BLOGS

MCQ’s on Jurisprudence for CLAT PG [Part 12]

Adtiya Aryan · 07 May 2026

Q1. Austin’s insistence that law is a “command of the sovereign backed by sanction” is most fundamentally weakened by:

a. His rejection of morality

b. The existence of international law

c. The role of judicial discretion

d. The continuity of legal systems despite regime change

Q2. Which jurist explicitly argued that Austin’s theory collapses when confronted with constitutional limitations on sovereign power?

a. Salmond

b. Dicey

c. Hart

d. Kelsen

Q3. H.L.A. Hart’s distinction between primary and secondary rules was primarily intended to:

a. Replace the doctrine of precedent

b. Explain the normative force of morality

c. Remedy defects in Austin’s command theory

d. Justify judicial activism

Q4. The “Rule of Recognition” in Hart’s theory performs which of the following core functions?

a. Identifying valid legal commands

b. Enforcing sanctions

c. Resolving conflicts between moral norms

d. Ensuring judicial supremacy

Q5. Which critique most accurately captures Dworkin’s objection to Hart’s positivism?

a. Hart ignores legislative supremacy

b. Hart excludes judicial interpretation

c. Hart fails to account for principles as binding law

d. Hart denies the existence of rights

Q6. Dworkin's concept of "law as integrity" is best understood as asserting that:

a. Judges should follow personal morality

b. Legal reasoning is primarily political

c. Law must be interpreted as a coherent moral narrative

d. Precedent must always be followed

Q7. Hans Kelsen's Pure Theory of Law deliberately excludes sociology and morality in order to:

a. Preserve democratic legitimacy

b. Maintain legal certainty

c. Ensure normative purity of legal science

d. Subordinate law to political power

Q8. The Grundnorm in Kelsen's theory is best described as:

a. A written constitutional provision

b. A sociological fact

c. A hypothetical presupposition validating legal norms

d. A moral principle

Q9. Which jurist sharply criticised Kelsen by arguing that law cannot be separated from social facts and power relations?

a. Savigny

b. Ehrlich

c. Hart

d. Austin

Q10. Eugen Ehrlich's concept of "living law" primarily challenged:

a. Natural law theory

b. Analytical positivism's focus on state-made law

c. Historical jurisprudence

d. Scandinavian realism

Q11. Savigny's Historical School rejected codification mainly because:

a. It undermined judicial discretion

b. It ignored popular sovereignty

c. Law evolves organically from the Volksgeist

d. Written law lacks moral authority

Q12. Which pairing of jurist and work is incorrectly matched?

a. Austin — The Province of Jurisprudence Determined

b. Hart — The Concept of Law

c. Dworkin — Law's Empire

d. Salmond — Pure Theory of Law

Q13. Roscoe Pound's theory of "social engineering" primarily views law as:

a. A coercive command

b. A moral ideal

c. A tool for balancing competing social interests

d. An expression of historical tradition

Q14. The Realist critique of formalism most strongly asserts that:

a. Judges apply law mechanically

b. Law is logically determinate

c. Judicial decisions are influenced by extra-legal factors

d. Statutes are superior to precedents

Q15. Which statement best captures the fundamental divide between Natural Law theorists and Legal Positivists?

a. Whether law is written or unwritten

b. Whether law originates in custom or command

c. Whether moral validity is a condition of legal validity

d. Whether courts or legislatures are supreme

Answers

1. Correct Answer: C – Wesley Hohfeld

Explanation: Hohfeld dismantled the vague use of the term "right" by showing that legal relations are structured through correlatives such as right–duty, power–liability, privilege–no

right, and immunity–disability. The passage's depiction of law as a *normative matrix of interdependent relations* reflects this analytical framework. Unlike Austin's command-based theory or Pound's sociological focus, Hohfeld's contribution lies in clarifying the internal architecture of legal relations.

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

Explanation: A right functions defensively, shielding an interest from interference, whereas a power is an enabling concept that allows a legal actor to change existing relations—for example, by creating duties or liabilities through contracts or legislation. This distinction is quintessentially Hohfeldian and is clearly reflected in the passage's emphasis on relational change rather than mere protection.

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

Explanation: The passage rejects the classical fault-based notion of liability by recognising that lawful exercises of power—such as contractual agreements, corporate restructuring, or statutory acquisition—can still generate liability. This aligns with modern jurisprudence, where liability often arises from risk allocation and social responsibility rather than moral blameworthiness.

4. Correct Answer: C – Social order and stability

Explanation: The protection of possession is justified not on moral grounds but on pragmatic ones. By safeguarding possession, the law discourages self-help and violence, thereby maintaining public order. This reasoning, found in Salmond and common law jurisprudence, prioritises peace over abstract notions of title.

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

Explanation: Ownership represents *de jure* authority grounded in legal title, while possession reflects *de facto* control. The passage highlights that law often privileges possession temporarily to preserve stability, even when it conflicts with formal ownership.

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

Explanation: Earlier legal thought resisted corporate liability due to the absence of personal intent. Modern jurisprudence recognises corporations as decision-making entities capable of collective fault. Liability is thus imposed to regulate institutional power and internalise harm, not merely to punish individual wrongdoing.

7. Correct Answer: C – Functional and relational jurisprudence

Explanation: The passage moves away from rigid conceptualism and instead examines how

rights, duties, powers, and liabilities function together within society. This reflects a modern, relational approach that bridges analytical jurisprudence with real-world consequences.

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

Explanation: Corporate intent is not confined to individual minds. Policies, governance mechanisms, and organisational culture can collectively embody intent or negligence. The passage embraces this systemic understanding of responsibility.

9. Correct Answer: C – Rule of law

Explanation: The rule of law requires that power be structured, predictable, and accountable. By emphasising that law organises power and attaches responsibility to its exercise, the passage situates jurisprudence firmly within a rule-of-law framework rather than arbitrary authority.

10. Correct Answer: C – Austin

Explanation: Austin's command theory reduces law to sovereign commands backed by sanctions, treating rights as derivative of imposed duties. This hierarchical model contrasts sharply with the passage's depiction of law as a network of reciprocal legal relations.

11. Correct Answer: C – Stability over theoretical purity

Explanation: By protecting possession even against ownership, the law demonstrates a pragmatic willingness to sacrifice conceptual elegance for peace and predictability. This reflects jurisprudence as a practical governance tool rather than a purely theoretical system.

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

Explanation: Corporate liability ensures that entities exercising significant economic power bear the costs of the harms they cause. This aligns private incentives with public welfare and reflects a regulatory, deterrent-oriented view of law.

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

Explanation: Strict liability regimes impose responsibility without proof of fault, embodying the passage's idea that liability is often about risk distribution and harm prevention rather than moral culpability.

14. Correct Answer: C – Rights as isolated freedoms

Explanation: The passage rejects the notion of rights as free-standing entitlements. Instead, rights are embedded within a web of duties, powers, and liabilities, reinforcing their relational character.

15. Correct Answer: C – Balancing autonomy with accountability

Explanation: Across discussions of individual rights, possession, and corporate liability, the passage consistently highlights law's dual role: enabling autonomy while constraining misuse of power. This balance lies at the core of modern jurisprudential thought.