Topic

Imagine that Don Corleone, Osama Bin Laden, Pharaoh, Hammurabi and Moses met for drinks after a full day of lectures at a law givers conference. The leaders regaled each other late into the night with their exploits of taking charge. Sadly, as often happens when too many leaders get together in one palace, the competitive impulses became too strong for these take charge types to suppress. Soon the conviviality degenerated into bickering and ultimately into outright verbal combat. The problem started when Pharaoh snipped that neither Hammurabi nor Moses were gods so their societies could hardly be considered just. Moses retorted that just because Pharaoh thought he was a god did not mean he actually was one. Indeed, Moses argued, the real god had told him Pharaoh wasn’t a real god at all. Don Corleone pointed out that if this were true, then Pharaoh’s rule could not have been justified. Hammurabi pointed out that what was really important was whether Pharaoh’s people thought his rule was legitimate, not whether it actually was legitimate. And anyway, Hammurabi snorted, who was Don Corleone to talk, he was not even a bona fide law giver. How had he gotten past the guards Hammurabi asked. At this point, Osama weighed in with the view that legitimacy requires that one be objectively connected with god, regardless of what the citizens felt about the actual legitimacy of a ruler. Moreover, he contended, control of people and real estate was not the true test of a leader. Rather it was connection with god’s true will. Don Corleone told Osama to save his breath, because in his view, controlling people and real estate was very important and by that standard, he was the leader of a legal order.

Compare and contrast the different viewpoints these ancient and not so ancient leaders are presenting and come to some sort of conclusion about what it takes to be an actual law giver.

In explaining your answer, consider:

1. Are these systems of governance of equal moral standing? What factors, if any, determine whether a system has any moral standing? Can you offer any proof to defend your position? Why or why not?

2. Does the appeal to some sort of religious foundation matter in determining whether or not
a society is law governed? Why or why not?

3. Does a sincere desire by the law-giver to advance the group’s well being make any difference to whether he or she is governing by law?

4. Does it matter whether the subjects of law believe the law advances their interest, even if it doesn’t?

**NOTE:**

**YOU ARE NOT EXPECTED TO DO ANY RESEARCH BEYOND THE COURSE MATERIALS.**

**Some suggestions:**

* After you have given your best argument(s) in defense of your thesis, give the best three objections you can think of and refute them in the paper.
* The essay should form a coherent whole. The body of the paper should support the conclusion.
* Support general statements with specific facts and citations.

**Grading**

Papers will be evaluated on the basis of coherence, clarity, accuracy, and originality. Grammatical English is an important component of clarity.

**Need Help?**

* If you need help in formulating your ideas or understanding the assignment, see Katy White or myself during our office hours.
* If you need help with your writing, go to the Writing Center or call x2829.

**Plagiarism**

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