PART ONE: COURSE OVERVIEW

Introduction:

This class is designed to introduce students to the study of law and courts as an integral part of the political process in the United States. Among the questions, issues, and concepts we will consider are:

- Whether legal decision-making, particularly the work of justices sitting on the Supreme Court, is ever a politically neutral process
- If law and legal decision-making are often inextricably tangled up with politics, what, then, is the proper role for courts in a democratic society
- Why does the Supreme Court protect some rights rather than others and how has the Court's docket changed over time
- What difference do court decisions actually make

Please read this syllabus carefully, as taking an online class can be a complex undertaking at first. I have noted due dates in bold type. Students will be wholly responsible for the content of this syllabus by the end of Week 1 of class, September 5th, 2015. Please do not hesitate to contact me with any questions as soon as possible!

Course objectives:
By the end of this course students will have learned a) how to work through the structure of various types of legal arguments; b) situate the evolution, use, application, and deployment of the law by citizen and state actors within social and political contexts; c) develop the capacity to merge legal modes of analysis with historical and social scientific perspectives; d) appreciate the complex ways in which law and politics intermingle and to formulate an answer to the problem of whether they are truly separable

Assigned Texts:
1) Lawrence, Susan E., ed. LAW AND POLITICS IN THE SUPREME COURT: CASES AND READINGS, REVISED SECOND EDITION
2) Baum, Lawrence. THE SUPREME COURT, ELEVENTH EDITION (older editions are fine, too)
Electronic Readings: Electronic versions of assigned readings not in Lawrence or Baum can be found on the course’s Sakai site, which can be located at http://sakai.rutgers.edu. You can find readings by Week (1, 2, 3, etc.) under the “Lessons” tab; you can also find readings under the “Resources” tab.

Course Requirements and Grading:

15% Reading Quizzes
50% Blog and Response Posts
35% Term Papers
   - Midterm: 15%
   - Final: 20%

You will also need a reliable internet connection so that you can consistently access Sakai for the duration of the fall semester (DSL, LAN, or cable connection desirable).

Sakai Website: Students are required to familiarize themselves with the course Sakai site as soon as possible and certainly no later than the first week of classes (http://sakai.rutgers.edu).

Class Organization: Subject matter in Law and Politics is divided by week. Even though we won’t meet together as a class you will be expected to have completed the reading and listened to the lecture(s) by the end of the day on Mondays so you can then take the reading quiz, write your blog post, read your peers’ blog posts, and post a response.

For each week, I will post necessary materials under the "Lessons", "Assignments 2", and "Resources" tabs. Within the tabs for the week, you will find:

(1) The week’s required readings
(2) Occasionally, depending upon need (see below), short, 5-15 minute Prezi lecture presentations

Additionally, you will be responsible for a weekly reading quiz designed to make sure you understand the readings’ main ideas. Those will be posted under Quizzes on Sakai.

For example, in Week 2 we will consider, as we will for virtually all of the class, the relationship between law and politics. The week’s readings and lecture presentation (in Prezi/PowerPoint format), as well as any extra credit assignments, can be found under the Week 2 folder within the resources, lessons, and assignments 2 tabs.

(1) Readings: Some readings will be posted as PDFs online. The readings can be found under the “Resources” tab for the appropriate week (for example, the Southern Manifesto reading assigned for week two can be found under the “Week 2” resources tab).

(2) Prezi/PowerPoint Lecture Presentation: I will be posting short 5-15 minute Prezi presentations as lectures when the week’s materials include concepts or
arguments that are especially complex or when a significant portion of the class is struggling with some concept or argument. Prezi presentations will not necessarily be posted every week. Some weeks there may be no Prezi’s posted, other weeks there may be multiple Prezi’s posted.

I welcome – and strongly encourage – questions and comments pertaining to the lectures. If anything is unclear do not wait to ask a question. We move quickly in this course and it will be easy to fall behind without due diligence (this means asking questions as they arise rather than waiting to see if they resolve themselves). It is also somewhat difficult for me to determine what is and is not clear from the lectures without in-class interaction. Questions help immeasurably in this regard. Submit questions and comments through our class message board which can be found under the “Forum” tab, titled “Lecture Q and A” or in our Sakai chat room.

(3) Interactive Blog Posts: Please see description below under “Class Components.” You must complete blog posts activities every week unless otherwise indicated.

Submitting Class Work: All class work will be submitted on the Sakai website. DO NOT EMAIL CLASS WORK TO THE INSTRUCTOR. If it is not submitted on the Sakai website, it will be considered late. Please refer to the instructions on each assignment, which will guide students on how to submit work on the Sakai site.

Office Hours and Contact: If you have questions, concerns, or need extra discussion for readings and assignments, do not hesitate to get in touch with me. Please email me (Joshua.eaise@rutgers.edu) to schedule an appointment for office hours. Office hours may be held in the Sakai chat room, through e-mail, through Skype, or face-to-face in Hickman 405.

You can reach me on weekdays, Monday through Friday. Please note that I check my email periodically between 9 AM and 5 PM. I will respond to all e-mail within 24 hours, Monday through Friday. Weekends are a bit spottier, but I will check e-mail here and there.

Technical Assistance
If you need technical assistance at any time during the course or to report a problem with Sakai you can:
Visit ORIT Office of Instructional & Research Technology
Access Sakai Help Documents Sakai Help Home
Email the Sakai Help Desk sakai@rutgers.edu
Call the Sakai Help Desk 848.445.8721

Plagiarism:

“Academic freedom is a fundamental right in any institution of higher learning. Honesty and integrity are necessary preconditions of this freedom. Academic integrity requires that all academic work be wholly the product of an identified individual or individuals. Joint efforts are legitimate only when the assistance of others is explicitly acknowledged. Ethical conduct is the obligation of every member of the University community, and breaches of academic integrity constitute serious offenses” (emphasis added).
Plagiarism and cheating are taken very seriously at Rutgers University. All statutes of the Academic Code of Conduct apply for this course. A detailed discussion of this policy can be found at http://cat.rutgers.edu/integrity/policy.html.
PART TWO: ASSIGNMENTS AND CLASS COMPONENTS

I. Reading Quizzes (15%)
Each week, there will be a reading quiz posted on Sakai that will test your understanding of the reading and lectures for the week. The reading quizzes will consist of several multiple choice questions derived from the readings. After week 1, each reading quiz is due on Tuesday by 8 pm. The Reading Quizzes will be available online under Tests and Quizzes, and will be timed. **You will not be able to take the quizzes late.**

II. Interactive Blogs (50%)
In this course, you are required to maintain a blog. The blogs will be the primary platform that you will use to communicate with me and each other. You will be able to access each other’s blogs via the blog tab on Sakai.

There are four ways in which your blog will be utilized:

A. **Weekly Posts:** Each week, I will be posing a series of questions to the class that expands upon the week's readings. These questions can be found below in the “Class Schedule and Assignments” section of the syllabus. Each week has a corresponding blog question or questions.

   Each of you will respond to the posted question(s) **every other week.** However, that does not mean you get to take every other week off. **For every week** in which you do not post a blog entry you will be responsible for responding to one of your peers' posts. In addition, during weeks in which you respond to the blog question(s) with a blog entry, you must also RESPOND to what your peers (and I) have written in response to your blog post.

   For weeks when there are more than two or three blog questions and you are responsible for a blog post, **you do **NOT** need to respond to each question!** The important thing is to write something coherent, thoughtful, and which meets the requirements for a blog post set out below. Use your best judgment regarding how many questions you need touch on in your response. Your entries will be graded based on quality, not how many questions you've dealt with.

   In sum: These assignments consist of:

   (1) **Every other week:** composing a statement that replies to a question or set of questions I have posed for that week. Additionally, you must comment in response to what your peers wrote about your blog post that addresses the points or issues they raise. I will be following these posts and joining in the conversation by posting comments and questions of my own.

   (2) **Weeks when you do not post a blog entry:** A reply to one of your peer’s blog posts.

I have divided the class into groups “1” and “2”. The students in each group will alternate responsibility for posting blog entries in response to each week's blog question(s). See the “Class Schedule and Assignments” section below for the schedule and blog questions for each week. See the “Groups” PDF in the resources folder or the last page of this syllabus for your group assignment.
Please note that these are not group exercises. You are merely being put into a group so that you know when you are and are not responsible for responding directly to the weekly blog question(s).

(1) Blog Post: After reading my question(s) for the week, again, found below in the “Class Schedule and Assignments” section, you will answer with a blog post. **Your blog post must be posted online by 8PM every Tuesday.** Your post should answer the question(s) to the best of your ability as informed by the week's readings. Your post must have the following to receive full credit:

- Your post must be 2—3 paragraphs long. This translates to 200 to 300 words.
- Your post must be on topic and respond to the question(s) posed by the instructor.
- Your post must use at least one quote or piece of evidence from the readings that is cited as such.
- Your post must be checked for grammar and spelling.
- **Your post must be posted online by 8PM every Tuesday.** Late posts will not be given credit.

(2) Blog Response: After the blogs have been posted, you will respond to ONE of your peer’s blog posts, if you are not responsible for writing a blog post. Try to select a post that has not yet garnered a response. **Your response to a peer’s blog post must be posted online by 3PM every Thursday.** Your response must have the following to receive full credit:

- Your response must be 1—2 paragraphs long. This translates to 100 to 200 words.
- Your response must be on topic and reflect a consideration of your peer’s blog post.
- Your response cannot be a simple agreement or disagreement with your peer’s blog posts (“I agree with Amy that the judicial review is anti-democratic!” or “I disagree with Steve that the Endorsement Test is incoherent!”). Add details, expand the point, and make an argument. **Simple agreements will receive no credit.**
- Your response must use at least one quote or piece of evidence from the readings that is cited as such.
- Your response must be checked for grammar and spelling.
- **Your response must be posted online by 3PM every Thursday.** Late responses will not be given credit.

(3) Follow up response: For those of you who have written a blog post for the week, **you must respond to the questions or issues your classmates raised in response to your post by Friday, 8PM.**

(4) Extra credit:
Students who write multiple blog response posts will receive extra-credit if their responses meet the criteria listed above in point (2). Students who post a response to a peer’s blog post on weeks when they themselves are responsible for a blog post will also receive extra-credit, if their response meets the criteria listed above in point (2). Again, it is quality that counts here. I will be unlikely to give extra credit simply because you have written multiple responses. Each response must be thoughtful, creative, and raise compelling issues and questions pertaining to what your peer has written.

III. Term Papers (35%)
TBA.

PART THREE: CLASS SCHEDULE AND ASSIGNMENTS

<table>
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<tr>
<th>Date</th>
<th>Lectures and Readings</th>
<th>Assignments</th>
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<tbody>
<tr>
<td>Week One</td>
<td>1. Introduction</td>
<td>Due: Reading Quiz 1</td>
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<tr>
<td>(9/1-9/5)</td>
<td>Assigned Readings:</td>
<td>- The reading quiz will cover ONLY THE SYLLABUS. Given how important the syllabus is for the course – due to the lack of in-class, face-to-face direction – I suspect it is a good use of time to spend the first week simply making</td>
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<tr>
<td></td>
<td>a) The course syllabus</td>
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<td>b) The Constitution, Bill of Rights, and subsequent Amendments.</td>
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<td>*Remember, each week's readings are posted under the resources tab in the corresponding “week” folder.</td>
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<td>No Prezi Lecture for week one</td>
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<td>No blog questions for week one</td>
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| **Week Two**  
| (9/6-9/12) | **Law as Politics I**  
| | **Assigned Readings:**  
| | • Lawrence, chapter one, pgs. 1-23.  
| | • Lawrence, chapter four, up to page 101.  
| | • The Southern Manifesto  
| | **Blog questions:**  
| | *TBA* | **Due:**  
| | **Reading Quiz 2**  
| | **Weekly Blog Post 1**  
| | **Weekly Blog response 1**  
| | **Group 1:** Blog post and response to comments  
| | **Group 2:** response to a blog post.  
| | Switch this for week 3 and continue alternating. See groupings listed on the final page of the syllabus for the complete schedule.  
| | **When:**  
| | *Reading quiz due by 8 pm on Friday, September 4th*  
| | **When:**  
| | *Reading quiz due by 8 pm Tuesday*  
| | *Weekly blog post due by 8 pm Tuesday*  
| | *Weekly blog responses: response to blog post due by 3 pm Thursday and response due by 8 pm Friday* |
| Week Three (9/13-9/19) | Law as Politics II  
**Assigned Readings:**  
- Lawrence pg. 102-179  
**Blog Questions:**  
*TBA* | **Due:**  
Reading Quiz 3  
Weekly Blog Post  
Weekly Blog response  
**When:**  
*Reading quiz due by 8 pm Tuesday  
Weekly blog post due by 8 pm Tuesday  
Weekly blog responses: response to blog post due by 3 pm Thursday and response to response due by 8 pm Friday* |
|---|---|
| Week Four (9/20-9/26) | **Political Power and the Place of Law: Democracy, Constitutionalism, and Liberty**  
**Assigned Readings:**  
- Lawrence Ch. 5 up to pg. 233  
- Finkelman “Teaching Slavery in American Constitutional Law”  
**Blog Questions:**  
*TBA* | **Due:**  
Reading Quiz 4  
Weekly Blog Post  
Weekly Blog response  
**When:**  
*Reading quiz due by 8 pm Tuesday  
Weekly blog post due by 8 pm Tuesday  
Weekly blog responses: response to blog post due by 3 pm Thursday and response to response due by 8 pm Friday* |
| Week Five (9/27-10/3) | **Limiting Political Power – And an Introduction to the Judicial Branch**  
**Assigned Readings:** | **Due:**  
Reading Quiz 5  
Weekly Blog Post  
Weekly Blog response |
<table>
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<tr>
<th>Week</th>
<th>Readings</th>
<th>Blog Questions</th>
<th>Due</th>
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<tbody>
<tr>
<td>Six</td>
<td>Lawrence, pg. 234-255&lt;br&gt;Lawrence, Ch. 6&lt;br&gt;Baum, Chapter One</td>
<td>TBA</td>
<td>Reading Quiz 6&lt;br&gt;Weekly Blog Post&lt;br&gt;Weekly Blog response</td>
<td>Reading quiz due by 8 pm Tuesday&lt;br&gt;Weekly blog post due by 8 pm Tuesday&lt;br&gt;Weekly blog responses: response to blog post due by 3 pm Thursday and response due by 8 pm Friday</td>
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<td>10/4-10/10</td>
<td><strong>The Power of Judicial Review Beginning with Marbury v. Madison</strong>&lt;br&gt;<strong>Assigned Readings</strong>&lt;br&gt;Lawrence, pg. 255-280&lt;br&gt;- <em>Eakin v. Raub</em> (online)&lt;br&gt;- World Constitutions: <a href="http://confinder.richmond.edu/index.html">http://confinder.richmond.edu/index.html</a>&lt;br&gt;Select three countries of your choice and review the role of judges in their respective constitutions</td>
<td>TBA</td>
<td>Reading Quiz 6&lt;br&gt;Weekly Blog Post&lt;br&gt;Weekly Blog response</td>
<td>Reading quiz due by 8 pm Tuesday&lt;br&gt;Weekly blog post due by 8 pm Tuesday&lt;br&gt;Weekly blog responses: response to blog post due by 3 pm Thursday and response due by 8 pm Friday</td>
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<td>Seven</td>
<td>Baum, Ch. 5&lt;br&gt;Lawrence, Ch. 5, pg. 280-292</td>
<td>TBA</td>
<td>Reading Quiz 7&lt;br&gt;Weekly Blog Post&lt;br&gt;Weekly Blog response</td>
<td>Reading quiz due by 8 pm Thursday&lt;br&gt;Weekly blog post due by 8 pm Tuesday&lt;br&gt;Weekly blog responses:</td>
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<td>Week</td>
<td>Reading Topic</td>
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<td>Eight</td>
<td>The Power of Judicial Review III</td>
<td>Lawrence, Ch. 9</td>
<td>Reading Quiz 8</td>
<td>Reading quiz due by 8 pm Tuesday</td>
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<td>Weekly Blog Post</td>
<td>Weekly blog post due by 8 pm Tuesday</td>
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<td>Weekly Blog response</td>
<td>Weekly blog responses: response to blog post due by 3 pm Thursday and response to response due by 8 pm Friday</td>
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<td>Midterm Paper</td>
<td>Midterm Paper due by 11:59pm Friday</td>
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<td>Nine</td>
<td>Litigating Rights: How do Cases come before the Courts?</td>
<td>Baum, Ch. 3, pg. 69-86, Lawrence, Ch. 7, up through pg. 327</td>
<td>Reading Quiz 9</td>
<td>Reading quiz due by 8 pm Tuesday</td>
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<td>Weekly Blog Post</td>
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<td>Weekly Blog Response</td>
<td>Weekly blog responses: response to blog post due by 3 pm Thursday and response to response due by 8 pm Friday</td>
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<td>Midterm Paper</td>
<td>Midterm Paper due by 11:59pm Friday</td>
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<td>Eleven</td>
<td>Litigating Rights II</td>
<td>Lawrence, Ch. 7, pg. 328-348</td>
<td>Reading Quiz 10</td>
<td>Reading Quiz 10</td>
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<td>Week Seventeen (11/8-11/14)</td>
<td>Judicial Selection</td>
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| **Readings:**               | Baum, Ch. 2, up to pg. 55  
|                             | Lawrence, Ch. 8     |
| **Blog Questions:**         | TBA                 |

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<thead>
<tr>
<th>Week Twelve (11/5-11/11)</th>
<th>Factors that Influence Judicial Decision-Making</th>
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| **Readings:**               | Baum, Ch. 4  
|                             | Lawrence, Ch. 12  
|                             | *Bush v. Gore* (online) |
| **Blog Questions:**         | TBA               |

**Blog Questions:**

*TBA.*

**Weekly Blog response**

**When:**

*Reading quiz due by 8 pm Tuesday  
Weekly blog post due by 8 pm Tuesday  
Weekly blog responses: response to blog post due by 3 pm Thursday and response to response due by 8 pm Friday*
### Factors that Influence Judicial Decision-Making II

**Readings:**
- Lawrence, Ch. 11

**Blog Questions:**
- *TBA*

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### Term Paper

**Due:**
- Term Paper

**When:**
- By 11:59 pm Thursday, 12/10
Group 2:

TBA

**Weekly Blog Responsibilities:**

If you are in group 1, then you are required to post a blog entry and a response to what your peers write about your blog entry for weeks: TBA

If you are in group 1, then you are required to respond to a peer’s blog entry for weeks: TBA

If you are in group 2, then you are required to post a blog entry and a response to what your peers write about your blog entry for weeks: TBA

If you are group 2, then you are required to respond to a peer's blog entry for weeks: TBA