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.