

6. Political Obligation

Essential

- Smith, 'Is There a *Prima Facie* Obligation to Obey the Law?', *82 Yale L. J.* (1973), 950
- Dworkin, *LE*, pp. 108-3, 190-224
- Dworkin, *TRS*, Chs. 7, 8
- Raz, *AL*, Chs. 12-15
- Finnis, *NLNR*, 231-3, 297-330, 354-362
- Rawls, *A Theory of Justice*, pp. 363-91

Further

- Waldron, 'Special Ties and Natural Duties', *Philosophy and Public Affairs* 1993, 1
- Raz, *EPD*, Ch. 15
- Dworkin, *MP*, Ch. 4

Essay

Is there a general obligation to obey the law? Is there a right to civil disobedience? How are the two questions related?

Discussion Questions

How is the right to break the law related to the right of freedom of conscience?

What is the difference between civil disobedience and conscientious refusal?

How is the concept of political association related to the obligation to obey the law?

Does society have a right to have its laws obeyed? If not, what explains the fact that burning houses cannot be protected on the basis of a right to free speech?

Why does Dworkin say that a duty to obey the law, whatever it is, is 'almost incoherent' in a society that recognizes rights (*TRS* 192)? How does he reconcile this statement with his own account of political obligation as developed in *LE*?

Does it follow from the fact that the law requires that I ϕ that I ought to ϕ ?

Is there a general answer to the question whether civil disobedience is permissible?

How is the question of civil disobedience related to the question what the law requires?