**Section 1: A Fresh Start**

1. Recall that Austin identifies law with the commands of a sovereign. Hart thinks this conception of law is a good starting point, but it is too simplistic. He mentions four criticisms of Austin’s conception of law as the sovereign’s coercive orders. Identify these in the readings and then see if you can articulate one in your own words.

2. Hart says we need a fresh start in identifying the “key to the science of jurisprudence.” He rejects Austin’s focus on orders, obedience, habits, and threats. What is Hart’s key?

**Section 2: The Idea of Obligation**

3. Hart uses the account of the gunman situation to bring out the difference between “being obliged” and “being obligated.” Can you explain the difference in your own words?

4. In this section, as the title suggests, Hart is concerned with identifying the key characteristics of obligation. He identifies three factors essential to the idea of obligation. What are they?



**Section 3: The Elements of Law**

In this section, Hart describes a very simple social system (he refers to it as a primitive community) that has primary rules of obligation and little more. He suggests that this system would suffer from three defects and that each defect can be fixed with the introduction of a secondary rule. Let’s see if we can articulate these defects and secondary rules in our own language.

First defect:

Remedy for the first defect:

Second defect:

Remedy for the second defect:

Third defect:

Remedy for the third defect:

At the end of this discussion, Hart notes that we now have a well-defined legal system. His analysis of LAW leaves us with the idea of a system of primary and secondary rules, which happens to be the title of this section.

LAW = THE UNION OF PRIMARY AND SECONDARY RULES