

BLOGS

MCQs on Jurisprudence for CLAT PG [Part 4]

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Q1. The book “The Concept of Law” was written by which jurist?

- A. John Austin
- B. H. L. A. Hart
- C. Hans Kelsen
- D. Jeremy Bentham

Q2. Who described law as “a command issued by the sovereign and enforced by sanctions”?

- A. Bentham
- B. Austin
- C. Hart
- D. Salmond

Q3. According to Salmond, law may best be described as:

- A. An order of the sovereign authority
- B. A framework of primary and secondary rules
- C. A body of principles recognised and enforced by the State
- D. A forecast of judicial behaviour

Q4. The treatise “Pure Theory of Law” is the work of:

- A. Hart
- B. Kelsen
- C. Savigny
- D. Pound

Q5. In Hohfeld’s analysis of legal relations, a “privilege” signifies the absence of:

- A. Duty
- B. Power
- C. Immunity
- D. Liability

Q6. Under Hohfeld's scheme, the concept of "power" corresponds with:

- A. Duty
- B. Immunity
- C. Liability
- D. Privilege

Q7. A right that can be enforced against everyone at large is known as a right:

- A. In personam
- B. In rem
- C. Perfect
- D. Moral

Q8. Which jurist viewed law as an instrument for "social engineering"?

- A. Savigny
- B. Austin
- C. Roscoe Pound
- D. Hart

Q9. Who defined jurisprudence as "the science of the first principles of civil law"?

- A. Ulpian
- B. Austin
- C. Salmond
- D. Holland

Q10. The notion that "possession is nine-tenths of the law" is linked with the views of:

- A. Savigny
- B. Ihering
- C. Salmond
- D. Holmes

Q11. Savigny believed that law develops from the:

- A. Will of the sovereign
- B. Creativity of judges
- C. Volksgeist (spirit of the people)
- D. Moral reasoning

Q12. Jeremy Bentham is chiefly associated with the philosophy of:

- A. Natural rights
- B. Utilitarianism
- C. Historical jurisprudence
- D. Sociological realism

Q13. Which of the following works was authored by Roscoe Pound?

- A. The Common Law
- B. An Introduction to the Principles of Morals and Legislation
- C. The Spirit of Laws
- D. An Introduction to the Philosophy of Law

Q14. The statement “Law is the prophecy of what courts will actually do” is attributed to:

- A. Austin
- B. Holmes
- C. Hart
- D. Kelsen

Q15. The distinction between primary and secondary rules was introduced by:

- A. Austin
- B. Hart
- C. Salmond
- D. Bentham

Answer Key with Explanations

1. B - Hart

Explanation: Hart’s *The Concept of Law* departs from the traditional command theory and explains law as a system of primary and secondary rules. He emphasizes the “internal aspect” of rules—acceptance by officials and society—as essential to understanding law.

2. B - Austin

Explanation: John Austin propounded the Imperative Theory of Law, defining law as a command of the sovereign backed by sanctions. For him, obedience and punishment are the core elements of legal authority.

3. C - The body of principles recognised and applied by the State

Explanation: Salmond defined law as “the body of principles recognised and applied by the State in the administration of justice.” His definition highlights the role of courts and state recognition.

4. B - Kelsen

Explanation: Hans Kelsen authored Pure Theory of Law, which seeks to study law in a “pure” form, separated from morality, politics, and sociology, focusing on law as a normative system.

5. A - Duty

Explanation: In Hohfeld’s framework, a “privilege” (or liberty) means the absence of a duty. If a person has a privilege to act, they are under no obligation not to act.

6. C - Liability

Explanation: In Hohfeld’s scheme, “power” correlates with “liability.” When one person has the power to alter legal relations, another person is liable to that change.

7. B - In rem

Explanation: A right in rem is enforceable against the whole world, such as ownership of property, unlike a right in personam, which is enforceable against specific individuals.

8. C - Roscoe Pound

Explanation: Roscoe Pound viewed law as an instrument of “social engineering,” meant to balance competing interests in society and promote social harmony.

9. C - Salmond

Explanation: Salmond defined jurisprudence as “the science of the first principles of civil law,” emphasizing its foundational and theoretical nature.

10. B - Ihering

Explanation: Rudolf von Ihering emphasized the practical and social importance of possession, associating it with the idea that “possession is nine-tenths of the law.”

11. C - Volksgeist

Explanation: Savigny argued that law grows organically from the Volksgeist—the spirit and culture of the people—rather than being arbitrarily imposed by the sovereign.

12. B - Utilitarianism

Explanation: Jeremy Bentham is known for utilitarianism, advocating that laws should aim at “the greatest happiness of the greatest number.”

13. D - An Introduction to the Philosophy of Law

Explanation: This work was authored by Roscoe Pound and reflects his sociological approach to law and its function in society.

14. B - Holmes

Explanation: Oliver Wendell Holmes famously stated that law is “the prophecy of what the courts will do in fact,” reflecting the realist view of law.

15. B - Hart

Explanation: H.L.A. Hart introduced the distinction between primary rules (duties) and secondary rules (rules about rules), offering a more sophisticated understanding of legal systems.