BLOGS

Sectional Test on Jurisprudence for CLAT PG [Part 2]

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This sectional test on **Jurisprudence** is designed for CLAT PG aspirants seeking to enhance their understanding of key legal theories and thinkers.

The questions are moderately challenging and cover essential concepts such as legal positivism, natural law, historical jurisprudence, realism, and the contributions of scholars like Kelsen, Hart, Austin, and Dworkin.

Q1. Which of the following jurists is most closely associated with the Pure Theory of Law?

A. Hans Kelsen

B. H.L.A. Hart

C. Jeremy Bentham

D. John Austin

Q2. Who propounded the concept of “Law as a Union of Primary and Secondary Rules”?

A. Ronald Dworkin

B. John Finnis

C. H.L.A. Hart

D. Hans Kelsen

Q3. According to John Austin, the command of the sovereign must be:

A. Morally justified

B. Enforced by custom

C. Backed by the threat of sanction

D. Approved by Parliament

Q4. Which school of jurisprudence is primarily concerned with the ethical or moral content of law?

A. Historical School

B. Analytical School

C. Natural Law School

D. Realist School

Q5. In Riggs v. Palmer (1889), the court refused to let a murderer inherit from his victim, despite a clear statute. This case supports which theory?

A. Analytical Positivism

B. Historical Jurisprudence

C. Natural Law Theory

D. Realist Jurisprudence

Q6. Which of the following best reflects the viewpoint of the American Realist School?

A. Law is what judges apply in the courts.

B. Law is a command of the sovereign.

C. Law derives from customs and traditions.

D. Law is based on natural justice.

Q7. “Justice is the constant and perpetual will to render to every man his due” — This definition of justice is given by:

A. Ulpian

B. Cicero

C. Aquinas

D. Salmond

Q8. Which jurist said: “Law is not the will of the sovereign, but the expression of the spirit of the people”?

A. Eugen Ehrlich

B. Friedrich Karl von Savigny

C. Rudolf von Jhering

D. Montesquieu

Q9. Which of the following is not a feature of Kelsen’s Pure Theory of Law?

A. Grundnorm

B. Separation of law and morality

C. Hierarchical structure of norms

D. Emphasis on sociological factors

Q10. Who among the following is associated with the concept of “law as integrity”?

A. H.L.A. Hart

B. Ronald Dworkin

C. John Austin

D. Lon L. Fuller

Answer Key with Detailed Explanations

Q. No.	Answer	Explanation
1	A	Hans Kelsen developed the Pure Theory of Law, which separates law from morality and emphasizes a normative structure rooted in a Grundnorm.
2	C	H.L.A. Hart, in The Concept of Law (1961), introduced primary rules (duty-imposing) and secondary rules (rules of recognition, change, adjudication).

3	C	John Austin, a legal positivist, held that law is the command of the sovereign, backed by sanctions.
4	C	Natural Law focuses on inherent moral values that underlie the legal system. Thinkers include Aquinas, Finnis, and Fuller.
5	C	Riggs v. Palmer illustrates Natural Law, where moral principles (no one should benefit from wrongdoing) override the literal statutory rule.
6	A	American Realists like Holmes and Llewellyn argued that law is what judges do in practice, not what statutes say.
7	A	Ulpian, a Roman jurist, defined justice as “the constant and perpetual will to render to every man his due.”
8	B	Friedrich Karl von Savigny, a Historical School proponent, believed law reflects the “Volkgeist” or spirit of the people.
9	D	Kelsen’s Pure Theory excluded sociological factors; it focused strictly on norms and legal structure, not on society or morality.
10	B	Ronald Dworkin’s theory of “law as integrity” argues that judges should interpret the law as expressing a coherent set of moral principles.