BLOGS

MCQs on Schools of Jurisprudence for CLAT PG [Part 3]

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Q1. A legal system insists that even unjust laws must be obeyed because obedience ensures stability and institutional authority. However, the same system simultaneously claims that morally illegitimate laws cannot be considered "true laws." Which school best explains this internal contradiction?

A. Historical School

B. Natural Law School

C. Analytical Positivism

D. Sociological School

Q2. Legal Realism primarily focuses on:

A. Moral correctness of law

B. Historical development of law

C. What judges actually do in courts

D. Ideal perfection of law

Q3. A judge refuses to follow a clear statutory provision because in his opinion strict adherence will "defeat constitutional morality and fairness." This attitude aligns most closely with:

A. Austin's Command Theory

B. Hart's Rule of Recognition

C. Legal Realism

D. Historical Jurisprudence

Q4. Which school would most strongly oppose Hart's idea that a system remains legally valid even if it tolerates grave moral injustice?

A. Positivism

B. Historical

C. Natural Law

D. Scandinavian Realism

Q5. A legal system claims:

a. Law does not arise from sovereign will

b. Law evolves from cultural experiences of people

c. Law survives only if socially accepted

This aligns MOST accurately with:

A. Savigny's Historical School

B. Bentham's Utilitarianism

C. Roscoe Pound's Social Engineering

D. Kelsen's Pure Theory

Q6. Who authored the classical legal realist text "The Common Law"?

A. Roscoe Pound

B. Oliver Wendell Holmes Jr.

C. Cardozo

D. Ehrlich

Q7. Scandinavian Realism views law mainly as:

A. Moral duty

B. Divine command

C. Psychological reality

D. Constitutional structure

Q8. A Scandinavian legal theorist rejects both natural law and positivism, insisting that "law exists only as psychological reality influencing human behavior." This reflects:

A. Ihering

B. Ehrlich

C. Ross and Olivecrona

D. Pound

Q9. Which school would most critically question the idea that constitutional supremacy is sufficient to ensure justice?

A. Natural Law

B. Sociological School

C. Legal Realism

D. Historical School

Q10. Auguste Comte, whose philosophy influenced the evolution of Analytical Positivism in law, is primarily associated with which school of thought?

A. Natural Law School

B. Sociological School

C. Positivist School

D. Historical School

Q11. Hart criticizes Austin primarily because Austin's theory fails to explain:

A. Sovereignty

B. Habitual obedience

C. Internal point of view and secondary rules

D. Sanction mechanism

Q12. Hans Kelsen's theory is mainly concerned with:

A. Morality of law

B. Social impact of law

C. Command and sanction

D. Hierarchy of legal norms

Q13. Which school would defend constitutional amendments expanding welfare schemes as a necessary adaptation to evolving collective consciousness?

A. Positivism

B. Sociological School

C. Historical School

D. Pure Theory

Q14. Which school would most strongly criticize the idea that law can ever be morally neutral?

A. Positivism

B. Realism

C. Natural Law

D. Historical

Q15. A jurist argues that "law exists wherever organized power exists; morality is irrelevant." This aligns BEST with:

A. Kelsen

B. Austin

C. Hart

D. Pound

Answers and Explanations

1. Correct Answer: B – Natural Law School

Explanation: Natural law accepts that laws exist in reality, but distinguishes between **law as command** and **law as morally valid law**. A norm lacking moral legitimacy is "not truly law" in the Fuller / Aquinas sense.

2. Correct Answer: What judges actually do in courts

Explanation: Legal Realism emphasizes **judicial behavior and practical working of courts**, not theoretical law. It believes "law is what judges declare."

3. Correct Answer: C – Legal Realism

Explanation: Legal realism emphasizes **judges' choices, social values, practical outcomes**, not rigid statutes. The judge prioritizes fairness over text, which is a realist attitude.

4. Correct Answer: C – Natural Law

Explanation: Hart accepts **separation of law and morality**. Natural law scholars deny the legitimacy of immoral legal systems.

5. Correct Answer: A – Savigny's Historical School

Explanation: Savigny believes law grows from **Volksgeist (spirit of people)**, evolves socially, and is culturally rooted-not commanded.

6. Correct Answer: B – Oliver Wendell Holmes Jr.

7. Correct Answer: C — Psychological reality

Explanation: Scandinavian Realists argue that law exists as **beliefs and attitudes in the human mind** that influence behavior, not just written commands.

8. Correct Answer: C – Ross and Olivecrona

Explanation: Scandinavian Realism = **psychological reality + behavioral impact**, rejecting metaphysical and moral foundations.

9. Correct Answer: C – Legal Realism

Explanation: Realists doubt **texts**; justice depends on judicial behavior, not constitutions alone.

10. Correct Answer: C – Positivist School

Explanation: Auguste Comte is regarded as the **father of Positivism**, advocating that law and society should be studied scientifically, based on observable facts rather than morality or metaphysics. His ideas laid the philosophical foundation for later legal positivists like Austin and Kelsen.

11. Correct Answer: C – Internal point of view and secondary rules

Explanation: Hart adds **primary + secondary rules**, emphasizing acceptance rather than fear.

12. Correct Answer: D – Hierarchy of legal norms

Explanation: Kelsen's **Pure Theory of Law** speaks of a structured **pyramid of norms**, headed by a fundamental norm called **Grundnorm**.

13. Correct Answer: B – Sociological School

Explanation: Evolves law according to society's needs.

14. Correct Answer: C – Natural Law

Explanation: Natural law = inherent moral content.

15. Correct Answer: B – Austin

Explanation: Austin = **command backed by sanction**, morality irrelevant.