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.