

## **Introduction to Law and Legal Studies**

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Class Time: MW 9:35-10:55 (Online Hybrid)

Office Hours: By appointment

TAs: Caroline Caruso ([cjc412@scarletmail.rutgers.edu](mailto:cjc412@scarletmail.rutgers.edu)) and Allie Martinez  
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### **Course Overview**

This course introduces students to the U.S. legal system and how to study it as one of the most powerful institutions of the modern American state. In this class, we will address questions including but not limited to the following: How should we conceptualize what the law is? Where does legal power come from? What are its limits? How do political institutions shape the law and its execution, and how are those institutions constrained by law? How do legal actors resolve disputes in court? What role does the law serve in providing social control? And what is the impact of law on our society?

The course is intended for students who have little or no prior background in law. It is designed to provide a broad overview of how the U.S. legal system works that can serve as the basis for further study. The course closely studies the role of courts, judges, lawyers, and other courtroom participants in analyzing the legal system, but it is designed with a more holistic perspective that also considers how various other actors – including but not limited to Congress, the President, state policymakers, interest groups, and more – shape the law. Students will learn about different ways the law can be conceptualized philosophically, how the law simultaneously structures and is subjected to political power, the essential participants in the legal system, and how the law impacts American society.

### **Course Objectives**

Students should leave the course with a strong understanding of the following:

- (1) The main ways law is conceptualized philosophically, including how the primary schools of legal philosophy define the law's origins, limits, and legitimacy.
- (2) The origins, history, and structure of America's legal system, including our common law tradition and systems of public and private law.
- (3) The origins of U.S. constitutionalism and its relationship to American law and politics today.
- (4) How the legal system is designed to resolve disputes, provide social control, and promote social change, and the ways in which it does so.
- (5) The roles various legal actors – including lawyers, judges, and juries – play in the courtroom.
- (6) The functional and dysfunctional elements of the contemporary legal system and the various ways it impacts American society, both positively and negatively.

## Online Learning in This Course

This course was initially written to be taught twice weekly in person. This syllabus is an adapted form of the course to be taught entirely online. Here are a few notes about the online version of the course:

- READINGS: Readings are organized by week. Weeks in which we were scheduled to meet twice in person have a reading load that I would normally assign across two class sessions.
- LECTURES: At least one lesson per week will be a lecture I record and post online ahead of our scheduled class time (9:35-10:55). This will typically be on Monday.
- DISCUSSION BOARDS: Each lecture will require you to make **two** discussion board posts. I will pose a question at the end of lecture for you to answer in a post due by 11:59 PM the day lecture was posted. The next day by 11:59 PM, you must post one reply to someone else's comment. Both are graded as Pass/Fail and should be no more than a few sentences long.
- Q&A BOARD: In addition to the required discussion board, each lecture will have a "Q&A" thread in which students have the option to post questions they have about the material. Post anything you were confused about or would like clarification on from lecture or the readings in this thread by 11:59 PM Tuesday. I will post a short response video ahead of recitation.
- READING/LECTURE QUIZZES AND Q&A: Wednesdays will be conducted as synchronous recitations on Zoom. At the start of each lesson, 9:35-9:55 AM will operate as a 20-minute window during which you must (1) take a short reading/lecture quiz on Canvas, timed for 10 minutes, and (2) watch my short Q&A response video. FYI, the better everyone does in discussion, on assignments, and discussion posts, the less intensive the quizzes will be. If it seems students are not watching lectures or reading, they will become more challenging.
- RECITATION: By 9:55 AM on Wednesday you must be in your Zoom classroom. After the TA introduces the material, you will engage in conversations in small breakout groups. These groups will stay the same all term, and I will assign you all to take turns serving as your group's "discussion leader" each week (this comes with a writing assignment). Expect me and the TAs to randomly pop into your discussions to monitor your progress. You will spend the final ~10 minutes of class in large group with your TA reviewing what you talked about.
- MINUTES: On Thursday by 11:59 PM, discussion leaders will have to submit the group's weekly Minutes to Canvas. "Minutes" are organized notes of a group's conversation or meeting. The Minutes must include a brief statement offering 1-2 insights about what the discussion leader learned through the conversation. If we diverge from our typical recitation structure, I will change the nature of this assignment.
- BE FLEXIBLE: Online learning is a big adjustment for us all. The teaching team is ready to adapt based on what works and what doesn't, and I ask that you be flexible as well.

## Course Grading Scale

	Letter Grade	Percentage	Interpretation
Excellent	A	89.5-100	Mastery of concepts. Can clearly and effectively apply concepts to new situations.
Above Average	B+ B	84.5 – 89.49 79.5 – 84.49	Good understanding of concepts. Acceptable foundation for future work.
Proficient	C+ C	74.5 – 79.49 69.5 – 74.49	Basic understanding. Limited foundation for future work.
Marginal	D	59.5-69.49	Weak understanding and foundation for future work.
Failure	F	<59.5	Clearly failed to demonstrate understanding. Deeply flawed or no foundation for future work.

## Weekly Schedule

Unless noted, we will follow this weekly structure (only exceptions are Weeks 1, 2, 7, and 13. How they differ are specified in the course schedule below):

<b>MONDAY</b>	<b>TUESDAY</b>	<b>WEDNESDAY</b>	<b>THURSDAY</b>
9:35 AM: Lecture Posts  11:59 PM: Original Discussion Board Post Due	11:59 PM: Discussion Board Reply Due	9:35-9:55 AM: Take Quiz and Watch Q&A Video  9:55-10:55 AM: Recitation on Zoom	11:59 PM: Discussion Leader Minutes Due

## Course Assignments and Graded Events

<b>ASSIGNMENT</b>	<b>PERCENTAGE OF GRADE</b>
<b>Reading/Lecture Quizzes</b>	5%
<b>Discussion Leader Minutes (x 2)</b>	5%
<b>Participation</b>	10%
<b>Paper</b>	15%
<b>Midterm Exam</b>	30%
<b>Final Exam</b>	35%

**Reading/Lecture Quizzes (5%):** Quizzes will be administered at the start of each recitation. Every recitation opens with a 20-minute block during which you should watch my short Q&A response video and take the quiz on Canvas. These will be simple checks to make sure you're reading, watching lectures, and understanding the material. But if we get the impression that students are not reading or watching lecture, quizzes will become more difficult and time-consuming. Once you start the quiz, it is timed for 10 minutes. Your quiz score average will account for 5% of your course grade.

**Discussion Leader Minutes (5%):** The written assignment due Thursday by 11:59 PM will usually be Minutes of your group's discussion submitted by the discussion leader. "Minutes" are a written summary of a group's meetings. I will assign discussion leader duty to alternate among group members. Your Minutes should be an organized set of notes, not a transcript, but I expect them to reference contributions from each group member by name. If someone is quiet, it is up to the discussion leader to seek out their thoughts. If someone isn't mentioned in the Minutes that will hurt the individual's participation grade and the discussion leader's grade for not seeking out their opinion. Your Minutes must conclude with 1-2 insights about the material that you took away as the discussion leader (no more than a paragraph). Discussion leader minutes should be 750 words max., uploaded to Canvas.

**Participation (10%):** There are two parts to your participation score:

- Discussion Board Posts (5%). Your original replies to lecture be submitted by 11:59 PM the day lecture was posted; responses to another student are due by 11:59 PM the next day. All posts should be no more than a few sentences. Graded as Pass/Fail. Posts should demonstrate a good understanding of the material and show effort and thought (e.g. posting "I agree!" as a reply counts as a Fail). While disagreement is expected and welcome, everyone must be respectful. Disrespectful posts will be deleted and hurt your participation score substantially.
- Performance in recitation (5%). In recitations you will be divided into small groups (of ~5) to engage in conversation. Groups will stay the same all semester. Be aware that the TAs and I will periodically pop into your sessions. We will monitor your progress by watching the group conversations and reading the Minutes from discussion leaders to make sure everyone is participating. Expect us to cold call when we visit your sections, particularly if we haven't heard your voice or your name doesn't appear often in your group's weekly Minutes.

**Paper (15%):** Students will be required to watch the documentary *The Camden 28* on their own time and submit a response paper on Monday, November 23<sup>rd</sup> about the film. Do you agree with what the Camden 28 did? Do you agree with what the jury did? What does this story say about the theories of law and justice we studied; the political nature of law; law's impact on society; and/or the power of key courtroom actors? What did you learn from this story about the nature of law and legal legitimacy? Your papers should be 1,200-1,500 words in length, not including footnotes or the works cited page.

An "A" paper should analyze the story of the Camden 28 critically and creatively through the use of a wide variety of course concepts. For those of you who want to get started early, be aware that the material in "Module 3: The Courtroom and Its Participants" is particularly relevant to the story.

**Midterm Exam (30%):** There will be a single midterm exam on Monday October 12.

**Final (35%):** There will be a final exam that will be comprehensive, covering material from the entire course.

### **Some Notes for Those Interested in Law School**

While legal studies are interesting, important, and relevant to people from all sorts of backgrounds with various interests, I assume that some of you enrolled in this class because you are considering law school. For those of you in this category, please note the following:

- Understand that this is a *political science* course and that I am a political scientist, not a lawyer. I view the law as a part of our political system and courts as institutions that operate in political contexts, albeit differently than other political institutions. While the course is as an introduction to the law for those interested in law school, know that we are approaching legal analysis through political science.
- This course is designed with an interdisciplinary focus, drawing from political science, history, philosophy, and sociology in analyzing the law. It is designed to give you a broad range of perspectives on how to engage in legal studies and not to be a mini-law school class.
- As a pre-law advisor, I am happy to discuss any questions or considerations you have about law school. If you are interested, please email me to make an appointment.
- Remember you have two excellent resources to discuss law school – our course TAs, Caroline and Allie, are currently pursuing their J.D.s at Rutgers Law. They can give you a unique and direct perspective on the law school experience.

### **Administrative Standards**

**Academic Integrity:** All Rutgers students are expected to abide by the University’s academic integrity standards. Each student should review the academic integrity standards, available on the Rutgers Academic Integrity website. For this class you may use any generally recognized style manual to format your citations (Chicago Manual of Style, MLA Style Guide, APA Style Guide). It is strongly suggested that you use Rutgers Library’s RefWorks platform for citation. See the current Academic Integrity Policy here: <https://policies.rutgers.edu/10213-currentpdf>

**Plagiarism:** Academic dishonesty is a severe offense, and plagiarism on any assignment will not be tolerated. All source material **MUST** be cited when presenting someone else’s words or ideas. If you have any questions about citing source material, please speak to me. I would much rather correct any accidental errors in attribution ahead of time rather than address them after turning in an assignment.

**Disabilities:** Any student in need of classroom accommodations due to disabilities should contact the Coordinator of Disability Services as soon as possible: (856) 225-6442, Fax: (856) 225-6443 or at the Rutgers-Camden Learning Center, Armitage Hall, Room 231. **No accommodations can be made without the explicit approval of the Office of Disability Service.**

**Readings and Class Prep:** Students should attend class prepared to thoroughly analyze and discuss the course readings. Please have all readings available to you during synchronous sessions.

**Absences:** Students who miss class should make a reasonable effort to contact me before class. Students automatically get one free excused absence for recitation, but it is helpful for me to have an idea about attendance in advance. Any additional absences beyond the excused one require documentation, and without appropriate documentation they count as unexcused. Any absence that

prevents you from completing a graded requirement such as an exam cannot be counted as your free excused absence. In such cases I require documentation or your grade will be penalized 10%.

**Late Submissions:** If you anticipate turning in an assignment late, email me immediately and inform me when you anticipate turning it in. In the absence of extenuating circumstances or documentation to excuse it, you will be deducted ten percent for every 24 hours the assignment is late.

### **Course Readings and Required Texts**

This course requires one book or eBook available through the campus bookstore. Please buy the correct edition. The assigned readings rarely constitute entire chapters, and it will be hard to determine the correct sections if you purchase an older volume. Additional readings will be posted on Canvas.

- Lippman, Matthew. *Law and Society*, 3<sup>rd</sup> edition (Thousand Oaks: SAGE, 2020). **(L&S)**

## Lesson Schedule

Our lesson schedule follows the outline provided unless otherwise noted. The course readings from **L&S** provide page numbers as well as sections to start and stop at, to make things clearer for those using the eBook. **Weeks that diverge from our typical structure are in RED.**

### **COURSE INTRODUCTION**

#### **WEEK 1:** Course Introduction

**WED, SEP-2: LECTURE** (Discussion board posts due Wed by 11:59 PM; replies due Thursday by 11:59 PM. No recitation).

Readings:

- Course Syllabus
- **L&S:**
  - pp. 5-15 (Start at “Approaches to Defining Law,” stop at “The Socialist Legal Tradition”)
  - pp. 21-37 (Start at “The Functions of Law,” stop at “1.1 You Decide”)

### **MODULE 1: The Philosophy of Law and Justice**

#### **WEEK 2:** Natural Law and Legal Positivism

**TUE, SEP-8: LECTURE** (Tuesday is Monday class schedule. Discussion board posts due Tuesday by 11:59 PM; replies due Wednesday by 11:59 PM).

**WED, SEP-9: RECITATION** (Recitations will be focused on practicing using our Zoom Breakout Groups. You will have an individual assignment due Thursday in lieu of Minutes).

Readings:

- **L&S:** pp. 42-46 (Start at “Introduction,” stop at “Utilitarianism”)
- Martin Luther King, Jr., “Letter from a Birmingham Jail”
- John Austin, *The Providence of Jurisprudence Determined*, selections

#### **WEEK 3:** Sociological and Critical Legal Theories

MON, SEP-14: LECTURE

WED, SEP-16: RECITATION

Readings:

- **L&S:**
  - pp. 48-53 (Start at “Classical Sociological Theorists,” stop at “Functionalism”)
  - pp. 59-62 (Start at “Critical Legal Studies,” stop at “Law and Humanities”)
- Karl Llewellyn, *The Bramble Bush*, “A Realistic Jurisprudence,” and “The Common Law Tradition,” selections

### **MODULE 2: Law and American Government**

#### **WEEK 4:** Foundations of the American Legal and Constitutional System

MON, SEP-21: LECTURE  
WED, SEP-23: RECITATION

Readings:

- Baron de Montesquieu, *The Spirit of the Laws*, book 11, chapter 6
- John Stuart Mill, *On Liberty*, selections
- The Declaration of Independence
- The US Constitution and Amendments
- Federalist No. 78

**WEEK 5:** Federalism and America's 51 Constitutional Systems

MON, SEP-28 LECTURE  
WED, SEP-30: RECITATION

Readings:

- **L&S**, pp. 65-94 (Start at "Introduction," stop at "How Judges Decide Disputes")
- *Marbury v. Madison* (1803), excerpts
- Zackin, *Looking for Rights in All the Wrong Places*, pp. 1-4, 18-32

**WEEK 6:** The Legislative and Executive Branches

MON, OCT-5: LECTURE  
WED, OCT-7: RECITATION

Readings:

- **L&S**, pp. 101-121 (Start at "Legislatures," stop at "3.3 You Decide")
- Neal Devins, "The Constitutional Politics of Congress," in *The Oxford Handbook of the U.S. Constitution*, pp. 155-175
- Mariah Zeisberg, "The Constitutional Politics of the Executive Branch," in *The Oxford Handbook of the U.S. Constitution*, pp. 177-191

**MODULE 3: Dispute Resolution: The Courtroom and its Participants**

**WEEK 7:** Midterm/ Courts as Sites of Dispute Resolution

**MON, OCT-12: MIDTERM**

**WED, OCT-14: LECTURE** (Rare instance of lecture on a Wednesday. Discussion board posts due Wednesday by 11:59 PM; replies due Thursday by 11:59 PM).

Readings:

- **L&S**, pp. 215-241 (Start at "Introduction," stop at "6.3 You Decide")

**WEEK 8:** The Legal Profession

MON, OCT-19: LECTURE  
WED, OCT-21: RECITATION

Readings:

- **L&S:**



- pp. 145-176 (Start at “The Contemporary Legal Profession,” stop at “4.2 You Decide”)
- pp. 183-210 (Start at “Introduction,” stop at “5.2 You Decide”)

**WEEK 9: Criminal Courts and Juries**

MON, OCT-26: LECTURE

WED, OCT-28: RECITATION

Readings:

- **L&S:**
  - pp. 125-129 (Start at “Law Enforcement,” stop at “Private Security”)
  - pp. 247-276 (Start at “Introduction,” stop at “Chapter Summary”)
  - pp. 284-298 (Start at “The Development of the American Jury,” stop at “The Jury and the Death Penalty”)
- “The Zenger Trial (1735),” selections

**WEEK 10: Judicial Decision-Making and Power**

MON, NOV-2: LECTURE

WED, NOV-4: RECITATION

Readings:

- **L&S**, pp. 95-101 (Start at “How Judges Decide Disputes,” stop at “Legislatures”)
- *Dred Scott v. Sandford* (1857), selections
- *Brown v. Board of Education I and II* (1954, 1955), selections
- Gerald Rosenberg, *The Hollow Hope*, selections

**MODULE 4: Social Change and Social Control: The Impact of Law on Society**

**WEEK 11: Social Change and Courts**

MON, NOV-9: LECTURE

WED, NOV-11: RECITATION

Readings:

- **L&S**, pp. 391-447 (Start at “Introduction,” stop at “10.5 You Decide”)

**WEEK 12: Social Control and Punishment**

MON, NOV-16: LECTURE

WED, NOV-18: RECITATION

Readings:

- **L&S:**
  - pp. 46-47 (Start at “Utilitarianism,” stop at “The Categorical Imperative”)
  - pp. 298-311 (Start at “The Jury and the Death Penalty,” stop at “8.4 You Decide”)
  - pp. 319-347 (Start at “Introduction,” stop at “Victimless Crimes”)
- Cesare Beccaria, *On Crimes and Punishments*, selections
- *McCleskey v. Kemp* (1987), selections

**WEEK 13:** *The Camden 28* (No lecture, discussion board, or recitation requirements this week)

**MON, NOV-23: NO LECTURE.** *The Camden 28* Paper due.

**WED, NOV-25: NO RECITATION.** Friday schedule; no class.

Readings:

- None. Watch *The Camden 28* and write a response paper due Mon, Nov-23.

**WEEK 14:** Law and Inequality

MON, NOV-30: LECTURE

WED, DEC-2: RECITATION

Readings:

- **L&S**, pp. 365-376 (Start at “White Collar Crime,” stop at “9.6 You Decide”)
- **L&S**, pp. 454-492 (Start at “Introduction,” stop at “11.4 You Decide”)

**WEEK 15:** Immigration Law

MON, DEC-7: LECTURE

WED, DEC-9: RECITATION

Readings:

- **L&S**, pp. 494-518 (Start at “The Color of Immigration Law,” stop at “International Perspective: Global Trafficking”)

I plan to send out a brief course conclusion lecture video after our final class.