

right reason, good reason, and that it appeals to the principles that are implicit in our own natural desire to do good and that we naturally gravitate towards doing what is right, doing what is good. Although there was an overwhelming vote in the class to support Hobbs and the fear of punishment, when there were differences of opinions they reflected almost exactly that which philosophers tell us the reasons why people follow the law, either fear of punishment or the desire to do good. Government is based on a social compact in which we render up a certain amount of our natural liberties in exchange to government so that government can secure for us order, an arrangement of people that promotes public goods and replaces the chaos of the (inaudible) nature. For that reason governments institute laws to make sure that we follow the dictates of society necessary for good order. And in the history of this business of making law, for the first time in 1791 we have the U.S. Constitution which was a limited government, a government that distinguished for the first time in organized civilization that there were acts that government should not legislate on. Prior to that time most governments were instituted by decrees, not laws. In 1791 we said you know there are some things that government can do and some things that government can't do and the written Constitution is for the notion that we will describe the public arena in which this law-making power can be used and if it's not in that list of goods that the government can secure, it is left to the people. I would contend to you this morning that if we pass laws which are unenforceable on their face, laws that cannot be enforced by a policeman in the everyday operation of his duties, additionally if we write into that law a section that says, you know, we don't really mean it. This is a secondary issue. If we catch you when you are doing something else wrong then we'll say this is wrong, but otherwise it is not really a wrong until that time. We obfuscate the nature of what law is all about. Law is one of those naked times in which we coerce individuals to do our public bidding and we get together and say if you don't do what we all agree is good, we'll punish you.

PRESIDENT: One minute.

SENATOR LANDIS: We shouldn't do that often. We should do it rarely. We should do it clearly when we have a sense of public good and clearly when we have the opportunity and