

BLOGS

Jurisprudence for CLAT PG: Learning to Think Like the Law

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Jurisprudence often feels abstract to CLAT PG aspirants. Unlike constitutional or administrative law, it does not deal with clear provisions or familiar fact situations. Instead, it asks uncomfortable questions: What is law?

Where does it get its authority from? Why should it be obeyed? Many students approach jurisprudence by memorising names like Austin, Hart, Kelsen, and Dworkin without really understanding what they were arguing about. That approach rarely works in CLAT PG, where the focus is on reasoning rather than recall.

At its core, **jurisprudence is about how we understand law itself**. Every legal system rests on certain assumptions: whether law is simply a command backed by force, whether it must reflect morality, or whether it is best understood as a system of rules. Different jurists answer these questions differently, and jurisprudence is the space where these disagreements play out.

A good place to begin is legal positivism, which separates law from morality. **John Austin** famously described law as the command of a sovereign, backed by sanctions. While this sounds rigid, it served an important purpose; it brought clarity. Austin wanted to study law as it is, not as it ought to be. However, his theory struggled to explain modern constitutional systems, where power is limited, and law binds even those who make it.

H.L.A. Hart refined positivism by shifting the focus from commands to rules. According to Hart, a legal system consists of primary rules that impose duties and secondary rules that confer powers.

The most important among these is the rule of recognition, which tells us how to identify valid law. **Hart's theory is important for CLAT PG** because it explains why courts follow constitutions, statutes, and precedents without constantly asking moral questions. The law works because officials accept certain rules as standards.

Opposed to positivism is natural law theory, which insists that law and morality cannot be separated. Thinkers like Aquinas argued that an unjust law is not a true law at all. In modern

times, this idea resurfaced after World War II, when strictly legal systems had enabled grave injustices. Natural law theory reminds us that legality alone cannot always justify obedience.

Between these two stands **Ronald Dworkin**, who challenged Hart's idea that law is only about rules. Dworkin argued that law also consists of moral principles and standards that judges rely on when rules run out. His theory is especially relevant in constitutional adjudication, where courts interpret rights like equality and liberty. According to Dworkin, judges do not invent law; they discover the best moral interpretation of existing legal practice.

Another influential thinker is **Hans Kelsen**, who approached law as a pure system of norms. Kelsen wanted to remove politics, sociology, and morality from legal analysis. He explained legal validity through a hierarchy of norms, each deriving authority from a higher one, ultimately resting on a basic norm. This theory helps explain constitutional supremacy and judicial review, making it particularly relevant in systems like India's.

For CLAT PG, jurisprudence questions rarely ask you to reproduce these theories in isolation. Instead, they test your ability to compare, contrast, and apply them.

A passage might describe a judge relying strictly on statute despite moral concerns hinting at positivism. Another might describe courts invoking values like dignity or fairness, pointing towards natural law or Dworkin's principles.

An important mistake aspirants make is treating jurisprudence as disconnected from real law. In reality, jurisprudence quietly shapes judicial reasoning. When Indian courts emphasise constitutional morality, dignity, or proportionality, they are not just interpreting text; they are making jurisprudential choices. Understanding this connection makes the subject far less intimidating.

A smart way to study jurisprudence is to **focus on the questions each theory answers**. Austin asks where law gets its force. Hart asks how legal systems function. Natural law asks whether law deserves obedience. Dworkin asks how judges decide hard cases. Kelsen asks how legal validity is structured. Once these questions are clear, the theories fall into place.

Jurisprudence is not about choosing the "correct" theory. No single theory explains the law completely. Each highlights one aspect and ignores others. CLAT PG rewards those who can see these limits and tensions rather than those who blindly praise one thinker.

In the end, jurisprudence trains you to think like a lawyer rather than study like a student. It teaches you to question assumptions, analyse arguments, and understand why law looks the way it does.

If approached with curiosity instead of fear, jurisprudence becomes one of the most scoring and intellectually satisfying subjects in CLAT PG preparation.