

## MCQs on Jurisprudence for CLAT PG [Part 6]

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**Q1. Which of the following best explains why John Austin excluded morality from the concept of law?**

- a. Morality lacks universal acceptance
  - b. Moral rules are unenforceable by courts
  - c. Law derives validity from sovereign command, not ethical content
  - d. Moral principles evolve faster than legal rules
- Q2. Hart's criticism of Austin primarily rests on the claim that Austin's theory fails to explain:**

- a. The coercive nature of law
  - b. The continuity of legal systems
  - c. The role of morality in adjudication
  - d. The supremacy of constitutional norms
- Q3. According to Hart, the Rule of Recognition performs which central function?**

- a. It authorises courts to invalidate immoral laws
  - b. It identifies valid legal rules within a legal system
  - c. It ensures democratic legitimacy of legislation
  - d. It reconciles primary and secondary rules
- Q4. Dworkin's concept of "principles" differs from "rules" mainly because principles:**

- a. Are enforced only by higher courts
  - b. Operate in an all-or-nothing manner
  - c. Have weight and may conflict without invalidation
  - d. Are derived from legislative intent
- Q5. Which jurisprudential implication follows from Dworkin's "one right answer" thesis?**

- a. Judges always apply statutory text mechanically
  - b. Judicial discretion is unlimited
  - c. Hard cases involve moral reasoning, not discretion
  - d. Precedents have no binding force
- Q6. Legal realism's core challenge to formalism lies in its assertion that:**
- a. Law is identical with morality

b. Judges decide cases solely based on personal bias

c. Judicial decisions are influenced by extra-legal factors

d. Statutes are irrelevant in adjudication **Q7. The realist claim that law is what courts**

**“actually do” primarily undermines which idea?**

a. Separation of powers

b. Predictability of law

c. Judicial independence

d. Legislative supremacy **Q8. Kelsen’s Pure Theory of Law rejects sociological and moral considerations because:**

a. They dilute the normative purity of law

b. They conflict with democratic values

c. They reduce judicial accountability

d. They expand judicial discretion **Q9. In Kelsen’s framework, the Grundnorm functions as:**

a. A historical constitution

b. A moral justification of law

c. A presupposed source of legal validity

d. A natural law principle **Q10. Natural law theories most directly conflict with legal positivism on the question of:**

a. Source of law

b. Method of interpretation

c. Relationship between law and morality

d. Judicial discretion **Q11. Finnis departs from classical natural law theorists by grounding legal obligation primarily in:**

a. Divine command

b. Historical continuity

c. Basic human goods and practical reason

d. State authority **Q12. The jurisprudential significance of Fuller’s “inner morality of law” lies in its claim that:**

a. Unjust laws are void

b. Procedural principles condition legal validity

c. Morality overrides legislative supremacy

d. Judges must apply equity over law **Q13. Which of the following best captures the Hart-Fuller debate?**

- a. Whether courts should strike down immoral laws
  - b. Whether law can exist without moral content
  - c. Whether morality determines legislative competence
  - d. Whether sovereignty is absolute
- Q14. Critical Legal Studies scholars primarily argue that law:**

- a. Reflects neutral principles
  - b. Is indeterminate and politically contingent
  - c. Derives authority from social consensus
  - d. Evolves through judicial wisdom
- Q15. Which jurisprudential approach most strongly supports the claim that constitutional interpretation must evolve with social change?**

- a. Analytical positivism
  - b. Legal formalism
  - c. Sociological jurisprudence
  - d. Command theory
- Answers Correct Answer: C - Law derives validity from sovereign command, not ethical content**

**Explanations** - Austin's positivism is built on **source-based validity**. For him, law is law because it is commanded by a sovereign and backed by sanctions. Moral merit or justice is irrelevant to its legal status, though it may matter politically or ethically. **Correct Answer: B - The continuity of legal systems**

**Explanations** - Austin could not explain why laws remain valid after a sovereign changes. Hart solved this through secondary rules, especially the Rule of Recognition, which explains legal continuity without personal obedience. **Correct Answer: B - It identifies valid legal rules within a legal system**

**Explanations** - The Rule of Recognition is the **ultimate test of validity**. It tells officials what counts as law (constitution, statutes, precedents), not whether law is moral or democratic. **Correct Answer: C - Have weight and may conflict without invalidation**

**Explanations** - Dworkin distinguishes rules (which apply conclusively) from principles (which have dimension of weight). Principles can compete and be balanced, not invalidated when overridden. **Correct Answer: C - Hard cases involve moral reasoning, not discretion**

**Explanations** - Dworkin rejects Hart's idea of judicial discretion in hard cases. Judges interpret legal principles embedded in the system, meaning law extends beyond explicit rules. **Correct Answer: C - Judicial decisions are influenced by extra-legal factors**

**Explanations** - Realists do not deny law's existence but argue that social, economic, and

psychological factors influence how judges actually decide cases. **Correct Answer: B -**

**Predictability of law**

**Explanations -** If law is what judges do, and decisions depend on subjective or contextual factors, certainty and predictability which central to rule of law—are weakened. **Correct**

**Answer: A - They dilute the normative purity of law**

**Explanations -** Kelsen wanted a scientific theory of law, free from sociology, politics, or morality. Law, for him, is a normative system, not a social fact or moral ideal. **Correct Answer: C - A**

**presupposed source of legal validity**

**Explanations -** The Grundnorm is not enacted or moral; it is assumed to explain why lower norms are valid. It anchors the legal system without invoking metaphysics. **Correct Answer: C -**

**Relationship between law and morality**

**Explanations -** Natural law insists unjust law is not true law, while positivism maintains conceptual separation. This is the deepest and most enduring jurisprudential divide. **Correct**

**Answer: C - Basic human goods and practical reason**

**Explanations -** Finnis modernises natural law by grounding it in reasoned human flourishing, not divine will. Law is obligatory because it promotes common good. **Correct Answer: B -**

**Procedural principles condition legal validity**

**Explanations -** Fuller argued that laws must meet standards like generality, clarity, and prospectivity. A system that violates these fails as law itself, regardless of content. **Correct**

**Answer: B - Whether law can exist without moral content**

**Explanations -** Hart said immoral laws can exist; Fuller said systematic immorality undermines legality itself. The debate focuses on conceptual validity, not judicial activism. **Correct Answer:**

**B - Is indeterminate and politically contingent**

**Explanations -** CLS critiques law as serving dominant interests. Legal outcomes are shaped by power, ideology, and politics, not neutral reasoning. **Correct Answer: C - Sociological**

**jurisprudence**

**Explanations -** Thinkers like Roscoe Pound argue law must adapt to social needs and realities. This supports living constitutionalism and dynamic interpretation.