1. Record Nr. UNINA9910791939703321 Autore Greene Abner <1960-> Titolo Against obligation [[electronic resource]]: the multiple sources of authority in a liberal democracy / / Abner S. Greene Cambridge, Mass., : Harvard University Press, 2012 Pubbl/distr/stampa 0-674-06517-4 **ISBN** 0-674-06939-0 Descrizione fisica 1 online resource (346 p.) Disciplina 340/.112 Soggetti Constitutional law - United States Effectiveness and validity of law Law - Moral and ethical aspects Obedience (Law) Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Bibliographic Level Mode of Issuance: Monograph Note generali Nota di bibliografia Includes bibliographical references (p.303-321) and index. Frontmatter -- CONTENTS -- INTRODUCTION -- 1. AGAINST POLITICAL Nota di contenuto OBLIGATION -- 2. ACCOMMODATING OUR PLURAL OBLIGATIONS -- 3. AGAINST INTERPRETIVE OBLIGATION TO THE PAST -- 4. AGAINST INTERPRETIVE OBLIGATION TO THE SUPREME COURT -- CONCLUSION -- NOTES -- BIBLIOGRAPHY -- ACKNOWLEDGMENTS -- INDEX Sommario/riassunto Do citizens of a nation such as the United States have a moral duty to obey the law? Do officials, when interpreting the Constitution, have an obligation to follow what that text meant when ratified? To follow precedent? To follow what the Supreme Court today says the Constitution means? These are questions of political obligation (for citizens) and interpretive obligation (for anyone interpreting the Constitution, often officials). Abner Greene argues that such obligations do not exist. Although citizens should obey some laws entirely, and other laws in some instances, no one has put forth a successful argument that citizens should obey all laws all the time. Greene's case is not only "against" obligation. It is also "for" an approach he calls

"permeable sovereignty": all of our norms are on equal footing with the state's laws. Accordingly, the state should accommodate religious, philosophical, family, or tribal norms whenever possible. Greene shows

that questions of interpretive obligation share many qualities with those of political obligation. In rejecting the view that constitutional interpreters must follow either prior or higher sources of constitutional meaning, Greene confronts and turns aside arguments similar to those offered for a moral duty of citizens to obey the law.