

BLOGS

MCQ's on Jurisprudence for CLAT PG [Part 8]

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1. Austin's insistence on the concept of sanction in defining law was primarily aimed at:

- a) Distinguishing law from morality
- b) Explaining the source of legal validity
- c) Emphasising judicial creativity
- d) Justifying constitutional supremacy

2. Hart's criticism of Austin's command theory rests substantially on the claim that it fails to explain:

- a) Criminal liability
- b) Habitual obedience in monarchies
- c) The continuity of legal systems
- d) Judicial discretion

3. The rule of recognition in Hart's theory performs which core function?

- a) Identifying moral content in law
- b) Explaining how laws are enforced
- c) Providing criteria for legal validity
- d) Limiting legislative power

4. Which of the following best captures the jurisprudential significance of secondary rules?

- a) They regulate social behaviour directly
- b) They explain the origin of sovereignty
- c) They confer powers to create, modify, and adjudicate law
- d) They operate only in constitutional systems

5. Kelsen's concept of the Grundnorm is best understood as:

- a) A historically enacted supreme rule
- b) A moral foundation of law
- c) A presupposed norm validating the legal system
- d) A written constitutional provision

6. According to Kelsen, the validity of a legal norm depends primarily on:

- a) Its moral correctness
- b) Its social acceptance
- c) Its conformity with higher norms
- d) Judicial interpretation

7. The central claim of natural law theory, across its variants, is that:

- a) Law derives authority solely from the State
- b) Legal validity is independent of morality
- c) Law and morality share a necessary connection
- d) Judicial precedent overrides legislation

8. Fuller's idea of the "inner morality of law" focuses on:

- a) Substantive justice of outcomes
- b) Democratic legitimacy
- c) Procedural conditions necessary for law to function
- d) Social welfare goals

9. Which of the following principles is not part of Fuller's inner morality of law?

- a) Generality
- b) Prospectivity
- c) Consistency
- d) Economic efficiency

10. Realist jurists challenge traditional legal theory primarily by arguing that:

- a) Law is reducible to morality
- b) Judges mechanically apply rules
- c) Law is what courts actually do in practice
- d) Statutes are irrelevant

11. The American Legal Realists' emphasis on judicial behaviour was intended to expose:

- a) The supremacy of constitutional text
- b) The indeterminacy of legal rules
- c) The moral neutrality of law
- d) The inevitability of codification

12. Dworkin's critique of positivism centres on the claim that:

- a) Law consists only of enacted rules
- b) Judges have unfettered discretion in hard cases
- c) Legal reasoning includes principles as well as rules
- d) Precedent is binding only morally

13. Dworkin's metaphor of the judge as "Hercules" signifies:

- a) Judicial activism without limits
- b) Mechanical application of precedent
- c) Ideal interpretive reasoning integrating law and principle
- d) Legislative supremacy over courts

14. The distinction between law as it is and law as it ought to be is most closely associated with:

- a) Natural law theory
- b) Legal realism
- c) Legal positivism
- d) Sociological jurisprudence

15. Which jurisprudential school is most concerned with examining law as a social institution shaped by societal needs?

- a) Analytical positivism
- b) Natural law
- c) Sociological jurisprudence
- d) Historical school

Answers

1. Correct Answer: A – Distinguishing law from morality Explanation: Austin emphasised sanction to separate law from moral or social rules. For him, legal obligation arises from the threat of punishment, not moral persuasion.
1. Correct Answer: C – The continuity of legal systems Explanation: Hart argued that Austin's theory fails to explain how legal systems survive changes in sovereigns, since obedience cannot merely be habitual.
1. Correct Answer: C – Providing criteria for legal validity Explanation: The rule of recognition identifies what counts as law in a system—statutes, precedents, constitutions without invoking morality.
1. Correct Answer: C – Confer powers to create, modify, and adjudicate law Explanation: Secondary rules (recognition, change, adjudication) explain how law is made, altered, and applied, addressing defects of primitive systems.
1. Correct Answer: C – A presupposed norm validating the legal system Explanation: The Grundnorm is not enacted or moral; it is an assumed starting point that gives legitimacy to all subordinate norms.
1. Correct Answer: C – Conformity with higher norms Explanation: In Kelsen's pure theory, legal validity flows hierarchically, not from morality or social facts.
1. Correct Answer: C – Law and morality share a necessary connection Explanation: Natural law theorists maintain that unjust laws lack true legal authority because law must reflect moral reason.
1. Correct Answer: C – Procedural conditions necessary for law to function Explanation: Fuller focused on how laws are made and applied, arguing that legality itself has moral content.
1. Correct Answer: D – Economic efficiency Explanation: Fuller's principles concern legality and fairness, not utilitarian or economic outcomes.
1. Correct Answer: C – Law is what courts actually do in practice Explanation: Realists rejected formalism and argued that outcomes depend on judicial behaviour, not abstract rules.
1. Correct Answer: B – The indeterminacy of legal rules Explanation: Realists highlighted that rules often underdetermine outcomes, leaving space for judicial choice.

1. Correct Answer: C – Legal reasoning includes principles as well as rules Explanation: Dworkin argued that principles guide decisions in hard cases, undermining positivist claims of discretion.
1. Correct Answer: C – Ideal interpretive reasoning integrating law and principle Explanation: Hercules represents a judge who constructs the best moral interpretation of the legal system as a whole.
1. Correct Answer: C – Legal positivism Explanation: Positivists insist on separating descriptive analysis of law from moral evaluation.
1. Correct Answer: C – Sociological jurisprudence Explanation: This school views law as a social tool, emphasising real-world effects and societal interests over abstract logic.