LSHV-495-01 “The Primacy of Culture and How It Limits the Competence of Civil Law

Jay Reuscher
reuschej@Yahoo.com
202-388-4438

A description of the course. A provisional syllabus will be provided upon request.

The goal of this course is to bring conceptual clarity to the complicated relationship between the public law of civil society and the culture of its members. Civil society has the competence to coerce; it cannot oblige. Culture, on the other hand has the competence to oblige, but it cannot coerce. The task of this course is to show that these claims are true. The question they raise, if they are true, is how must culture and civil law relate to each other. The danger is that a potential for flash points of conflict runs along the line of their interface and no relatively large human community can prosper, or even survive, if they do not stay within the limits of their competence.

This course will move in two stages. The first stage will consist of an examination of the evolutionary pedigrees of culture and civil society with its laws on the expectation that the ways they came to be will tell us something about what they are for and the limits of their competence. The second stage will consist of a selection of readings in theories of law by some of the top people in the field.

Since this course is designed for a general Graduate level audience and not for specialists, I have selected texts on the basis of up to date scholarship and readability. It can serve, however, as an introduction to several specialized fields.

The grade for the course will be based on the quality and originality of a 15 page paper on any aspect of material covered in the course. The topic will need my prior approval to protect the student from making a mistake. I will work closely with each student in the process of topic selection and in the design of the paper.
**Academic Standards:** MALS and DLS students are responsible for upholding the Georgetown University Honor System and adhering to the academic standards included in the Honor Code Pledge stated below:

*In the pursuit of the high ideals and rigorous standards of academic life, I commit myself to respect and uphold the Georgetown University Honor System: To be honest in any academic endeavor; and to conduct myself honorably, as a responsible member of the Georgetown community, as we live and work together.*

**Disability Notice:** If you believe you have a disability, you should contact the Academic Resource Center—Suite 335, Leavey Center (arc@georgetown.edu) –for further information. This office is responsible for reviewing documentation provided by students with disabilities and for determining reasonable accommodations in accordance with the Americans with Disabilities Act (ADA) and University policies.