This course will build the case for the following claim:

No civil authority or majority opinion has the competence to use its power of coercion against an exercise of its community’s cultural autonomy unless it can prove that the exercise would compromise its ability to protect the community or to facilitate the community’s self-improvement.

These examples illustrate the type of concern that drives this claim:

Antigone (Sophocles); Apology (Plato); Prohibition, the legal assault on James Joyce’s Ulysses; the obstruction placed in the way of Gay Marriage; the attempt to override the objection to how the cost of providing universal coverage for contraception was to be covered.

PART I

Introductory Agenda

“He who thus considers things in their first growth and origin, whether a state or anything else will obtain the clearest view of them.” Aristotle, Politics (1252a24)

In this section, we will examine five topics that form the conceptual framework for the relation between culture and civil society. They will be examined only to the extent of the role they play in this project.


2. Culture: many meanings; the sum-total of the manifestation of autonomy; its evolution.

3. Language: its origin; the medium of non-genetic communication of culture and civil law.

4. Civil society (and its laws): the zone of coercive public must; the tradition of civil law as the voice of reason; civil law entails the view that the agents for whom it is made are autonomous whereas autonomy does not entail the view that autonomous agents must live under civil law.

5. Distinctions among logical ought, aesthetic ought, cultural ought, moral ought, and coercive must.
In this section we will build a case for the claim that Culture holds a primacy over public “must” in situations of verifiable public conflict between the two (subject to the condition mentioned above). Here is a sketch of the argument:

At its center, culture is the community’s collective autonomy. This autonomy is what makes it a distinctively human society and is rooted in our intellectual consciousness as human beings and persons. Evolutionary Sociology has shown that civil government and its laws had their remote origin as an improvised organizational response to a contingent environmental challenge. They came into existence as a default organizational strategy just because the weakened kinship ties among the common ancestors of humans and all living apes were not able to meet the organizational demands needed to block an environmental challenge to survival. We are not “political by Nature” as Aristotle claimed. We are political by default. The credentials of the autonomous community trump the credentials of civil government and its laws just because this community is autonomous “by nature.” Civil government has no legitimate title to force members of the community to act against a publically known cultural belief unless for it not to do so would place the community’s existence at risk.

Part III

Readings in the philosophy of civil law:

In this section, we will read and discuss selections from the three required texts listed below for Part III. These are three of the most original and influential writers on this subject in the 20th century. The objective is to create a situation in which you can sit around and talk about what they have to say. “For an educated man should be able to form a fair off-hand judgment as to the goodness or badness of the method used by a professor in his exposition. To be educated is in fact to be able to do this; and even the man of universal education we deem to be such in virtue of his having this ability.” (Aristotle, De Partibus Animalium, 639a5-8)

The Requirement:

Write a 10 page graduate level paper in which you build a cogent argument for one of the following options as the better form of government:

1. One in which the government has a democratic mandate to do whatever it takes to improve the quality of life of all its citizens
2. One in which the government is restricted by a democratic mandate to overseeing public safety and the proper functioning of public institutions such as Banks, Hospitals, transportation, etc. and must leave the quality of life of its citizens up their individual intelligence and industry.

Required texts:

Part I:
Grounding for the Metaphysics of Morals.
Kant
Translated by James W. Ellington
Hackett, 1981 (0-87220-166-X, pbk.)

On the Origin of Societies by Natural Selection.
Jonathan H. Turner & Alexandra Maryanski
Paradigm Publishers, 2008 (978-1-5945-517-0, pbk.)

The Language Myth. Why language is not an instinct.
Vyvyan Evyan Evans
Cambridge, 2014 (978-1-107-61975-3, pbk.)

Evolution and Culture
Edited by Stephen C. Levinson and Pierre Jaisson
MIT Press, 2006 (0-262-62197-5, pbk.)

Part III:
Justice As Fairness. A restatement.
John Rawls
Edited by Erin Kelly
Harvard, 2001 (0-674-00511-2, pbk.)

The Philosophy of law.
Edited by R. M. Dworkin

Jonathan H. Turner
Rowan & Littlefield, 2003 (0-7425-2559-7, pbk.)
**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.