Incorrect. According to the theory of natural law, any laws that come into conflict with natural laws that apply to all people need to be questioned and revised or removed.
- c. Incorrect. According to the theory of natural law, any laws that come into conflict with natural laws that apply to all people need to be questioned and revised or removed.
- d. Correct. According to the theory of natural law, any laws that come into conflict with natural laws that apply to all people need to be questioned and revised or removed.

<metadata>

Level of difficulty: Medium

</metadata>

<question type="mc">

4. Those who claim that a particular foreign government is depriving certain citizens of their human rights are implicitly appealing to which school of jurisprudence?

- a. positive law
- b. legal realism
- c. natural law
- d. the historical school

Analysis:

- a. Incorrect. An appeal to a higher law that inherently gives all people certain rights is an appeal to the Natural School of jurisprudence.
- b. Incorrect. An appeal to a higher law that inherently gives all people certain rights is an appeal to the Natural School of jurisprudence.
- c. Correct. An appeal to a higher law that inherently gives all people certain rights is an appeal to the Natural School of jurisprudence.
- d. Incorrect. An appeal to a higher law that inherently gives all people certain rights is an appeal to the Natural School of jurisprudence.

<metadata>

Level of difficulty: Difficult

</metadata>

<question type="mc">

5. A airplane propeller blade snaps off in mid-flight and the small plane crashes killing all 3 passengers onboard plus the pilot. The four families of the victims each take the manufacturer of the propeller to court separately. Each court case reaches a different ruling. One finds the manufacturer innocent, two find the material defect to be completely the responsibility of the manufacturer and the final one finds the owner of the airplane responsible for buying a cheap propeller. What school of jurisprudence does this support?

- a. positive law
- b. legal realism
- c. natural law
- d. the historical school

Analysis:

- a. Incorrect. Legal realism believes that how the law is written matters substantially less than how it is enforced in actual application. Each judge, juror, litigator, and all the other players carry their own biases and perspectives with them that have much more impact on the law than the actual words set down by legislators.
- b. Correct. Legal realism believes that how the law is written matters substantially less than how it is enforced in actual application. Each judge, juror, litigator, and all the other players carry their own

biases and perspectives with them that have much more impact on the law than the actual words set down by legislators.

c. Incorrect. Legal realism believes that how the law is written matters substantially less than how it is enforced in actual application. Each judge, juror, litigator, and all the other players carry their own biases and perspectives with them that have much more impact on the law than the actual words set down by legislators.

d. Incorrect. Legal realism believes that how the law is written matters substantially less than how it is enforced in actual application. Each judge, juror, litigator, and all the other players carry their own biases and perspectives with them that have much more impact on the law than the actual words set down by legislators.

<metadata>

Level of difficulty: Difficult

</metadata>

<question type="mc">

6. The income, education, family, background, race, religions and other factors of judges and members of the court can have as much or even more effect on the outcome of the law than the actual law as written. What theory of jurisprudence does this reflect?

- a. the historical school
- b. natural law
- c. legal realism
- d. positive law

Analysis:

a. Incorrect. Legal realism holds that the actual practice of the law in the real world is substantially more important than the words of the law as written down by the legislators.

b. Incorrect. Legal realism holds that the actual practice of the law in the real world is substantially more important than the words of the law as written down by the legislators.

c. Correct. Legal realism holds that the actual practice of the law in the real world is substantially more important than the words of the law as written down by the legislators.

d. Incorrect. Legal realism holds that the actual practice of the law in the real world is substantially more important than the words of the law as written down by the legislators.

<metadata>

Level of difficulty: Medium

</metadata>

<question type="mc">

7. Which of the statements below most completely describes jurisprudence?

- a. different political perspectives on the law
- b. a system of legal classification
- c. historical trends in the development of law
- d. various theories of the law

Analysis:

- a. Incorrect. Jurisprudence is a set of various theories about the concept of law, and approaches to making and enforcing law.
- b. Incorrect. Jurisprudence is a set of various theories about the concept of law, and approaches to making and enforcing law.
- c. Incorrect. Jurisprudence is a set of various theories about the concept of law, and approaches to making and enforcing law.
- d. Correct. Jurisprudence is a set of various theories about the concept of law, and approaches to making and enforcing law.

<metadata>

Level of difficulty: Medium

</metadata>

<question type="mc">

8. Let us suppose that there is a small nation in which slavery is not only legal, but an essential part of the economic infrastructure. The ruler of this land has proclaimed a series of laws that legislate slavery, therefore making slavery legal and legislated. What would the stance of a legal positivist be?
- a. I will remove myself from the practice of slavery, therefore taking this debate and argument off of my own personal agenda.
 - b. The litigation of slavery is in the hands of so many judges with so much personal history and "baggage," that the laws making slavery legal matter much less than their implementation.
 - c. Slavery is legal, as proclaimed by the sovereign, therefore we should practice slavery.
 - d. Slavery goes against the laws of a higher power, therefore we should fight against slavery ultimately making it illegal.

Analysis:

- a. Incorrect. A legal positivist would say that the rule of the land is the highest power and must be fulfilled as the greatest power in the land.
- b. Incorrect. A legal positivist would say that the rule of the land is the highest power and must be fulfilled as the greatest power in the land.
- c. Correct. A legal positivist would say that the rule of the land is the highest power and must be fulfilled as the greatest power in the land.
- d. Incorrect. A legal positivist would say that the rule of the land is the highest power and must be fulfilled as the greatest power in the land.

<metadata>

Level of difficulty: Medium

</metadata>

<question type="mc">

9. Let us suppose that there is a small nation in which slavery is not only legal, but an essential part of the economic infrastructure. The ruler of this land has proclaimed a series of laws that legislate slavery, therefore making slavery legal and legislated. What would the stance of a believer in natural law be?

- a. I will remove myself from the practice of slavery, therefore taking this debate and argument off of my own personal agenda.
- b. The litigation of slavery is in the hands of so many judges with so much personal history and “baggage,” that the laws making slavery legal matter much less than their implementation.
- c. Slavery is legal, as proclaimed by the sovereign, therefore we should practice slavery.
- d. Slavery goes against the laws of a higher power, therefore we should fight against slavery ultimately making it illegal.

Analysis:

- a. Incorrect. A believer in natural law would say that there are certain laws of humanity which supersede any laws created by man. Surely one of these is the right of every person to be free and not a slave.
- b. Incorrect. A believer in natural law would say that there are certain laws of humanity which supersede any laws created by man. Surely one of these is the right of every person to be free and not a slave.
- c. Incorrect. A believer in natural law would say that there are certain laws of humanity which supersede any laws created by man. Surely one of these is the right of every person to be free and not a slave.
- d. Correct. A legal positivist would say that the rule of the land is the highest power and must be fulfilled as the greatest power in the land.

<metadata>

Level of difficulty: Medium

</metadata>

<question type="mc">

10. Let us suppose that there is a small nation in which slavery is not only legal, but an essential part of the economic infrastructure. The ruler of this land has proclaimed a series of laws that legislate slavery, therefore making slavery legal and legislated. What would the stance of a legal realist be?

- a. I will remove myself from the practice of slavery, therefore taking this debate and argument off of my own personal agenda.
- b. The litigation of slavery is in the hands of so many judges with so much personal history and “baggage,” that the laws making slavery legal matter much less than their implementation.
- c. Slavery is legal, as proclaimed by the sovereign, therefore we should practice slavery.
- d. Slavery goes against the laws of a higher power, therefore we should fight against slavery ultimately making it illegal.

Analysis:

a. Incorrect. A believer in legal realism would say that the implementation of the law is much more important than the law itself, and therefore the backgrounds, biases, and “baggage” of the judges and litigators who deal with the issue of slavery is much more important than the slavery law itself.

b. Correct. A believer in legal realism would say that the implementation of the law is much more important than the law itself, and therefore the backgrounds, biases, and “baggage” of the judges and litigators who deal with the issue of slavery is much more important than the slavery law itself.

c. Incorrect. A believer in legal realism would say that the implementation of the law is much more important than the law itself, and therefore the backgrounds, biases, and “baggage” of the judges and litigators who deal with the issue of slavery is much more important than the slavery law itself.

d. Incorrect. A believer in legal realism would say that the implementation of the law is much more important than the law itself, and therefore the backgrounds, biases, and “baggage” of the judges and litigators who deal with the issue of slavery is much more important than the slavery law itself. .

<metadata>

Level of difficulty: Medium

</metadata>

True/False Question Type

<question type="true-false">

11. [insert question here]

T

[insert answer and rejoinder here]

F

[insert answer and rejoinder here]

<metadata>

Level of difficulty:

</metadata>