“America is especially well endowed with social resources, but we have tended to take that social wealth for granted, consuming our inherited capital at a faster rate than we are replenishing it. Like an athlete who develops the muscles in his upper body but lets his legs grow weak, we have nurtured our strong rights tradition while neglecting the social foundation upon which that tradition rests. Communitarianism can be understood as democracy’s environmentalist movement, helping to heighten awareness of the political importance and endangered conditions of the seedbeds of civic virtue.” Mary Ann Glendon, 1994

In this course, we will ask what makes a “just society”? Central to this question is the problem of freedom and order—how do we reconcile our twin desires to promote both individual freedom and common good. Does too much freedom lead to social chaos? Does too much order lead to repression and conformity? What is the right balance? We will examine the role of law in balancing freedom and order and the intersection of law, justice, and good citizenship.

By the end of the course, we hope you can provide informed answers to these questions: Should individuals sacrifice their own interest in service of the collective good? Should they be required by law to do so? To what extent does our contemporary liberal democracy depend on the socially responsible action of its members? What does it mean to do community service and to engage in service-learning? What does citizenship mean? Is it a right-wing term referring to the sacrifice of the self to God and Country? Or is it a left-wing term reflecting a call for citizens to pay attention to the needs of the poor and disadvantaged? Neither? Both?

Some of the course readings articulate relevant social theories and concrete applications drawn from sociology, psychology, political science, and legal theory. The hidden agenda, of course, in the grand tradition of liberal studies, is to challenge you to develop your own philosophy of law, citizenship, and justice. To make the readings and class discussions concrete, students will participate in one of three service-learning projects and use these opportunities to reflect on their role in the larger society. In one project, you will assist a defense attorney and Skidmore alumnus in a death penalty appeal. In a sec-
ond project, you will participate in Skidmore’s Integrity Board and evaluates its effectiveness as a campus judicial system. And in a third project, you will learn the skills of a mediator and participate in the New York State Court’s Alternative Dispute Resolution Program.

Readings
Three books are required for all enrolled students:


The following book must be purchased by students working on the mediation project only:


Many of the class readings will be articles available on E-Reserve:
http://www2.skidmore.edu/library/reserves/index.cfm

Class Participation
Students will be expected to do all the reading prior to the scheduled class, as well as actively participate in all class discussions. Class participation is worth 25% of the final grade. This score is based on attendance and active participation in the discussion.

Service-Learning Projects and Term Paper
Students will choose between three service-learning projects, which are described below. A final paper related to the projects will be due on the last day of classes. Students will also develop a presentation on their project to be given to the whole class. Specific instructions for the projects and the completion of the paper will be provided in class. The project and project paper together are worth 25% of the final grade.

*Integrity Board Project*
Law, citizenship, and justice intersect right here at Skidmore each time the Integrity Board has a hearing. Students, faculty, and staff volunteer to serve on this board—that is the citizenship part. Students who appear before the board are charged with violating the criminal law or the Skidmore Honor Code or both—that is the law part. And the board decides whether the student is in violation or not, and what the sanction should be—that is the justice part. Students who participate in the Integrity Board Project will join the board as a form of service-learning. They will learn about how the board operates, hear real cases, and meet weekly with board members to discuss the philosophy and practice of the board. Students will write a final paper examining an aspect of their work on the board.
Death Penalty Project
The concepts of law, citizenship, and justice also pervade institutions outside the walls of the academy. One of the primary areas where all three intersect is, of course, the criminal justice system. Law is made by the courts every single day and in every single community in America, but the achievement of justice within the system is often quite elusive. Public officials and citizens alike are expected to remain impartial so as to maximize the possibility of a just outcome, and yet human nature suggests that it is quite difficult for us to remain objective when faced with ideas and actions that violate our most basic convictions. Students who participate in the Death Penalty Project will tackle these weighty issues in a very pragmatic way. You will work closely with John Howley ('80), a New York attorney, on developing a clemency petition. The expectation is that you will engage in policy-oriented research with the aim of providing counsel with information that may (or may not) aid in the case.

Mediation Project
The Law and Society Program and a local nonprofit organization, Mediation Matters, will sponsor a basic mediation training on two weekends this Fall—October 7/8 and November 4/5. Each day the training will meet from 9:00am-5:00pm in the Surrey. The training is open to members of the broader Saratoga community. Mediation is a conflict resolution process that is used in close cooperation with the courts. Cases, such as landlord/tenant disputes, divorce settlement, and parent/teen conflicts are often referred by the courts to mediation by trained volunteers. We have had students participate in this training in the past and they have found it to be one of the most rewarding experiences of their Skidmore careers—both personally and professionally. In addition to participation in the training, you will be expected to observe and participate in actual mediations and write a final term paper about your experience. You can learn more about the program at the following link: http://www.mediationmatters.org

Exams
The midterm and final will be made up of eight “short-answer” (about a paragraph) questions and one long essay. For each reading assignment, we will provide a set of questions and the short answer section of the exam will be a sample of these questions. For the essay question, you will need to draw upon both readings and lectures, and to synthesize the broader themes of the class.

Each exam is worth 25% of the final grade. Unless there is a dire emergency, neither exam will be individually rescheduled.

Disability accommodations: Students with special needs requiring accommodations should us with a memo of accommodations in a timely manner, i.e., well before exams. The Coordinator for Students with Disabilities, Cynthia Guile, is in the Office of Student Academic Services. You can make an appointment with her by calling extension 5180.
Week 1 (9/6)

(Wednesday) **Introduction to Course**

(Friday) **Project Groups** (Separate handouts for groups will be provided)

Week 2 (9/11)

**PART I: FREEDOM AND ORDER**

(Monday) **Freedom vs. Order: The Tragedy of the Commons**  

(Wednesday) **Freedom vs. Order: Due Process vs. Crime Control**  

Week 3 (9/18)

(Monday) **Freedom vs. Order: Mandatory vs. Volunteer Community Service**  

(Wednesday) **Freedom vs. Order: Is Voluntary Order an Oxymoron?**  

Week 4 (9/25)

**PART II: COMMUNITARIANISM**

(Monday) **Constitutional Perspectives on Freedom and Order**  
Read: The United States Constitution  
Breslin, chapter 1

(Wednesday) **Constitutional Perspectives: Liberalism vs. Communitarianism**  
Read: Breslin, chapter 2

Week 5 (10/2)

(Monday) **Yom Kippur: No Class**

(Wednesday) **Constitutional Perspectives: Communitarian Practices**  
Read: Breslin, chapter 3

Week 6 (10/9)

(Monday) **Constitutional Perspectives: International Comparisons**  
Read: Breslin, chapter 6

**PART III: COMMUNITY AND CAMPUS JUSTICE**

(Wednesday) **Community Justice: Introduction to Community Conflict Resolution Models**  
Read: Karp and Allena, Chapters 1, 10, 11, 20, 21
Week 7 (10/16)
(Monday) Community Justice: Restorative Justice and the Integrity Board
Read: Karp and Allena, Chapters 3, 4, 12, 13

(Wednesday) Community Justice: Mediation
Read: Karp and Allena, Chapters 8, 9

Week 8 (10/23)
(Monday) Community Justice: Hate Speech
Read: Karp and Allena, Chapters 18, 19

(Wednesday) Midterm

Week 9 (10/30)
PART IV: THE DEATH PENALTY
(Monday) The Death Penalty: Introduction

(Wednesday) The Death Penalty: Constitutional Controversy
Read:

Week 10 (11/6)
(Monday) The Death Penalty: The Issue of Race

(Wednesday) The Death Penalty: The Role of Victim’s Families
Read:
**Week 11 (11/13)**

**PART V: DRUNK DRIVING**

(Monday) **Drunk Driving: Law**


(Wednesday) **Drunk Driving: Law**

Read (Small groups will be assigned one of the following):


**Week 12 (11/20)**

(Monday) **Drunk Driving: Justice**

Visit: Saratoga County Victim Impact Panel

Read:


(Wednesday) **Thanksgiving Break**
**Week 13 (11/27)**

(Monday) **Drunk Driving: Citizenship**

Read:
- Heckel, Liz. “Measuring Prevalence and Perceptions of Student Drinking and Driving at Skidmore College”

Assignment: Design a program to reduce Skidmore DWI’s. Bring an outline to class, summarizing what the program is, who would need to be involved, resources necessary, why it should work, and what obstacles must be overcome.

**PART VI: THE PATRIOT ACT**

(Wednesday) **The Patriot Act: Introduction**

Read:
- Review Website: Debating the Patriot Act

**Week 14 (12/4)**

(Monday) **The Patriot Act: Communitarian Critique**

Read: Etzioni, Introduction, Chapters 1 and 2

(Wednesday) **The Patriot Act: Topical Issues**

Read: Etzioni, Chapters 3 and 4

**Week 15 (12/11)**

(Monday) **The Patriot Act: Pragmatic Solutions**

Read: Etzioni, Chapters 5 and 6

(Wednesday) **Synthesis**

**Final Exam: Wednesday, 12/20, 6:00PM TLC 202**