BLOGS

MCQ’s on Jurisprudence for CLAT PG [Part 11]

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Modern jurisprudence increasingly recognises that legal relations are not static entitlements but dynamic structures that organise power, responsibility, and social expectations. The classical understanding of a “right” as a standalone claim has been substantially refined by analytical jurists who emphasise that every right necessarily correlates with a duty, disability, or liability in another. This relational understanding reveals law not merely as a catalogue of freedoms but as a framework of mutual constraints. Rights, therefore, do not exist in isolation; they operate within a normative matrix that simultaneously empowers and restrains individuals and institutions.

The distinction between rights and powers is central to this framework. While a right protects an interest against interference, a power enables a person to alter legal relations, either their own or those of others. The exercise of power, whether legislative, contractual, or corporate, inevitably generates liabilities. Liability, in this sense, is not confined to wrongdoing but extends to lawful acts that change legal positions. Thus, when a corporation enters into contracts, acquires property, or restructures itself, it exercises legal power that creates enforceable expectations and corresponding liabilities, both internally and externally.

Ownership and possession further illustrate the layered nature of legal concepts. Ownership represents the ultimate legal authority over a thing, encompassing the right to use, exclude, and dispose. Possession, by contrast, reflects a factual relationship protected by law not because of moral entitlement but because stability and order demand recognition of control. Jurisprudence has long acknowledged that possession may exist without ownership and that the law may protect possession even against the true owner in certain circumstances. This protection underscores the law’s preference for social order over abstract title.

The emergence of corporate liability complicates traditional notions of personhood and responsibility. Corporations, though artificial persons, act through human agents. Early legal theory resisted attributing criminal or moral responsibility to such entities, viewing intent as inherently personal. Contemporary jurisprudence, however, recognises that corporate decision-making structures can generate collective intent and institutional fault. Liability is thus imposed not merely to punish but to regulate power, deter systemic harm, and internalise social costs.

Across these concepts, rights, duties, power, liability, ownership, possession, and corporate responsibility—the unifying theme is the law's attempt to balance autonomy with accountability. Jurisprudence, therefore, is less concerned with isolated definitions than with understanding how legal concepts interact to structure social life and constrain the exercise of power in a complex, organised society.

Q1. The passage's understanding that a right cannot exist in isolation but only within a network of correlatives most closely reflects which jurist's analytical method?

a. John Austin

b. Hans Kelsen

c. Wesley Hohfeld

d. Roscoe Pound

Q2. Which of the following best captures the distinction between a right and a power as articulated in the passage?

a. A right enables legal change, whereas power restrains others

b. A right protects an interest; a power alters legal relations

c. A right creates liability; a power negates duty

d. A right is moral; a power is purely political

Q3. The passage's claim that liability may arise even from lawful acts primarily challenges which traditional assumption?

a. Liability arises only from fault

b. Liability is always moral blameworthiness

c. Liability requires statutory violation

d. Liability is limited to criminal law

Q4. Protection of possession even against the true owner is justified in jurisprudence primarily on grounds of:

a. Moral entitlement

b. Natural justice

c. Social order and stability

d. Economic efficiency alone

Q5. Which jurisprudential distinction is most directly illustrated by the ownership–possession discussion in the passage?

a. De facto vs de jure authority

b. Public law vs private law

c. Rights vs privileges

d. Civil vs criminal liability

Q6. The passage's treatment of corporate liability most strongly aligns with which jurisprudential shift?

a. From fault to absolute immunity

b. From individualism to institutional responsibility

c. From civil liability to criminal liability

d. From public law to private law

Q7. The idea that law is concerned less with definitions and more with how concepts interact reflects which jurisprudential orientation?

a. Formalism

b. Analytical positivism

c. Functional and relational jurisprudence

d. Pure natural law

Q8. Which of the following best explains why corporate liability is justified even without identifying a single culpable individual?

a. Corporations possess moral agency identical to humans

b. Liability is imposed purely for retribution

c. Decision-making structures generate collective responsibility

d. Corporations waive constitutional protections

Q9. The passage's assertion that law both empowers and restrains institutions most directly reflects which constitutional concern?

a. Parliamentary sovereignty

b. Separation of powers

c. Rule of law

d. Judicial activism

Q10. Which jurist's theory would most likely conflict with the passage's relational understanding of rights?

a. Hohfeld

b. Salmond

c. Austin

d. Kelsen

Q11. The passage's approach to possession suggests that law prioritises:

a. Abstract justice over social consequences

b. Title over control

c. Stability over theoretical purity

d. Morality over legality

Q12. Which of the following best captures the regulatory function of corporate liability as described?

a. Punishing moral blame

b. Enforcing ethical conduct

c. Internalising social costs of power

d. Protecting shareholders exclusively

Q13. The statement that liability may follow lawful conduct most closely resembles which area of law?

a. Criminal law

b. Tort law (strict liability)

c. Constitutional law

d. International law

Q14. The passage implicitly critiques which simplistic view of rights?

a. Rights as moral absolutes

b. Rights as natural entitlements

c. Rights as isolated freedoms

d. Rights as constitutional guarantees

Q15. The unifying theme across the passage can best be described as:

a. Supremacy of State authority

b. Moral justification of law

c. Balancing autonomy with accountability

d. Elimination of legal fictions

Answers

1. Correct Answer: C – Wesley Hohfeld

Explanation: Hohfeld famously rejected the idea of rights as standalone claims. His framework breaks legal relations into correlatives (right–duty, power–liability, privilege–no right, immunity–disability). The passage's emphasis on law as a "normative matrix" of mutual constraints mirrors Hohfeld's analytical jurisprudence, rather than Austin's command theory or Pound's sociological approach.

2. Correct Answer: B – A right protects an interest; a power alters legal relations

Explanation: The passage clearly distinguishes rights (defensive claims against interference) from powers (capacities to change legal relations). This is a classical Hohfeldian distinction. Exercising power—such as contracting or legislating—creates new liabilities and duties, whereas rights primarily protect existing interests.

3. Correct Answer: A – Liability arises only from fault

Explanation: By recognising liability flowing from lawful exercises of power (contracts, restructuring, acquisitions), the passage adopts a modern jurisprudential position. Liability is not synonymous with wrongdoing; it can arise from valid legal acts that rearrange legal relations, such as strict liability or contractual liability.

4. Correct Answer: C – Social order and stability

Explanation: The passage echoes the classical reasoning (found in Salmond and common law cases) that possession is protected not because it is morally superior to ownership, but because law prioritises peace and stability. Recognising possession prevents self-help and disorder, even if it temporarily disadvantages the true owner.

5. Correct Answer: A – De facto vs de jure authority

Explanation: Ownership reflects *de jure* authority (legal title), while possession reflects *de facto* control. The passage highlights how law sometimes privileges de facto control to preserve order, even when it conflicts with de jure ownership.

6. Correct Answer: B – From individualism to institutional responsibility

Explanation: Earlier jurisprudence resisted corporate liability due to the absence of "personal intent." Modern jurisprudence, reflected in the passage, recognises institutional decision-making and collective fault. Liability is imposed to regulate power and internalise harm, not merely to punish individuals.

7. Correct Answer: C – Functional and relational jurisprudence

Explanation: The passage moves beyond rigid definitions toward understanding how rights, duties, and powers operate together in society. This functional approach is characteristic of modern jurisprudence, bridging analytical clarity with social consequences.

8. Correct Answer: C – Decision-making structures generate collective responsibility

Explanation: The passage rejects the fiction that intent must always be personal. Corporate policies and governance frameworks can embody intent and negligence. Liability thus responds to systemic fault, not merely individual misconduct.

9. Correct Answer: C – Rule of law

Explanation: The rule of law requires that power be structured, limited, and accountable. By emphasising that law organises power and imposes responsibility, the passage situates jurisprudence within a rule-of-law framework rather than unfettered authority.

10. Correct Answer: C – Austin

Explanation: Austin's command theory focuses on sovereign commands backed by sanctions and treats rights as derivative of duties imposed by the sovereign. This is far more hierarchical and less relational than the interdependent matrix of legal relations described in the passage.

11. Correct Answer: C – Stability over theoretical purity

Explanation: Protecting possession—even against ownership—shows that law sometimes sacrifices conceptual neatness to preserve peace and predictability. Jurisprudence here is pragmatic rather than idealistic.

12. Correct Answer: C – Internalising social costs of power

Explanation: The passage emphasises regulation and deterrence. Corporate liability ensures that entities exercising vast economic and social power bear the costs of harm they generate, aligning private incentives with public welfare.

13. Correct Answer: B – Tort law (strict liability)

Explanation: Strict liability regimes impose responsibility without fault, reflecting the passage's idea that liability is not always about wrongdoing but about risk allocation and harm prevention.

14. Correct Answer: C – Rights as isolated freedoms

Explanation: By embedding rights within duties, powers, and liabilities, the passage rejects the notion that rights are free-standing entitlements. Rights exist only within structured legal relationships.

15. Correct Answer: C – Balancing autonomy with accountability

Explanation: Whether discussing individual rights, possession, or corporate liability, the passage consistently highlights how law enables freedom while simultaneously constraining misuse of power. This balance lies at the heart of modern jurisprudence.