

Hart's Primary and Secondary Rules

Is each of the following rules a *primary* or *secondary* rule, on Hart's account? If it is a *secondary* rule, what kind of secondary rule is it (i.e., a rule of recognition, rule of change, or rule of adjudication?)

1. Eating oranges in February is prohibited
2. Laws about eating oranges are binding only if written in the "Orange law" book
3. Disputes about who owns a particular orange are to be decided by the Orange Tribunal
4. No person may own more than 8 oranges
5. Oranges must be peeled with a dedicated orange peeler
6. Any changes to laws concerning oranges can only be made by a 2/3 majority vote of the citizens
7. A will concerning the disposition of one's oranges after death is only valid if signed by at least two witnesses

What about these real-life examples of laws? Is each a *primary* or *secondary* rule, on Hart's account? If it is a *secondary* rule, what kind of secondary rule is it (i.e., a rule of recognition, rule of change, or rule of adjudication?)

1. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof
2. To be valid, a will must be signed by three witnesses
3. It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human organ for valuable consideration for use in human transplantation if the transfer affects interstate commerce.
4. Any person who hunts or takes bear during bowhunting season must possess a license and carcass tag valid to hunt big game granting special bowhunting season privileges
5. Except where marked by a "Camp Here" disk, camping is prohibited within 150 feet of roads, trails, lakes, ponds, streams or other bodies of water.
6. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.