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Topic: Basics of Law

Subtopic: Origins of Law

Content Nathan Hurwitz:

Creation Date:

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Multiple-Choice Question Type

<question type="mc">

1. The United States inherited and adapted a complex structure of laws from which of the following?

- a. France
- b. England
- c. Spain
- d. Greece

Analysis:

a. Incorrect. The colonists brought over knowledge of English law. Laws were then adapted to fit the new culture and geography.

b. Correct. The colonists brought over knowledge of English law. Laws were then adapted to fit the new culture and geography.

c. Incorrect. The colonists brought over knowledge of English law. Laws were then adapted to fit the new culture and geography.

d. Incorrect. The colonists brought over knowledge of English law. Laws were then adapted to fit the new culture and geography.

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Level of difficulty: Easy

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2. From where does the term "common law" derive?

- a. Puritan American courts in colonial America
- b. the England of William Conqueror
- c. the philosophical writing of Aristotle in ancient Greece
- d. the founding fathers of the United States

Analysis:

- a. Incorrect. In 1066, when the Normans conquered England, William the Conqueror instituted a uniform legal system across England, a set of legal procedures that were “common” across the newly unified country. This was the beginning of “common law.”
- b. Correct. In 1066, when the Normans conquered England, William the Conqueror instituted a uniform legal system across England, a set of legal procedures that were “common” across the newly unified country. This was the beginning of “common law.”
- c. Incorrect. In 1066, when the Normans conquered England, William the Conqueror instituted a uniform legal system across England, a set of legal procedures that were “common” across the newly unified country. This was the beginning of “common law.”
- d. Incorrect. In 1066, when the Normans conquered England, William the Conqueror instituted a uniform legal system across England, a set of legal procedures that were “common” across the newly unified country. This was the beginning of “common law.”

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Level of difficulty: Medium

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3. One of the foundations upon which common law (and our legal system today) is based is called “stare decisis.” What is the translation of this Latin term?
- a. “this for that”
 - b. “reason for the decision”
 - c. “the thing speaks for itself”
 - d. “to stand on decided cases”

Analysis:

- a. Incorrect. “Stare decisis” translates to “to stand on decided cases.” Under this doctrine it is the obligation of judges to follow precedents that have been established within their jurisdictions, to base their rulings on rulings in similar cases that have come before the court before.
- b. Incorrect. “Stare decisis” translates to “to stand on decided cases.” Under this doctrine it is the obligation of judges to follow precedents that have been established within their jurisdictions, to base their rulings on rulings in similar cases that have come before the court before.
- c. Incorrect. “Stare decisis” translates to “to stand on decided cases.” Under this doctrine it is the obligation of judges to follow precedents that have been established within their jurisdictions, to base their rulings on rulings in similar cases that have come before the court before.

d. Correct. "Stare decisis" translates to "to stand on decided cases." Under this doctrine it is the obligation of judges to follow precedents that have been established within their jurisdictions, to base their rulings on rulings in similar cases that have come before the court before.

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Level of difficulty: Medium

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4. In many disputes the outcome will be based on the accumulation of decisions previously decided in cases with similar circumstances. What is this outcome based on past outcomes called?

- a. common law
- b. historical jurisprudence
- c. legal positivism
- d. civil law

Analysis:

- a. Correct. Basing legal outcomes on legislative precedent is the basis of what is known as common law.
- b. Incorrect. Basing legal outcomes on legislative precedent is the basis of what is known as common law.
- c. Incorrect. Basing legal outcomes on legislative precedent is the basis of what is known as common law.
- d. Incorrect. Basing legal outcomes on legislative precedent is the basis of what is known as common law.

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Level of difficulty: Medium

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<question type="mc">

5. The Judicial Branch of the federal government determines whether the _____ allows certain laws to be passed.

- a. Declaration of Independence
- b. U.S. Constitution
- c. The Federalist Papers
- d. Fundamental Orders

Analysis:

a. Incorrect. The Judicial Branch of the federal government uses the Constitution to determine whether certain laws can be passed. If a law passed by Congress is considered unconstitutional then that law is void.

b. Correct. The Judicial Branch of the federal government to determine whether certain laws can be passed. If a law passed by Congress is considered unconstitutional then that law is void.

c. Incorrect. The Judicial Branch of the federal government uses the Constitution to determine whether certain laws can be passed. If a law passed by Congress is considered unconstitutional then that law is void.

d. Incorrect. The Judicial Branch of the federal government uses the Constitution to determine whether certain laws can be passed. If a law passed by Congress is considered unconstitutional then that law is void.

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Level of difficulty: Easy

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<question type="mc">

6. The Constitution is the supreme law of the land. What does that mean?

- a. All laws stem from the Constitution.
- b. Laws that conflict with the Constitution are void.
- c. The Constitution has been used as a template for establishing governments in other countries.
- d. Judges must take the Constitution into account when rendering decisions.

Analysis:

a. Incorrect. Article VI states that the Constitution is the supreme law of the land. Any law that conflicts with the Constitution is void.

b. Correct. Article VI states that the Constitution is the supreme law of the land. Any law that conflicts with the Constitution is void.

c. Incorrect. Article VI states that the Constitution is the supreme law of the land. Any law that conflicts with the Constitution is void.

d. Incorrect. Article VI states that the Constitution is the supreme law of the land. Any law that conflicts with the Constitution is void.

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Level of difficulty: Easy

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<question type="mc">

7. Common law is the accumulation of legal precedents. What name is given to the body of laws which are enacted by legislative bodies?

- a. legislative prerogative
- b. case law.
- c. constitutional law.
- d. statutory law.

Analysis:

a. Incorrect. Statutory law is the name given to the body of laws that are enacted by legislative bodies like states and the federal government.

b. Incorrect. Statutory law is the name given to the body of laws that are enacted by legislative bodies like states and the federal government.

c. Incorrect. Statutory law is the name given to the body of laws that are enacted by legislative bodies like states and the federal government.

d. Correct. Statutory law is the name given to the body of laws that are enacted by legislative bodies like states and the federal government.

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Level of difficulty: Medium

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<question type="mc">

8. The legal system of the United States was created to ensure and protect the rights of _____?

- a. business interests
- b. the state

- c. individual citizens
- d. those in need

Analysis:

- a. Incorrect. The Founding Fathers of the United States guaranteed many rights to individual citizens.
- b. Incorrect. The Founding Fathers of the United States guaranteed many rights to individual citizens.
- c. Correct. The Founding Fathers of the United States guaranteed many rights to individual citizens.
- d. Incorrect. The Founding Fathers of the United States guaranteed many rights to individual citizens.

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Level of difficulty: Medium

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True/False Question Type

<question type="true-false">

9. The Founding Fathers of the United States insisted upon a strong federal government that took power from the individual state governments.

T

Incorrect. This statement is false. The Founding Fathers of the United States insisted on carefully balancing the power of the federal government through the U.S. Constitution and the individual rights of states to create and implement their own state constitutions.

F

Correct. This statement is false. The Founding Fathers of the United States insisted on carefully balancing the power of the federal government through the U.S. Constitution and the individual rights of states to create and implement their own state constitutions.

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Level of difficulty:

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