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Sectional Test on Jurisprudence for CLAT PG [Part 1]

Adtiya Aryan · 08 Jul 2025

Test your understanding of key jurisprudential thinkers and concepts with this 10-question CLAT PG-style sectional test. Each question is passage-based and designed to assess your grasp of legal theory, reasoning, and interpretation, just like the real exam.

Passage 1 (Questions 1–3)

H.L.A. Hart, in *The Concept of Law*, introduced the distinction between primary and secondary rules. Primary rules impose duties, while secondary rules confer powers — such as the power to legislate, adjudicate, or change rules. Hart emphasized the “rule of recognition” as a fundamental secondary rule that allows identification of valid legal norms in a legal system. Hart argued that this internal point of view, where officials accept and apply these rules, is essential for a legal system’s existence.

Q1. According to Hart, the “rule of recognition” is:

A. A moral test for legal validity

B. A factual rule derived from the behavior of citizens

C. A secondary rule identifying sources of law

D. A primary rule about duties of judges

Q2. What does Hart mean by the “internal point of view”?

A. A psychological attitude held by legal officials toward rules

B. A citizen’s passive obedience to the law

C. A political view of governance from within Parliament

D. A judge’s application of personal morality to cases

Q3. Which of the following best differentiates Hart from Austin?

A. Hart believes law must align with moral values

B. Hart rejects the idea that law is merely the command of a sovereign

C. Hart supports punishment as the sole purpose of law

D. Hart agrees that disobedience delegitimizes law

Passage 2 (Questions 4–6)

Ronald Dworkin criticized Hart's legal positivism by arguing that legal principles, not just rules, play a role in judicial decision-making. In *Riggs v. Palmer*, a man who murdered his grandfather was barred from inheriting under the principle that no one should profit from their own wrong. The statute, read literally, did not prevent the inheritance. Dworkin claimed this showed that judges rely on moral principles — like justice and fairness — that are part of the law, not just secondary considerations.

Q4. According to Dworkin, legal decision-making involves:

A. Only applying statutes as written

B. Balancing the opinions of elected legislators

C. Applying moral principles that are part of the law

D. Relying entirely on precedent without reasoning

Q5. What role did *Riggs v. Palmer* play in Dworkin's theory?

A. It proved that judges have unlimited discretion

B. It demonstrated the irrelevance of statutory interpretation

C. It showed that principles like justice shape legal outcomes

D. It supported the view that murder is always punishable by law

Q6. How does Dworkin's "law as integrity" differ from Hart's view?

A. It relies entirely on religious morality

B. It suggests that coherence and justice are built into law

C. It rejects any role for statutes

D. It denies that judges interpret the law

Passage 3 (Questions 7–10)

Legal realism, particularly as developed by Oliver Wendell Holmes and Jerome Frank, challenges the idea that law is a closed system of rules. Holmes argued that the law is what courts do in practice — predicting the decision of judges is the true essence of law. Frank extended this idea by emphasizing the "fact skepticism" of trial courts, suggesting that legal outcomes depend on

personal biases, psychology, and unpredictability of facts, not abstract rules alone.

Q7. What is the key tenet of American legal realism according to Holmes?

A. Law is based on moral reasoning

B. Law is found in the actual behavior of courts

C. Law is derived from natural justice

D. Law is made by philosophers

Q8. "Fact skepticism" as used by Jerome Frank refers to:

A. Doubt over whether laws are just

B. Judicial preference for written statutes

C. Uncertainty in how facts are perceived and interpreted in trials

D. A belief that laws should not be written down

Q9. How does legal realism contrast with classical legal positivism?

A. Realism sees law as evolving; positivism sees it as fixed

B. Realism emphasizes the constitution; positivism denies it

C. Positivism prioritizes personal bias; realism prioritizes objectivity

D. Realism denies the existence of statutes

Q10. A legal realist would most likely agree that:

A. Legal outcomes are best predicted by understanding judicial behavior

B. Judges apply the law without discretion

C. Law is identical to morality

D. Court decisions are always objective and rule-bound

Answer Key with Explanations

Q. No.	Answer	Explanation
1	C	Hart's "rule of recognition" is a secondary rule that identifies valid legal sources — like the Constitution or statutes.
2	A	The "internal point of view" is the attitude of legal actors who accept rules as standards, not just habits.

3	B	Hart rejected Austin’s idea that law is only the sovereign’s command backed by sanctions.
4	C	Dworkin’s theory holds that principles (justice, fairness) are legally binding and shape judicial decisions.
5	C	Riggs v. Palmer is used by Dworkin to show that principles influence outcomes beyond literal statutes.
6	B	“Law as integrity” requires consistency in legal principles, aiming for justice and coherence in law.
7	B	Holmes emphasized that the law is what courts do — “the prophecies of what the courts will do.”
8	C	Frank’s “fact skepticism” points to trial judges’ psychological biases and factual unpredictability.
9	A	Realists view law as evolving and judge-centered; positivists view it as objective and rule-bound.
10	A	Legal realists emphasize that understanding judicial personalities and behavior helps predict outcomes.