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WHO BELIEVES IN POLITICAL OBLIGATION?

Leslie Green

Is there a general obligation to obey the law, at least in a reasonably just state? Increasingly, political theorists deny that proposition. Of course, anarchists, marxists, and many theologians have denied it all along—their allegiance is to things higher than, or at any rate different from, the state. Now, however, a number of writers within the liberal tradition are denying it too. To call this an emerging consensus would be more performative than descriptive; but it is, shall we say, a significant coalescence of opinion. Here, I want to explore one particular reaction to this skeptical thrust.

The issue arises this way. Theorists are denying the existence of an obligation to obey the law while most other people are said to endorse such an obligation. The skeptical position thus appears to be at variance with what most people in fact believe; so, quite apart from any internal difficulties in the skeptical argument itself, it fails to meet an external test: reasonable correspondence with our considered judgments. George Klosko, for instance, calls the belief in political obligation one of “our deepest intuitions about political matters”: “[T]he existence of strong general feelings that we have political obligations . . . is supported by our most basic feelings about politics. I take it as obviously true that most people believe they have obligations to their governments.”

Is the claim that most people believe this, as Klosko supposes, “obviously true,” and, if it is, does it matter? Those are the questions I try to answer here, taking the second first.
Whether it is significant that there is a widespread belief in political obligation depends on one’s account of the nature of justificatory argument in political theory. One popular view, advocated by Klosko, is that we should strive for a certain kind of coherence, or what Rawls calls a “reflective equilibrium,” between our considered judgments about cases and a systematizing normative theory. An acceptable theory should therefore normally account for our most basic pretheoretical judgments, what Rawls calls our “provisional fixed points” in argument: fixed because we are not to abandon them lightly, but provisional because they might, in principle, yield to a compelling theory that had enough other merits.

Is the method of coherence circular, or does it involve some other kind of cheating? That is a common enough charge, and one often brought by those whose model of justification is patterned after one view of natural science: data are to be explained, not altered. It is in fact, however, the naive view of scientific justification that is wrong: the theory-ladenness of observation statements means that a recalcitrant observation can always be explained away. The process should be quite familiar to empirical social scientists who regularly remove “outliers” from their data plots before drawing a regression line through the remainder. It is only confidence in an attractive theory that lets us identify outliers in the first place. Because all data may include outliers, our fixed points are always provisional.

In moral and political theory, it is true, there is often more willingness to mess with the data, but even here there are points that most would agree must be explained and not just explained away. Consider a familiar example. Utilitarianism offers a coherent and elegant justification for punishment. It says that punishment is justified when, but only when, it brings about the greatest social good. The difficulty for the theory is notorious. It needs somehow to explain our view that the innocent ought never to be punished; yet one can construct a variety of scenarios in which it would be optimal to do just that. Very few utilitarians are willing simply to bite the bullet and say, “Well, that just proves that we may sometimes punish the innocent.” On the contrary, they go to great lengths to show that their theory does not commit them to the
repugnant conclusion. As much as their opponents, they regard the case of punishing the innocent as a fixed point.

Some political theorists treat the belief in political obligation that way. Klosko, for example, is willing to reject consent theory because it cannot explain the general belief in an obligation to obey.

If legitimate political power can be derived only from the consent of (a high but oftentimes unspecified percentage of) the governed, then most, if not all, existing governments are illegitimate. Moreover, if we were to argue that individuals—including those who have consented—can be obligated to obey only legitimate governments, then the implication would be that very few citizens have political obligations.  

His point is that consent theory is incompatible with one of our deeply entrenched judgments. And this is just a special case of the general complaint against skepticism: it gives insufficient weight to one of the provisionally fixed points of political consciousness.

Is this a good argument? I do not wish to challenge the coherence method in the example of theories of punishment, but I do want to examine the putative analogy with those arguments. I think that a Klosko-type response ignores an important distinction. In the case of punishing the innocent, the conflict is between a general theory of punishment and our "intuitive" judgment about a particular case. The problem is one of casuistry: can the utilitarian get the right answer in this circumstance? The objection to skeptical theories of obligation is not like that, however. It is not a conflict between a theory and a judgment about a case, but between a theory and another theory, namely, the "theory of political obligation." The claim is that the skeptic's theory is not widely held, not that the skeptic has failed to deliver the correct judgment about a certain case, for instance, a case in which a useless or unjust law should nonetheless be obeyed. What is claimed to need explanation is not such a judgment, but rather the fact that a competing theory, the doctrine of political obligation, is widely accepted.

The distinction between particular casuistic judgments and theoretical beliefs at a high level of abstraction is an important one. To get a good analogy with the dispute about punishment, we need to consider instead the conflict between utilitarianism and the popular view that the
guilty deserve to suffer or that offenders should always be paid back. In philosophical argument about punishment, however, antiutilitarian theorists rarely appeal directly to the supposed popularity of retributivism. The method of coherence does not take as its provisional fixed points popular theories—and for good reason, for in this case they recognize a need to distinguish retributive sentiments from mere vengeance. That is why, against the utilitarians, the retributivists appeal to our judgment about a particular case. They recognize that that case has more probative force than does the abstract statement of their theory.

The belief in political obligation, however, is more like the belief in the propriety of retribution than it is like the belief that a particular innocent person ought not to be punished. Political obligation is not a fixed point of moral consciousness, but a popular though controversial theory. That it is widely held might be relevant to its credibility, but if it is, it cannot be for the reason suggested by coherentist justifications.

There is, however, a different argument to which one might turn, one found in Hume’s criticism of Locke. This is the argument from the authority of common opinion in moral matters.

The distinction between the two is this. In the argument from coherence we draw on the authority of a deeply held, intuitive belief about the morally correct disposition of a certain case. To know that this belief is among our considered judgments, we do not normally need to survey opinion. The armchair reflection of a single, fairminded person will do. In this respect, casuistic judgments claim an authority analogous to the judgments of grammaticality that a single native speaker is competent to make about his or her mother tongue. In the case of punishment of the innocent, the fixity of that judgment rests not on its certification by social science, but in the security of our armchair. The argument from common opinion is different. It inherently relies on knowledge of public opinion. To know whether some theoretical proposition is widely held, we need to go and find out. It is not part of the surface grammar of our judgments; we must put it to people and see how they react.

I thus want to draw a distinction between the nature and methods of the casuistic argument from coherence and the more general argument from common opinion. The distinction is not specific to political theory. Do people believe that they have bodies? Armchair reflection about the logical grammar of terms such as “my hand” will suffice to tell us the answer. Do they generally believe that comet impact was
responsible for the extinction of the dinosaurs? We would need to find out.

Hume does not clearly distinguish this second form of argument from the first, though he relies on its distinctive power whenever he contends that historical evidence refutes consent theory.\(^5\) Whether the argument from common opinion is a sound justificatory procedure in political theory is a matter I have disputed elsewhere.\(^6\) I think the strongest case that might be made for it is the one that Hume invokes, namely, that to the extent that morality rests on sentiment, there can be no higher court than public opinion, and that competing, more rationalistic, theories are philosophically suspect. The cogency of these arguments cannot be addressed here. Suffice it to say that the significance of the common belief in political obligation would have to rest on something like this, rather than on the standing of “provisional fixed points” of casuistry that figure in the argument from coherence.

**EXPLAINING AWAY**

Interpreted in this second way, as an appeal to common opinion, a widespread belief in political obligation may or may not be threatening to skeptical theories. The argument from common opinion must always allow for the possibility that some opinions are formed in circumstances that make them likely to be false or misleading. In some cases it is therefore proper to explain away a consensus.

A belief, however well entrenched, might nonetheless be false. John Mackie introduces the idea of an “error theory” in ethics to describe the deeply ingrained but (he thinks) false view that moral judgments are objective.\(^7\) Ordinary moral thought, he concedes, incorporates the belief in objective values, so subjectivism cannot be sustained on the strength of any sort of “linguistic” or “conceptual” analysis of moral discourse. But the belief is nonetheless a false one, and Mackie thinks that its falsity can be adequately established by empirical and theoretical considerations.

We might, in a similar way, adopt an error theory of political obligation. We might concede that the theory is ingrained in ordinary political discourse but reject it as false or even incoherent. It is true that this will involve refuting or at least weakening the argument from common
opinion, but perhaps that can be done. An error theory depends on the positive strength of the skeptical argument.

A different, though overlapping, approach is to reject the widespread belief in political obligation as being ideological, or grounded in false consciousness. Antonio Gramsci properly recognized that the deliverances of “common sense,” our everyday theoretical beliefs, are often deeply ideological. Here, one emphasizes the negative case by calling into question the grounds on which the belief is held. In particular, beliefs that result from manipulation or indoctrination or which would be abandoned if their causal origins were known are suspect. If one is to avoid the genetic fallacy, specifying the conditions under which such beliefs may be dismissed will be a delicate matter; but if the argument from common opinion is attractive, the counterargument from ideology may be too.

This is, in part, John Simmons’s move in addressing the consequences of his own skeptical position:

If it [skepticism] runs counter to normal feelings about the citizen-state relationship, I think there are better explanations for this fact than the falsity of my conclusion. For what belief can better serve the interests of one’s political leaders than the belief that all are specially bound to support their government and obey the law?

Of course, this is a very compressed statement of the argument. Practically all interesting political beliefs serve someone’s interests. The important point is that this particular belief is, in most political societies, the normal outcome of a complex system of formal and informal processes that foster such beliefs. This means not merely that it is unsurprising that many people believe in political obligation, but also—and this is a different point—that many people will avow the belief who do not in fact hold it, because it is both socially expected and often advantageous to do so.

Klosko objects to Simmons’s argument. He says that Simmons proceeds on the basis of the coherence method, relying freely on our considered judgments about cases, but then, when he gets to the feeling that we have special bonds to our own states, he inexplicably shifts gears and becomes more rationalistic. Klosko objects:
Unless Simmons can distinguish aspects of our consciousness that result from indoctrination from aspects that do not, his appeal to indoctrination in regard to this one aspect of our political beliefs undermines his use of the coherence method throughout his book.¹⁰

This is an objection targeted at someone thought to endorse the method of coherence in justification; it would have no purchase against a more thorough-going rationalist. That is not, however, the most important point; rather, it is this: the belief in political obligation is not, as I have said, a provisional fixed point in judgment; it is not a particular judgment at all. It is a piece of low-level, commonsense political theory like, for example, the widely held view that majority rule is democratic. A coherentist thus can distinguish our commonsense theories from our casuistic judgments and with good reason set a higher threshold of the credibility of the former than for the latter. Commonsense theories are at one remove from our practical experience. Being taught as doctrines, insisted on by officials, inculcated in schools, and so on, they are more susceptible to ideological distortion than are casuistic judgments thrown up by the unstructured experiences of life.

This particular theory is, moreover, right at the center of the power structures of the modern state. Historically, its career has paralleled that of the state. It emerged in the conflict between the normative order of the state and the claims of a universal church. Now, as the state transforms itself under the pressure of the globalization of market economies, the doctrine of political obligation is losing some of its appeal. The idea that we are all, first and foremost, citizens of particular states to which we owe particular duties of allegiance is under strain, just at the moment those states are themselves under strain. Political obligation is thus a doctrine that is peculiarly sensitive to the ideological context in which it functions.

This is not, of course, a decisive argument in favor of explaining away political obligation as a piece of ideological detritus. It is not decisive, in part because ideological beliefs should be self-effacing under the scrutiny of reason. Once their social roots are exposed, the weed should wither away; yet that does not seem to be the case here. The belief in political obligation has proved remarkably resilient; it is endorsed even by those who are perfectly aware of its ideological functions. That suggests that the case against it is not proven, but at the same time I do not see how one can doubt that there is a serious case here to answer.
I turn now from the question of the significance and standing of the claim to its truth. Klosko says that it is "obviously true" that there is a widespread belief in political obligation. I want to begin with some general reasons for doubting that and then, in the next section, consider briefly some empirical evidence that purports to bear on it.

What does one have to believe before one can properly be said to believe in political obligation? This is the crux of the issue. Let me begin with an analogy. Suppose that an adherent of the Roman Catholic church says that he believes in the authority of the pope. What would make it correct to say that he has this belief? To begin, we need to distinguish the claim that he has the belief from the claim that he avows the belief. All sorts of Catholics avow this belief who do not in fact accept it. They avow it because, theology aside, it is part of Roman Catholic religious culture to do so; thus, there are reasons for Catholics to avow it whether or not they actually hold it.

To get behind the avowals, one therefore needs to know more. Because it is papal authority that is in issue, one needs to know what that amounts to before one knows whether our subject believes in it. How do we identify the character of such authority? By recourse to the authoritative sources and traditions of Catholic theology. Suppose we find, to simplify things, that one essential element of papal authority is the claim to infallibility in certain matters of faith when the pope speaks ex cathedra. Believing in that is thus part of what it is to believe in papal authority. If, like many North American Catholics, our subject avows the belief in papal authority but wholly rejects the doctrine of infallibility, then it would be wrong, in fact, to say that he believes in the authority of the pope. What he believes just does not amount to that.

Political obligation is similar. One believes in an obligation to obey the law only if one accepts, on certain terms, the authority of the state. How does one determine what the terms are? We may consult the tradition of argument within political theory to see what it is that people are arguing about when they dispute political obligation, and we may consult the authoritative voices of the state to see what it is that the state actually claims for itself. These are, of course, matters for discussion, and they do implicate, indirectly, a variety of different evaluative standards,
but they are not matters for first-order moral or political argument; they are part of the abstract but descriptive part of political theory.\textsuperscript{11}

By either route, one comes to the following conclusion.\textsuperscript{12} Political obligation is the doctrine that everyone has a moral reason to obey all the laws of his or her own state and that this reason binds independently of the content of the law. This does not imply that the obligation to obey is absolute, nor that it applies in fundamentally unjust circumstances. The doctrine of political obligation is supposed to explain the character of allegiance, prima facie, in reasonably just states. One believes in political obligation only if one thinks that states have the authority they claim, and what they claim is supreme power to determine our rights, obligations, and powers and to have our compliance with their requirements independent of our assessment of the merits of what is required.

Like any other descriptive proposition, this one is disputable; but it is not in fact much disputed. It is the image of the state that is presented in the Western tradition of political theory as well as in the works of contemporary writers.\textsuperscript{13} Most important, it is also what the officials of states have in mind as they issue orders and expect compliance.

Although it is fairly general, this characterization of the authority of the state nonetheless has theoretical bite, for it entails that a belief in political obligation differs from a variety of other beliefs that people may hold. For example:

1. We ought never lightly to disobey the law.

This is not political obligation. One who believes this need not concede the authority of the state at all. This belief can be supported just by the (important) truism that the state regulates matters of vital concern in which the moral stakes are high. In a reasonably just state, officials act in good faith to promote the public interest, and citizens make plans based on the expectation that people will give serious weight to what the law requires.

2. We ought, most of the time, to comply with most of the laws.

This is entailed by a belief in political obligation, but it is not equivalent to it. It is not equivalent because, for one thing, it acknowledges a com-
mitment to comply only most of the time and, for another, it says nothing about the nature of the reason for complying. It might, for instance, have nothing to do with the fact that the requirements are laws or are the laws of our own states. After all, (2) is, on plausible factual assumptions, entailed also by (3).

(3) There is an obligation to do what the law requires, but not because the law requires it. The only reason for compliance is that there is normally a coincidence of moral and political obligations.

This is not political obligation, because the fact that the behavior in question is required by law is immaterial to the duty to comply. This duty rests instead on a content-dependent reason for compliance. Even an anarchist can believe that it is wrong to murder people and thus that there is a moral reason for complying with the law against murder. In a reasonably just state, most of the laws will be coincident with, or at least not objectionably discordant with, what we ought to do anyway.

(4) With respect to some laws there is a strict obligation of obedience: here, we ought to take the law at its word. There are other laws, however, with respect to which it is appropriate to assess one’s compliance on a case-by-case basis.

This is not political obligation, though it is on the margins of it. This view allows that there is a certain range over which the appropriate attitude to the law is to regard it as authoritative, and another range where this is inappropriate, and that it is a matter of individual discretion where to draw the line. This is not political obligation because the state does not itself share this view: it claims authority wherever it purports to regulate.

I think the four statements above are fairly common attitudes toward law, and there are many other similar examples; moreover, they are politically important attitudes, for they help support valuable institutions such as governments and they contribute to a shared conception of justice and so on. What is relevant here, however, is that they all stop short of acknowledging the authority that a reasonably just state claims. They do not amount, severally or jointly, to the belief in an obligation to obey the law as it claims to be obeyed.
Which of these or other related attitudes are most prevalent in our societies is a factual question. I am not sure of the answer, but bearing in mind these distinctions, it does seem hasty, to say the least, to claim that it is “obviously true” that most people believe in political obligation. All that is obviously true is that most people have pro-attitudes toward their own governments—but that truth is no threat at all to the skeptical position about political obligation.

SOME EMPIRICAL EVIDENCE

To the best of my knowledge, no one has yet designed a satisfactory study to test the extent to which people believe in the theory of political obligation. There are, however, a number of studies that bear on it indirectly, studies of things such as compliance with law, support for governments, willingness to pay taxes, and so forth. One of the very few to make an explicit effort to estimate the popularity of belief in political obligation is Tom R. Tyler’s *Why People Obey the Law.* 14 A brief review of its methods and findings shows how hard it is to come to firm conclusions even here.

Tyler surveyed people in Chicago to investigate the extent to which compliance with law is based on normative as opposed to instrumental reasons. He finds, unsurprisingly, that people obey because they think it is proper to do so and that this belief has roots in things other than the consequences of compliance, such as the perceived legitimacy of the system. In particular, he claims, “The extent to which respondents endorse the obligation to obey is striking.” 15

His account of the normative grounds of compliance draws an important distinction between what he calls “personal morality”—the view that the law corresponds with what the agents regard as right behavior—and “legitimacy”—the view that the legal system has a right to dictate their behavior whether or not it corresponds with their own view of what is right. The theoretical significance of legitimacy is evident, for personal morality may require resistance as well as compliance.

Tyler is rightly critical of those social scientists who, following David Easton, have assimilated a belief in the legitimacy of the system to a diffuse sort of support for it. Merely feeling positive about one’s state does not amount to accepting its authority. 16 Tyler writes:
The fundamental difference between obligation and support lies in the clarity of the motivation underlying compliance. Theories that measure legitimacy assume that support for the government leads to the type of discretionary authority directly tapped by measuring the perceived obligation to obey.¹⁷

That assumption is plainly a fragile one. If a person agrees with the laws, he or she will be supportive of the government but need not feel any obligation at all, and might even withdraw support following a policy change. What is needed, then, is a direct measure of the perceived obligation to obey. In service of this, Tyler asked respondents whether they agreed with the following statements and got the following results:¹⁸

1. People should obey the law even if it goes against what they think is right. (82 percent agreement)
2. I always try to follow the law even if I think it is wrong. (82 percent agreement)
3. Disobeying the law is seldom justified. (79 percent agreement)
4. It is difficult to break the law and keep one’s self-respect. (69 percent agreement)
5. If a person is doing something and a police officer tells them to stop, they should stop even if they feel that what they are doing is legal. (84 percent agreement)
6. If a person goes to court because of a dispute with another person, and the judge orders them to pay the other person money, they should pay that person money, even if they think that the judge is wrong. (74 percent agreement)
7. A person who refuses to obey the law is a menace to society. (74 percent agreement)
8. Obedience and respect for authority are the most important virtues children should learn. (82 percent agreement)

Items (5) and (6) were ultimately dropped from the scale, since a first test suggested that some respondents had trouble understanding the questions, and items (7) and (8) were introduced because there was little variance in the other answers and thus not much to explain.

A number of methodological questions are worth pursuing here,
Do these questions, in the first place, accurately track the distinction between obligation and support? They do not. Items (3), (4), (7), and (8) may all elicit agreement from a person who rejects the obligation to obey the law and complies instead on grounds of prudence or personal morality. I, for example, do not believe that there is an obligation to obey the law, but I do think that those who make a point of refusing to obey it are generally a menace, and I think that disobeying it, at least in a reasonably just state, is seldom justified. All those questions are thus just irrelevant to the perceived obligation to obey.

The only items that might capture the attitude in question are (1), (2), (5), and (6). These do probe the binding and content-independent character that political obligation purports to have, though none of them conclusively eliminates the possibility of a purely prudential attitude. (Consider (5): Most people are aware that even a cop in the wrong can cause them big trouble.) Still, it is true that only these items ask whether a person would comply even in cases where he or she feels that compliance is wrong, and thus only they measure a noncoincidental connection between legal requirements and obedience, one that does not depend on the content of what is required.

How then should we interpret the overwhelmingly affirmative (and nearly invariant) responses to these items? Does it indicate a broad consensus, or is it perhaps a warning that respondents know what they are expected to say? Is it significant that items (5) and (6), the two that give the clearest test, are also the questions that gave some respondents trouble? They do not seem conceptually or linguistically challenging. Could it be that, in a concrete application, people become more hesitant about avowing an obligation to obey when it is made plain that this means obeying even when the police and judges are wrong?

All this is so much speculation: the difficulties in assessing the sincerity of sample survey responses are well known. There is, however, a more urgent conceptual point. Even if sincere, these avowals are insufficient to establish the belief in an obligation to obey. The point is simply that they do not reveal why these avowals were made. They do not tell us enough about the structure of the views they express.

Let us return to the religion analogy, this time in more general
form. If we ask respondents, “Do you believe in God?” we will find, particularly in America, an overwhelming majority who say yes. Can we therefore conclude that Americans overwhelmingly believe in God? Well, some of those who agree to that question might, if asked to elaborate what their belief in God amounts to, say things such as, “Well, I believe there really is meaning to life,” or, “I believe there is a basic principle of order in the universe,” or “There are truths about the universe we cannot explain.” Some of these may or may not fall within the margins of religious belief, and, of course, just what one has to believe in order to be said properly to believe in God is a controversial matter, but many of these avowals extend well beyond the hazy boundaries of that controversy, and some of them are compatible with atheism. If all one means by “God” is “some principle of order in the universe,” then any atheistic naturalist believes in God.

This is not a fanciful analogy. Many people who say they believe in God do not really do so, and the fact that they do not can be shown by investigating what their supposed belief commits them to. They may nonetheless avow the belief because they believe it is socially acceptable to do so or because they are unsure about the most appropriate terms of denial (am I an atheist? an agnostic?) or just because they want to avoid argument.

What then of people who are willing to agree with the proposition, “People should obey the law even if it goes against what they think is right”? Might they be committed to something other than a belief in political obligation and yet honestly make such an avowal? Plainly, they might. The question does not ask them whether this is something people should always or even normally do. It does not ask whether it makes any difference to them if the law in question is the law of their own state or whether they owe similar allegiance to any state that exercises de facto control over their behavior. It does not even ask whether the “should” is a moral “should” as opposed to a purely conventional or prudential “should.” (One valid reason for obeying the law, especially in a foreign country, is that it is rude not to.) As it stands, we have no evidence about what the eighty-two percent who agreed with this proposition thought they were agreeing to, nor even whether they all took it in the same way.

The same objections apply also to the other relevant items. I am not saying that it is impossible to design a survey instrument that could tell
us who believes in political obligation, and I am certainly not saying that no one believes in it—some citizens, many officials, most judges, and certain political theorists plainly do. My only point is that complex, abstract beliefs such as the belief in God or the belief in political obligation need to be approached in a more subtle way than is normally done and that the casual empiricism on which the argument from common opinion rests is in fact too lax for the confidence that theorists place in it. To isolate the true believers we will need a tighter marriage of normative and empirical political theory than we have yet had.

CONCLUSION

Theorists are inclined to believe that abstract philosophical ideas are more influential than they are. This is usually a harmless enough piece of self-deception. It is frequently said, for example, that Western liberal culture is founded epistemologically on a Cartesian notion of reason or morally on a Kantian notion of the person. These ideas, however, are difficult—in the case of Cartesian reason, probably unintelligible—and they are certainly not as deeply entrenched as some suppose. To the extent that nonphilosophers have any view about reason or the person, what they believe is usually indecisive among competing accounts.

Some political theorists hold that there is a belief in political obligation that is of wide enough currency and deep enough root to be taken as a datum that any competent theory of allegiance needs to explain. I have argued to the contrary: first, that even if there is such a belief, its importance cannot be certified by the method of coherence and that it requires instead confidence in the authority of common opinion. Even if such confidence is in general well placed, I have claimed also that with respect to this particular theory there are reasons to want to explain away the opinion. Second, I suggested that it is far from obvious how widely held the belief in political obligation actually is and that the best empirical evidence we have is deeply equivocal. The skeptics’ positive case remains unanswered, and its incompatibility with common beliefs remains unestablished. The doctrine of political obligation is an implausible view of what we owe the state.
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2. George Klosko, The Principle of Fairness and Political Obligation (Lanham, Md.: Rowman & Littlefield, 1992), 22. See also p. 68: “I take it as intuitively obvious that most individuals believe they have political obligations. As a corollary of this belief, most individuals believe that their governments are legitimate and so, by implication, acceptably fair.”


5. For example, I take this passage in the Treatise as an appeal to the argument from common opinion: “[A] man living under an absolute government, wou’d owe it no allegiance; since, by its very nature, it depends not on consent. But as that is as natural and common a government as any, it must certainly occasion some obligation; and ’tis plain from experience, that men, who are subjected to it, do always think so” (L. A. Selby-Bigge, ed., A Treatise of Human Nature [Oxford: Clarendon Press, 1967], 529). In contrast, Edmund Burke’s remark is an appeal to our judgment about a case: “[I]f popular representation, or choice, is necessary to the legitimacy of all government, the house of lords is, at one strike, bastardized and corrupted in blood. That house is no representative of the people at all . . .” (C. C. O’Brien, ed., Reflections on the Revolution in France [Harmondsworth, Middlesex: Penguin, 1969], 147).


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11. I should reiterate that I am not arguing that this is a matter of value-free science. I am claiming that it is a descriptive rather than a moral question. For the distinction I have in mind, see L. Green, “The Political Content of Legal Theory,” *Philosophy of the Social Sciences* 17 (1987): 1–20.


13. Simmons endorses a similar view in *Moral Principles and Political Obligations*, 7–38, as does Klosko in *The Principle of Fairness and Political Obligation*, 2–16. It may be that Ronald Dworkin rejects parts of the view: see his *Law’s Empire* (Cambridge, Mass.: Harvard University Press, 1986), 190–215, and especially 429–30 n. 3. For criticism of Dworkin on obligation, see L. Green, “Associative Obligations and the State,” in A. Hutchinson and L. Green, eds., *Law and the Community: The End of Individualism?* (Toronto: Carswell, 1989), 93–118. Apparently, Bikhu Parekh also disputes what political obligation amounts to in his “A Misconceived Discourse on Political Obligation,” *Political Studies* 41 (1993): 236–51. He says that I and other skeptics confuse the narrow duty to obey the law with a wider sense of political obligation that also includes things such as an obligation to participate in politics, take an interest in public affairs, and so on. If this is true, it is irrelevant, for the skeptical argument shows that there is no narrow obligation to obey the law: it follows therefore that there is also no combination of this and wider, more exigent obligations—if p is false, then the conjunction of p and q is also false, and nothing substantial turns on whether we call p or (p&q) “political obligation.”


17. Tyler, 28.

18. Combining Tables 4.3 and 4.4. Tyler, 46–47.