



# CFA Law & Research Academy

## Test on Jurisprudence

### Part A

**Duration – 90 Mins**

1. 'Lex iniusta non est lex' has which of the following meanings?
  - (A) The law is not valid unless it is formally enacted
  - (B) Law has lexical priority over morality
  - (C) An unjust law is not a law
  - (D) No-one is above the law
2. Cicero's conception of natural law is based on the idea that 'true law is right reason in agreement with Nature.' Reason is a key element because:
  - (A) It is a sin for humans not to apply reason
  - (B) The principles of natural law are discoverable by reason
  - (C) Natural law does not apply without good reason
  - (D) The law of nature is the basis of all positive law
3. According to Hobbes, peace is the first law of nature because of which of the following situations?
  - (A) Without peace everyone has a right to everything including another's life
  - (B) Peace is possible only after war
  - (C) Law cannot achieve peace
  - (D) Social contract cannot be entered into unless there is peace
4. Which statement is close to characterizing the principal difference between the positions adopted by Hobbes and Locke?
  - (A) They adopt different attitudes towards the role of the courts in maintaining order
  - (B) They disagree about the role of law in society
  - (C) They have opposing views about the nature of contractual obligations

- (D) They differ in respect of their account of life before the social contract
5. Hume's attack on natural law is founded on his argument that:
- (A) We cannot objectively know what is morally right or wrong
  - (B) Natural law is backward looking
  - (C) There is no such thing as a social contract
  - (D) Natural law fails to protect the state against attacks
6. Which of the factors below contributed significantly to the revival of natural law in 20th century?
- (A) The Depression of the 1930s
  - (B) The rise of Fascism
  - (C) The international recognition of Human Rights after World War II
  - (D) The Bolshevik revolution
7. On what grounds does John Finnis reject Hume's conception of practical reason?
- (A) That natural law corresponds to positive law
  - (B) That Hume is a legal positivist
  - (C) That syllogistic logic is false
  - (D) That human reason can help us to determine what constitutes a worthwhile life
8. Which of the following most accurately describes Hart's response to Fuller's argument concerning the invalidity of Nazi law?
- (A) The Nazi law in question was validly enacted
  - (B) The court misunderstood the legislation
  - (C) Fuller misconstrued the purpose of the law
  - (D) The Nazi rule of recognition was unclear
9. Which of the following statements best captures the nature of Fuller's 'inner morality of law'?
- (A) A positivist view of law
  - (B) A morality of aspiration
  - (C) An Aquinian concept of natural law
  - (D) A rejection of the 'harm principle'
10. Which proposition below may be characterized as the most powerful refutation of Lord Devlin's argument by Hart?
- (A) Society has no right to preserve its moral and social cohesion through the criminal law
  - (B) Homosexual acts cause public outrage
  - (C) The courts are the best place to resolve moral questions such as those concerning homosexuality and prostitution
  - (D) The law is anachronistic
11. The United States Supreme Court's decision in Roe v. Wade is highly controversial because:
- (A) It failed to consider the rights of fathers
  - (B) It overlooked the common law relating to abortion
  - (C) The majority held that the abortion law of Texas was unconstitutional because it violated a woman's right to privacy,
  - (D) The courts failed to consider the medical evidence
12. Which statement best describes the relationship between law and

morality among non-positivist legal theorists?

- (A) There is no relationship between law and morality
- (B) Law is always in advance of moral ideas
- (C) The law is inextricably bound up with morals
- (D) Morality is generally in advance of the law

13. Which statement below is the least consistent with the argument that judges in an unjust legal system ought to resign?

- (A) Judges are under a duty to act justly
- (B) Since they also prop up the unjust system, lawyers should also resign
- (C) If a moral judge resigns; he or she may be replaced by a less moral judge
- (D) Judges do not make the law hence they cannot be held responsible for applying unjust legislation

14. As per Hohfeld's scheme of 'jural relations' which of the following are not Jural Correlatives –

- (A) Right and duty
- (B) Privilege and no-right
- (C) Power and liability,
- (D) Immunity and disability

15. The Will Theory of Rights maintains that the enforcement of Y's duty requires the exercise of will by X. It assumes the correlativity of rights and duties. Which of the following succeeds in formulating the interest theory without this correlativity?

- (A) Regarding X's interest as directly

related to Y's duty

- (B) Accepting that conferring right means that the interest represented by that right ought to be recognized
- (C) Treating an interest as the exercise of choice
- (D) Asserting that X has a right whenever the protection of his interest is recognized as a reason for imposing duties – only when they are actually imposed

16. Which of the following is the strongest argument against ethical relativism's hostility to human rights?

- (A) Utilitarianism
- (B) Communitarianism
- (C) Cognitivism
- (D) Positivism

17. Who defined jurisprudence as "the knowledge of things divine and human, the science of just and unjust"?

- (A) Salmond
- (B) Ulpian
- (C) John Austin
- (D) Holland

18. Which proposition below is the most inconsistent with Mill's statement that any suppression of speech is an assumption of infallibility and that only by the unrestricted circulation of ideas can the truth be discovered?

- (A) Freedom of speech is a social good
- (B) Truth is an objectively ascertainable value
- (C) Reason generally prevails
- (D) Speech may be suppressed only when it is immoral

19. Which proposition below is the most powerful refutation of Bentham's felicific calculus?
- (A) Happiness is less important than economic prosperity
  - (B) It is impossible to calculate all the consequences of one's acts
  - (C) Pain and pleasure are inevitable features of life
  - (D) Utilitarianism fails to take account of differences in social background
20. Posner's economic analysis of law is roundly attacked by Dworkin who says that the theory 'has not achieved the beginning of a beginning.' What is the basis of this criticism?
- (A) Posner's approach fails to offer a means by which to calculate individual prosperity
  - (B) It neglects the importance of individual choice
  - (C) It regards wealth as a value, which it is not
  - (D) The theory is economically unsound
21. Jurisprudence is the study of \_\_\_\_\_ law.
- (a). Religious
  - (b). Moral
  - (c). Ethical
  - (d). Positive
22. Cicero was a \_\_\_\_\_ jurist.
- (a). Greek
  - (b). Roman
  - (c). Chinese
  - (d). English
23. . \_\_\_\_\_ has presented the thesis that *jurisprudence is a social engineering*.
- (a). Black Stone
  - (d). Jeremy Bentham
  - (c). John Stuart Mill
  - (d). Roscoe Pound
24. According to John Austin the subject-matter of Jurisprudence is \_\_\_\_\_ law.
- (a). Positive
  - (b). Negative
  - (c). Both 'a' and 'b'
  - (d). Metaphysical
25. Legal Realism is the theory of law according to which 'law is the \_\_\_\_\_ of court.
- (a). Wisdom
  - (b). Understanding
  - (c). Practice
  - (d). weapon
26. The fair and \_\_\_\_\_ distribution of rights and obligations, is known as justice.
- (a). equal
  - (b). equitable
  - (c). natural
  - (d). political
27. Probation is a \_\_\_\_\_ of the Administration of Criminal Justice.
- (a). Kind
  - (b). Type
  - (c). Characteristic
  - (d). Component

## PART B

28. Legal Realism is the theory of law according to which 'law is the \_\_\_\_\_ of court.

- (a). Wisdom
- (b). Understanding
- (c). Practice
- (d). weapon
- (e). None of above

29. According to the theory of 'social utilitarianism' as propounded by Ihering:

- (a) Greatest number of people should get greatest pleasure
- (b) The essential body of legal rules is always based upon the social "facts" of law
- (c) A balance is to be struck between the competing interests in society
- (d) Law is a means to social ends

30. Who among the following divided the sources of law into formal sources and material sources?

- (a) Allen (b) Keeton (c) Gray (d) Salmond

31. According to the 'declaratory theory' of jurisprudence the judges only declare the law and they do not make any law. The supporters of this theory were

- (a) Bacon and Dicey
- (b) Gray and Salmond
- (c) Coke and Blackstone
- (d) Duguit and Pound

32. Which one of the following statements is true?

- (a) The transfer of possession is more technical than the transfer of ownership
- (b) The right of possession is superior to that of ownership
- (c) The right of possession involves the-right to own a property
- (d) Animus and corpus are necessary for acquisitions of possession.

33. An INCORRECT example of corporation aggregate is the:

- (a) President of India
- (b) Reserve Bank of India
- (c) University of Delhi

(d) Municipal Corporation of Raipur

34. In the statement "Every right involves a relationship between two or more 'X' persons and only they can be bound by duties or be the holders of legal rights," 'X' stands for:

(a) Insane (c) human (b) Sane (d) legal

35. Which of the following combination (s) is/are correct? Theory of corporate personality Profounder of Theory

1. Realist: Gierke 2. Symbolist: Savigny  
3. Fiction: Ihering

36. The \_\_\_\_\_ School of jurisprudence believes that the law is an aggregate of social traditions and customs that have developed over the centuries.

1. Analytical  
2. Command  
3. Sociological  
4. Historical

37. The philosophers of the \_\_\_\_\_ School of jurisprudence believe that the law is a set of rules developed, communicated, and enforced by the ruling party rather than a reflection of the society's morality, history, logic, or sociology.

1. Critical Legal Studies  
2. Law and Economics  
3. Command  
4. Natural Law

38. Adherence to precedent is called the doctrine of \_\_\_\_\_.

1. stare decisis  
2. nolo contendere  
3. Commercial impracticability  
4. Substantial performance

39. Which of the following best describes Lon Fuller's objective in his hypothetical case of the Speluncean Explorers?

a) To demonstrate the differences between the criminal law and the civil law as they relate to cannibalism.  
b) To examine the central questions of legal and political philosophy.  
c) To criticize the role of the judiciary in cases involving a conflict between law and morality.  
d) To consider the extent to which murder requires mens rea.

40. Ownership to patents, copyright, and trademarks and the right to an easement is called:

(a) Incorporeal ownership  
(b) Corporeal ownership  
(c) Equitable ownership  
(d) Contingent ownership

41. Right in re aliena means a right over:

(a) His own property  
(b) A property of someone else  
(c) A property situated in a foreign country  
(d) A property situated in one's own country

42. Which of the following duties have been included by Austin in the category of "absolute duties"?

1. Duties owed to persons indefinitely

2. Self regarding duties

3. Duties owed to the sovereign

4. Duties owed to the parents

Select the correct answer by using the codes given below: Codes:

(a) 1, 3 and 4

(b) 2, 3 and 4

(c) 1, 2 and 4

(d) 1, 2 and 3

43. If the jural co-relative of "Right" is "Duty", then the co-relative of "Liberty" is:

(a) Power

(b) Disability

(c) Liability

(d) No claim

44. Who is not associated with analytical positivism?

1. John Austin

2. Hans Kelsen

3. H.L.A Hart

48. Thibaut proposal for codification was halted by:

1. Sir Hainry Maine

2. Von Savigny

3. Puchta

4. Herder

49. The term skeptical movement was given by:

1. John Dickinson

2. Oliphant

4. O W Holmes

45. Which of the following is not the attribute of sovereignty?

1. Illimitability

2. Indivisibility

3. Effectiveness

4. Continuity

46. Time barred debt is an example of:

1. Perfect Right

2. Imperfect Right

3. Personal Right

4. Positive Right

47. The distinction between concept of law and Idea of law was made by:

1. Rudolph Stamler

2. Jean Dabin

3. John Rawls

4. Jerome Hall

3. Bingham

4. Prof. Corbin

50. Which school is blamed for juristic pessimism?

1. Natural Law

2. Realist School

3. Maxim

4. Historical