

Тести з спецкурсу: «Європейська конституційна спадщина: доктринальний і практичний аспекти»

1.

Principles of rule of law, the guarantee of human rights and freedoms based on the personalistic concept and human dignity, separation of powers, political pluralism, independence of the judiciary, constitutional justice in their entirety are the content of the:

- Law tradition
- European culture
- Roman legal system
- Anglo-Sassonian legal system
- Common constitutional heritage

2.

Principles of the common constitutional heritage are:

- rule of law, the guarantee of human rights and freedoms based on the personalistic concept and human dignity, separation of powers, political pluralism, independence of the judiciary, constitutional justice
- supremacy of national constitution, hierarchy of laws, separation of powers, governmental power is constrained by the law (the act of the parliament), parliamentary responsibility of the government
- the principle of legal precedent, principle of hierarchy, the guarantee of human rights and freedoms, political pluralism, separation of powers
- proportionality, legal certainty, equality before the law, subsidiarity
- subsidiarity, independence of the judiciary, constitutional justice, principle of complementarity

3.

“_____” is a complex of ideas, attitudes, and patterns of behaviour elaborating the principle that the authority of government derives from and is limited by constitution.

- Constitutionalism
- Constitution
- Basic Law
- Fundamental rights
- Public authorities

4. The Supreme Court can evaluate laws to determine constitutionality. What is this called?

- Due process
- Judicial review
- Enumerated powers
- Equal protection
- Protection of human rights

5. Rule of law implies that every person is subject to the law, including the people who are?

- Lawmakers
- Jurists
- Officials
- King
- None of the above

6. John Locke wrote that freedom in society means being subject only to laws made by?

- Governor
- King
- Judge
- Legislature
- None of the above

7. The rule of law was further popularized in the 19th century by British jurist named?

- Alan Koger
- Mike Cecy
- Coolio Raul
- A. V. Dicey
- Montesquieu

8. Rule of law implied that every person is subject to the law including?

- Samuel Rutherford
- John Locke
- Samuel Jackson
- Montesquieu
- All of the above

9. Rule of law stands in contrast to an?

- Lawmakers
- Law enforcement official
- Judges
- All of the above

10. Government based upon the rule of law is called

- Autocracy
- Dictatorship
- Oligarchy
- All of the above

11.

Which of the following is the principle of the common constitutional heritage?

- hierarchy of laws
- presidentialism
- universalism
- unitarism
- rule of law

12.

Which of the following is the principle of the common constitutional heritage?

- the guarantee of human rights and freedoms based on the personalistic concept and human dignity
- hierarchy of laws
- presidentialism
- universalism
- unitarism

13.

Which of the following is the principle of the common constitutional heritage?

- separation of powers
- hierarchy of laws
- presidentialism
- universalism
- unitarism

14.

Which of the following is the principle of the common constitutional heritage?

- political pluralism
- hierarchy of laws
- presidentialism
- universalism
- unitarism

15.

Which of the following is the principle of the common constitutional heritage?

- independence of the judiciary
- hierarchy of laws
- presidentialism
- universalism
- unitarism

16.

Which of the following is the principle of the common constitutional heritage?

- constitutional justice
- hierarchy of laws
- presidentialism

- universalism
- unitarism

17.

Which of the following is the principle of the common constitutional heritage?

- constitutional justice
- hierarchy of laws
- presidentialism
- universalism
- collectivism

18.

Which of the following is the principle of the common constitutional heritage?

- independence of the judiciary
- hierarchy of laws
- presidentialism
- universalism
- conformity

19.

Which of the following is the principle of the common constitutional heritage?

- constitutional justice
- hierarchy of laws
- presidentialism
- universalism
- organisational development

20.

Rule of law as the principle of the common constitutional heritage means:

- acts of Parliament are the supreme law
- acts of Parliament should be predictable
- acts of local authorities should be adopted in accordance with Constitution
- acts of the head of state are the supreme law
- judgments are the supreme law

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22.

Rule of law as the principle of the common constitutional heritage contains:

- legality
- hierarchy of laws
- presidentialism
- universalism
- organisational development

23.

Rule of law as the principle of the common constitutional heritage contains:

- legal certainty
- hierarchy of laws
- presidentialism
- universalism
- organisational development

24.

Rule of law as the principle of the common constitutional heritage contains:

- prevention of abuse of powers
- hierarchy of laws
- presidentialism
- universalism
- organisational development

25.

Rule of law as the principle of the common constitutional heritage contains:

- equality before the law and non-discrimination
- hierarchy of laws
- presidentialism
- universalism
- organisational development

26.

Rule of law as the principle of the common constitutional heritage contains:

- access to justice
- hierarchy of laws
- presidentialism
- universalism
- organisational development

22.

Legality as the element of Rule of law means:

- supremacy of the law
- compliance with the law
- compliance with law-making procedures
- clarity of the law
- all answers

23.

Legality as the element of Rule of law means:

- clarity of the law
- equality before the law and non-discrimination
- prevention of abuse of powers
- organisational development
- acts of the head of state are the supreme law

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25.

Legality as the element of Rule of law means:

- compliance with law-making procedures
- equality before the law and non-discrimination
- prevention of abuse of powers
- organisational development
- acts of the head of state are the supreme law

26.

Legal certainty as the element of Rule of law means:

- accessibility of legislation
- equality before the law and non-discrimination
- prevention of abuse of powers
- organisational development
- acts of the head of state are the supreme law

27.

Legal certainty as the element of Rule of law means:

- foreseeability of the laws
- equality before the law and non-discrimination
- prevention of abuse of powers
- organisational development
- acts of the head of state are the supreme law

28.

Legal certainty as the element of Rule of law means:

- stability and consistency of law
- equality before the law and non-discrimination

- prevention of abuse of powers
- organisational development
- acts of the head of state are the supreme law

29.

Legal certainty as the element of Rule of law means:

- legitimate expectations ensured
- equality before the law and non-discrimination
- prevention of abuse of powers
- organisational development
- acts of the head of state are the supreme law

30.

Legal certainty as the element of Rule of law means:

- non-retroactivity of laws
- equality before the law and non-discrimination
- prevention of abuse of powers
- organisational development
- acts of the head of state are the supreme law

31.

Prevention of abuse (misuse) of powers as the element of Rule of law means:

- legal safeguards against arbitrariness
- equality before the law and non-discrimination
- prevention of abuse of powers
- organisational development
- acts of the head of state are the supreme law

32.

Prevention of abuse (misuse) of powers as the element of Rule of law means:

- mechanisms to prevent, correct and sanction abuse of discretionary powers
- equality before the law and non-discrimination
- prevention of abuse of powers
- organisational development
- acts of the head of state are the supreme law

33.

Prevention of abuse (misuse) of powers as the element of Rule of law means:

- public authorities required to provide adequate reasons for their decisions
- equality before the law and non-discrimination
- prevention of abuse of powers
- organisational development
- acts of the head of state are the supreme law

34.

An exercise of power that leads to substantively unfair, unreasonable, irrational or oppressive decisions _____ the Rule of Law.

- guarantees
- violates
- means
- contains
- demands

35.

What is contrary to the Rule of Law ?

- executive discretion to be unfettered power
- legal certainty
- equality before the law
- non-discrimination
- prevention of abuse of powers

36.

Rule of Law demands that abuse of discretionary power should be controlled by _____ :

- judicial or other independent review
- the parliament
- the head of state
- the society
- the higher officials

37.

The principle of _____ requires the prohibition of any unjustified unequal treatment under the law and/or by law, and that all persons have guaranteed equal and effective protection against discrimination on grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

- non-discrimination
- legal certainty
- equality before the law
- prevention of abuse of powers
- judicial or other independent review

38.

“Legislation must treat similar situations equally and different situations differently” is the meaning of the principle of _____ :

- equality
- legal certainty
- prevention of abuse of powers
- judicial or other independent review

-organisational development

39.

What does the independence of the judiciary mean ?

- that it is free from procedural rules
- that it is free from external pressure
- that it is out of control of the society
- that court decisions can not be reviewed
- that court decisions are the highest law

40.

What does the independence of the judiciary mean ?

- that it is free from procedural rules
- that it is not subject to political influence or manipulation
- that it is out of control of the society
- that court decisions can not be reviewed
- that court decisions are the highest law

41.

Elements of judicial independence are:

- procedural rules
- manner of appointment
- prevention of abuse of powers
- non-discrimination
- organisational development

42.

Elements of judicial independence are:

- term of office
- prevention of abuse of powers
- non-discrimination
- organisational development
- procedural rules

43.

Elements of judicial independence are:

- the existence of guarantees against outside pressure
- prevention of abuse of powers
- non-discrimination
- organisational development
- procedural rules

44.

Elements of judicial independence are:

- the judiciary appears as independent and impartial
- prevention of abuse of powers
- non-discrimination
- organisational development
- procedural rules

45.

According to the principle of judicial independence, the only way of review of judges when applying the law is:

- the opportunity to contact an ombudsman
- the possibility of appealing judgments to a higher court
- the opportunity to apply to the European Court of Human Rights
- the opportunity to address the president
- the opportunity to address the parliament

46.

An exercise of power that leads to substantively unfair, unreasonable, irrational or oppressive decisions _____ the Rule of Law.

- guarantees
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- means
- contains
- demands

47.

Rule of law as the principle of the common constitutional heritage contains:

- legality
- hierarchy of laws
- presidentialism
- universalism
- organisational development

48.

What is the opportunity of the Supreme Court to evaluate laws to determine constitutionality is called?

- Due process
- Judicial review
- Enumerated powers
- Equal protection
- Protection of human rights

49.

Government based upon the rule of law is called

- Autocracy
- Dictatorship

- Oligarchy
- All of the above

50.

John Locke wrote that freedom in society means being subject only to laws made by?

- Governor
- King
- Judge
- Legislature
- None of the above

51.

Effective opportunity of the individual to challenge a private or public act that interferes with his/her rights is the element of the principle of:

- fair trial
- legality
- hierarchy of laws
- prevention of abuse of powers
- non-discrimination

52.

An effective guarantee of the conformity of governmental action, including legislation, with the Constitution is the aim of the:

- constitutional justice
- parliament
- president
- NGO
- state officials

53.

The right to a fair trial imposes:

- the implementation of all courts' decisions
- legality
- hierarchy of laws
- prevention of abuse of powers
- non-discrimination

54.

_____ leads to arbitrariness and abuse of powers since decisions will not be made in line with the law, which will lead to decisions being arbitrary in nature.

- corruption
- uncertainty
- Law

- judiciary
- nihilism

55.

An important element of the fight against corruption is:

- legality
- hierarchy of laws
- preventing conflicts of interest
- prevention of abuse of powers
- non-discrimination

56.

In order for a representative democracy to work, certain conditions have to be met. Which of the following is NOT one of these conditions?

- There must be genuine competition among leadership choices
- Citizens must make rational choices
- There must be free communication among people and in the press
- There must be a meaningful choice, with genuine policy distinctions, offered to voters
- There must be several candidates

57.

Which of the following is a drawback of direct democracy?

- Direct democracy is relatively swift, meaning faulty policy can be enacted without thorough review
- Direct democracy excludes some categories of the population
- Under direct democracy, the populace can be swayed by temporary emotions and radical elements
- Direct democracy involves the election of representatives to various levels of government, which is often time-consuming
- Citizens don't make rational choices

58.

Participatory democracy is best defined as which of the following?

- Nongovernmental interest groups influence political decisions through lobbying and donations
- Individual citizens electing representatives who would then articulate and fight for their interests
- Direct individual participation by citizens in political decisions that affect their daily lives
- Limited political participation by a small group of people that make and influence political decisions

59.

Read the passage and answer the following question.

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive to these ends, it is the right of the people to alter or to abolish it, and to institute new government.”

-Thomas Jefferson, Declaration of Independence

Which of the following ideas does the author of the passage advocate?

- popular sovereignty
- constitutional monarchy
- checks and balances
- pluralism
- constitution

60.

A member of the Senate makes a statement to the press that she is unsure of how she is going to vote on a bill. After numerous calls from her constituents asking her to vote for the bill, she votes in support of the bill.

This is an example of which of the following democratic ideals?

- republicanism
- natural rights
- limited government
- social contract
- constitution

61.

After Congress proposes a bill to allow businesses to purchase land that was once a national park, several people form an environmental interest group. They reach out to several senators to get their support to block the bill.

This is an example of which of the following models of democracy?

- pluralist democracy
- elite democracy
- participatory democracy
- direct democracy
- constitutional democracy

62.

Read the passage and answer the following question.

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive to

these ends, it is the right of the people to alter or to abolish it, and to institute new government.”

-Thomas Jefferson, Declaration of Independence

Based on the text, which of the following statements would the author most likely agree with?

- There is no such thing as a just government
- Society would be better if there were no governments
- A government is only just if citizens have a voice in it
- Citizens should rebel against governments they disagree with

63.

Which of the following best illustrates the concept of limited government?

- an unpopular governor is replaced with his opponent on election day
- a senator decides to vote in favor of a law after a public opinion poll showing massive support for it in her district
- a president is reelected after a successful first term in office
- the Constitutional Court ruled that a law passed by Congress was unconstitutional

64.

Read the passage and answer the following question.

“The influence of factious leaders may kindle a flame within their particular states, but will be unable to spread a general conflagration through the other states: a religious sect may degenerate into a political faction in a part of the confederacy; but the variety of sects dispersed over the entire face of it, must secure the national councils against any danger from that source: a rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the union.”

-Publius (James Madison), Federalist No. 10, 1787

Which of the following models of representative democracy is most consistent with the passage?

- Pluralist democracy
- Direct democracy
- Participatory democracy
- Elite democracy

65.

According to most definitions, which of the following does a country definitely need to have in order to be a democracy?

- Strategic voting
- Recall referenda
- Citizen assemblies
- Periodic elections
- Elite democracy

66.

Which of the following is typically considered part of procedural definitions of democracy?

- Incomes must be equal
- All national budgets subject to referenda
- Religion must be kept entirely out of politics
- Multiple competitors must be allowed
- Elite democracy

67.

Legality as the element of Rule of law means:

- compliance with law-making procedures
- equality before the law and non-discrimination
- prevention of abuse of powers
- organisational development
- acts of the head of state are the supreme law

68.

Prevention of abuse (misuse) of powers as the element of Rule of law means:

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69.

Elements of judicial independence are:

- procedural rules
- manner of appointment
- prevention of abuse of powers
- non-discrimination
- organisational development

70.

The Supreme Court can evaluate laws to determine constitutionality. What is this called?

- due process
- judicial review
- enumerated powers
- equal protection
- protection of human rights

71.

Which of the following best describes separation of powers?

- the Constitution is considered the supreme law of the land

- the powers not expressly written in the Constitution are reserved to the states
- political authority governs an entire nation
- distribution of political authority
- none of the answers are correct

72.

Which of the following is an example of the legislative branch and the executive branch checking the power of the other?

- congress can impeach the president and federal judges, but the courts have the final say on the interpretation of the Constitution
- the government takes responsibility for national problems, such as foreign affairs
- the president has veto power over congressional legislation, but his treaties and major appointments require the consent of the Senate
- agreement of both two thirds of both Congress and the states are required for the adoption of amendments

73.

What should there be between the three branches of the separation of powers?

- excessive power
- clear demarcation of powers
- abuse of power
- powers vested in each other
- strong constitutional basis

74.

Which of these is a country with a strong separation of powers?

- UK
- USA
- Ireland
- North Korea
- Russia

75.

Which of these is not a member of the executive?

- judges
- prime Minister
- cabinet
- ministers
- civil Service

76.

Which of these is not a member of the legislature?

- the Queen
- the Armed Forces

- House of Commons
- House of Lords

77.

Principles of rule of law, the guarantee of human rights and freedoms based on the personalistic concept and human dignity, separation of powers, political pluralism, independence of the judiciary, constitutional justice in their entirety are the content of the:

- Law tradition
- European culture
- Roman legal system
- Anglo-Sassonian legal system
- Common constitutional heritage

78.

_____ are moral entitlements that every individual in the world possesses simply in virtue of the fact that he or she is a human being.

- human rights
- forms of democracy
- civil rights
- political rights
- rights and duties

79.

Which of the following is the principle of the common constitutional heritage?

- constitutional justice
- hierarchy of laws
- presidentialism
- universalism
- organisational development

80.

Rule of law as the principle of the common constitutional heritage means:

- acts of Parliament are the supreme law
- acts of Parliament should be predictable
- acts of local authorities should be adopted in accordance with Constitution
- acts of the head of state are the supreme law
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82.

Rule of law as the principle of the common constitutional heritage contains:

- legality
- hierarchy of laws
- presidentialism
- universalism
- organisational development

83.

What is contrary to the Rule of Law ?

- executive discretion to be unfettered power
- legal certainty
- equality before the law
- non-discrimination
- prevention of abuse of powers

84.

The concept of limited government is best illustrated by the following:

- an unpopular governor is replaced with his opponent on election day
- the Constitutional Court ruled that a law passed by Congress was unconstitutional
- a senator decides to vote in favor of a law after a public opinion poll showing massive support for it in her district
- a president is reelected after a successful first term in office

85.

The right to a fair trial imposes:

- the implementation of all courts' decisions
- legality
- hierarchy of laws
- prevention of abuse of powers
- non-discrimination

86.

According to most definitions, which of the following does a country definitely need to have in order to be a democracy?

- Periodic elections
- Elite democracy
- Strategic voting
- Recall referenda
- Citizen assemblies

87. Which of the following is an example of the check and balances?

- the president has veto power over congressional legislation, but his treaties and major appointments require the consent of the Senate
- agreement of both two thirds of both Congress and the states are required for the adoption of amendments
- parliament can impeach the president and federal judges, but the courts have the final say on the interpretation of the Constitution
- the government takes responsibility for national problems, such as foreign affairs

88.

Direct democracy is best described in the answer:

- direct democracy involves the election of representatives to various levels of government, which is often time-consuming
- citizens don't make rational choices
- direct democracy is relatively swift, meaning faulty policy can be enacted without thorough review
- direct democracy excludes some categories of the population
- under direct democracy, the populace can be swayed by temporary emotions and radical elements

89.

Which of the following is NOT one of the conditions for a representative democracy to work?

- there must be a meaningful choice, with genuine policy distinctions, offered to voters
- there must be several candidates
- there must be genuine competition among leadership choices
- citizens must make rational choices
- there must be free communication among people and in the press

90.

Which of the following best describes the Participatory democracy?

- direct individual participation by citizens in political decisions that affect their daily lives
- limited political participation by a small group of people that make and influence political decisions
- nongovernmental interest groups influence political decisions through lobbying and donations
- individual citizens electing representatives who would then articulate and fight for their interests

91.

Legality as the element of Rule of law means:

- organisational development
- acts of the head of state are the supreme law
- compliance with law-making procedures

- equality before the law and non-discrimination
- prevention of abuse of powers

92.

Effective opportunity of the individual to challenge a private or public act that interferes with his/her rights is the element of the principle of:

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What of the following leads to arbitrariness and abuse of powers since decisions will not be made in line with the law, which will lead to decisions being arbitrary in nature ?

- corruption
- uncertainty
- law

- judiciary
- nihilism

97.

What of the following is an important element of the fight against corruption is:

- preventing conflicts of interest
- prevention of abuse of powers
- non-discrimination
- legality
- hierarchy of laws

98.

Which of these is not a member of the executive?

- cabinet
- ministers
- civil Service
- judges
- prime Minister

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What is the opportunity of the Court to evaluate laws to determine constitutionality is called?

- Enumerated powers
- Equal protection
- Protection of human rights
- Due process
- Judicial review

100.

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- constitutional justice
- hierarchy of laws
- presidentialism
- universalism
- unitarism