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# H A R V A R D L A W R E V I E W

## ARTICLE

PARTISAN FEDERALISM

*Jessica Bulman-Pozen*

## BOOK REVIEW

NEVER MIND THE CONSTITUTION

*Jeremy Waldron*

## NOTE

*NFIB v. Sebelius* and the Individualization of the State Action Doctrine

## RECENT CASES

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2014 Harvard Law Review Volume 127 Number 4  
February 2014

**Robin Good,Roberto Carreras,Eva  
Snijders,Antonio Rojas Castro,Pedro  
Diezma,Ximo Lizana,Clara Fernández  
Vara,David Ruiz Torres**

## **Harvard Law Review Volume 127 Number 4 February 2014 Harvard Law Review Volume 127 Number 4 February 2014:**

Harvard Law Review: Volume 127, Number 4 - February 2014 Harvard Law Review, 2014-02-10 The February 2014 issue Volume 127 Number 4 features the following articles and essays Article Partisan Federalism by Jessica Bulman Pozen Book Review Never Mind the Constitution by Jeremy Waldron Note NFIB v Sebelius and the Individualization of the State Action Doctrine In addition student case notes explore Recent Cases on such diverse subjects as FDA limits on Plan B contraception local zoning bans on medical marijuana sellers a First Amendment defense to right of publicity claims warrantless searches of cell site data copyright fair use and transformative artwork undocumented alien workers as barred from backpay under labor law international law and jurisdiction over a facilitator of piracy juvenile life without parole and retroactivity whether an unaccepted Rule 68 offer moots a plaintiff's individual claims whether a private equity fund is a trade or business in pension law and whether a mentally ill prisoner is competent to be executed Finally the issue includes two summaries of Recent Publications The Harvard Law Review is offered in a quality digital edition featuring active Contents linked notes active URLs in notes and proper ebook formatting The contents of Number 4 Feb 2014 include scholarly essays by leading academic figures as well as substantial student research The Review is a student run organization whose primary purpose is to publish a journal of legal scholarship The organization is formally independent of the Harvard Law School Student editors make all editorial and organizational decisions

Harvard Law Review: Volume 128, Number 4 - February 2015 Harvard Law Review, 2015-02-10 The Harvard Law Review February 2015 is offered in a digital edition Contents include Article The Consequences of Error in Criminal Justice Daniel Epps Book Review Running Government Like a Business Then and Now Jon D Michaels Note International Norms and Politics in the Marshall Court's Slave Trade Cases Note Congress's Power to Define the Privileges and Immunities of Citizenship Note It's About Time Place and Manner Why and How Congress Must Act to Protect Access to Early Voting Note The Psychology of Cruelty Recognizing Grave Mental Harm in American Prisons In addition the issue features student commentary on Recent Cases Legislation and Executive Orders including such subjects as whether false claims used to advise or encourage suicide are protected speech whether pollutants from rail yards are disposal of solid waste class action standing of absent class members in certain BP oil spill claims review of an SEC settlement municipal bankruptcy and preemption requiring on the record indigency proceedings prior to incarceration for failure to pay fines and prohibition of federal government and contractor employment discrimination on the basis of sexual orientation or gender identity Finally the issue features several summaries of Recent Publications This issue of the Review is Feb 2015 the fourth issue of academic year 2014 2015 Volume 128 The digital edition features active Contents linked notes and proper ebook and Bluebook formatting

Harvard Law Review: Volume 129, Number 4 - February 2016 Harvard Law Review, 2016-02-09 The February 2016 issue Number 4 features these contents Article Constitutional Bad Faith by David E

Pozen Book Review No Immunity Race Class and Civil Liberties in Times of Health Crisis by Michele Goodwin FTC regulation of data security voting rights disparate impact and the Texas voter ID law and fair labor primary beneficiary and unpaid interns The issue includes analysis of Recent Regulations on Dodd Frank and mandatory pay disclosure and on Clean Air Act regulation of carbon emissions from existing power plants Also included are a Recent Event comment on the killing of a non university affiliate by campus police and a Recent Book comment on Richard McAdams 2015 book The Expressive Powers of Law Finally the issue includes several brief comments on Recent Publications The Harvard Law Review is offered in a quality digital edition featuring active Contents linked footnotes active URLs legible tables and proper ebook and Bluebook formatting The Review is a student run organization whose primary purpose is to publish a journal of legal scholarship It comes out monthly from November through June and has roughly 2500 pages per volume Student editors make all editorial and organizational decisions This is the fourth issue of academic year 2015 2016

**Harvard Law Review: Volume 131, Number 4 - February 2018** Harvard Law Review, 2018-02-21 *Harvard Law Review: Volume 130, Number 4 - February 2017* Harvard Law Review, 2017-02-08

**AC/E Digital Culture Annual Report** Robin Good, Roberto Carreras, Eva Snijders, Antonio Rojas Castro, Pedro Diezma, Ximo Lizana, Clara Fernández Vara, David Ruiz Torres, 2017-05-22

Acci n Cultural Espa ola s fourth edition of the AC E Digital Culture Annual Report follows an editorial policy of familiarising professionals of the culture sector with the main digital trends they need to be aware of over the coming years Since 2015 a committee has been advising us on the choice of subjects and authors for the first part of the report This year a group of experts analyse issues such as content curation as a means of tackling digital overload neuroscience applied to technology the latest advances in artificial intelligence the Internet of Things and Big Data applied to culture and the use of digital technology in music Each year s edition also includes a field study the Focus which reports on cases of good practice in digital technology in a specific discipline The first edition examined the impact of digital in the world of the performing arts the second focused on museums and the third on the use of digital devices at fifty Spanish and international culture festivals This fourth edition surveys in depth the use of digital technology in the conservation analysis and dissemination of our cultural heritage This sector is rapidly growing leading to a radical change in methodologies and formats which the author David Ruiz Torres analyses exhaustively

**Harvard Law Review: Volume 127, Number 2 - December 2013** Harvard Law Review, 2013-12-10

The December 2013 issue of the Harvard Law Review is dedicated to the memory of Ronald Dworkin with In Memoriam essays offered by Richard Fallon Jr Charles Fried John C P Goldberg Frances Kamm Frank Michelman Martha Minow and Laurence Tribe The issue features an article by David Pozen entitled The Leaky Leviathan Why the Government Condemns and Condones Unlawful Disclosures of Information The issue also includes essays by Nicola Lacey and Geoffrey Shaw examining a previously lost writing by H L A Hart on discretion as well as the publication of Hart s essay Discretion itself which he wrote while visiting at Harvard in 1956 1957 Student Notes explore such subjects as regulation of the shadow

banking system vagueness and delegation in the CFAA and the good faith exception to the exclusionary rule In addition student contributions explore Recent Cases on First Amendment commercial speech doctrine and pharmaceutical marketing school finance under state law duty of a school to protect from bullying warrantless search of cell phone data and untimely raising of ineffective assistance of counsel in a habeas petition after counsel failure A Recent Legislation summary explores restrictions on War Powers in the context of Guantanamo detainees and a summary of Recent Legislative Debate involves the filibuster of a Texas abortion bill Finally there are also several summaries of Recent Publications The Harvard Law Review is offered in a quality digital edition featuring active Contents linked notes active URLs in notes and proper formatting The contents of Volume 127 Number 2 Dec 2013 include scholarly articles and essays by leading academic figures *The Oxford Handbook of Global Legal Pluralism* Paul Schiff Berman, 2020-06-01 Over the past two decades Global Legal Pluralism has become one of the leading analytical frameworks for understanding and conceptualizing law in the 21st century Wherever one looks there is conflict among multiple legal regimes Some of these regimes are state based some are built and maintained by non state actors some fall within the purview of local authorities and jurisdictional entities and some involve international courts tribunals and arbitral bodies and regulatory organizations Global Legal Pluralism has provided first and foremost a set of useful analytical tools for describing this conflict among legal and quasi legal systems At the same time some pluralists have also ventured in a more normative direction suggesting that legal systems might sometimes purposely create legal procedures institutions and practices that encourage interaction among multiple communities These scholars argue that pluralist approaches can help foster more shared participation in the practices of law more dialogue across difference and more respect for diversity without requiring assimilation and uniformity Despite the veritable explosion of scholarly work on legal pluralism conflicts of law soft law global constitutionalism the relationships among relative authorities transnational migration and the fragmentation and reinforcement of territorial boundaries no single work has sought to bring together these various scholarly strands place them into dialogue with each other or connect them with the foundational legal pluralism research produced by historians anthropologists and political theorists Paul Schiff Berman one of the world's leading theorists of Global Legal Pluralism has gathered over 40 diverse authors from multiple countries and multiple scholarly disciplines to touch on nearly every area of legal pluralism research offering defenses critiques and applications of legal pluralism to 21st century legal analysis Berman also provides introductions to every part of the book helping to frame the various approaches and perspectives The result is the first comprehensive review of Global Legal Pluralism scholarship ever produced This book will be a must have for scholars and students seeking to understand the insights of legal pluralism to contemporary debates about law At the same time this volume will help energize and engage the field of Global Legal Pluralism and push this scholarly trajectory forward into another two decades of innovation **Harvard Law Review: Volume 128, Number 6 - April 2015** Harvard Law Review, 2015-04-10 The Harvard Law Review April 2015

is offered in a digital edition Contents include the annual Developments in the Law survey of a particular area of legal concern this year s topic is Policing Other contents include Article Consent Procedures and American Federalism by Bridget Fahey Essay Anticipatory Remedies for Takings by Thomas W Merrill Book Review How a Lawless China Made Modern America An Epic Told in Orientalism by Carol G S Tan Specific subjects studied in Developments in the Law Policing are Policing and Profit Policing Students Policing Immigrant Communities and Considering Police Body Cameras In addition the issue features student commentary on Recent Cases including such subjects as the business judgment rule and mergers whistleblowing under Dodd Frank and extraterritoriality senate redistricting in New York postmortem rights of publicity standing and overlap of various tests used informing one who pleads No Contest of collateral consequences exceptions to New York marriage license requirement for out of state marriages exclusionary rule for violations of Posse Comitatus restrictions and extending federal forced labor statute to conduct criminalized under state law Finally the issue features several summaries of Recent Publications The Harvard Law Review is a student run organization whose primary purpose is to publish a journal of legal scholarship The Review comes out monthly from November through June and has roughly 2500 pages per volume The organization is formally independent of the Harvard Law School Student editors make all editorial and organizational decisions This issue of the Review is Apr 2015 the 6th issue of academic year 2014 2015 Volume 128 The digital edition features active Contents linked notes and proper ebook and Bluebook formatting

**China, the EU and International Investment Law** Yuwen Li,Tong Qi,Cheng Bian,2019-11-11 This book provides an original and critical analysis of the most contentious subjects being negotiated in the China EU Comprehensive Agreement on Investment CAI It focuses on the pathway of reforming investor state dispute settlement ISDS from both Chinese and European perspectives in the context of the China EU CAI and beyond The book is divided into three parts Part I examines key and controversial issues of the China EU CAI negotiations including market access sustainable development and human rights as well as comparing distinct features between the China EU CAI and the China US BIT Part II concentrates on the institutional reform of investor state arbitration with an extensive analysis of the EU s approach to replacing the private nature of investment arbitration with the public nature of an investment court Part III addresses the core substantive and procedural issues concerning ISDS such as the role of domestic courts in investment dispute settlement the status of state owned enterprises SOEs as investors transparency and the protection of victims in investment dispute resolution This book will be of interest to scholars and practitioners in the field of international investment and trade law particularly investment dispute settlement

*Unruly Narrative* Samira Spatzek,2022-09-06 This study deals with the formative powers of modern liberal ideas of private property The liberal subject emerged with the formations of European liberalism Atlantic slavery and settler colonial expansion in the New World Toni Morrison s A Mercy is thus identified as a key literary text that generates a fundamental critique of the connections between self making and private property at its 17th century scene

**Harvard Law Review: Volume 131,**

**Number 3 - January 2018** Harvard Law Review,2018-01-09 The contents for this January 2018 issue of the Harvard Law Review Number 3 of Volume 131 include Article The Endgame of Administrative Law Governmental Disobedience and the Judicial Contempt Power by Nicholas R Parrillo Book Review Rethinking Autocracy at Work by Cynthia Estlund Note Congressional Intent to Preclude Equitable Relief Ex Parte Young After Armstrong Note Sixth Amendment Challenge to Courthouse Dress Codes Note The Virtues of Heterogeneity in Court Decisions and the Constitution In addition the issue features student commentary on Recent Cases and other legal actions including such subjects as standing in class actions for credit reporting right of access of press re Guantanamo Bay detainees parolees and disability rights under the ADA intent and manslaughter by encouraging suicide proposed legislation to ameliorate punitive effects of drug crimes involving marijuana and President Trump s tweets purporting to ban transgender servicemembers in the military Finally the issue includes summaries of Recent Publications The Harvard Law Review is offered in a quality digital edition since 2011 featuring active Contents linked footnotes active URLs legible tables and proper ebook and Bluebook formatting

**Emerging Markets and Sovereign Risk** N. Finch,2014-12-09 Emerging Markets and Sovereign Risk provides case studies commentary and analysis on the financial risk management and measurement in the context of frontier and developing countries from international experts covering three key areas of emerging market investments the rating sovereign risk and managing sovereign risk

**Harvard Law Review: Volume 131, Number 8 - June 2018** Harvard Law Review,2018-06-07

*RIP GOP* Stanley B. Greenberg,2019-09-10 A leading pollster and adviser to America s most important political figures explains why the Republicans will crash in 2020 For decades the GOP has seen itself in an uncompromising struggle against a New America that is increasingly secular racially diverse and fueled by immigration It has fought non traditional family structures ripped huge holes in the social safety net tried to stop women from being independent and pitted aging rural Evangelicals against the younger more dynamic cities Since the 2010 election put the Tea Party in control of the GOP the party has condemned America to years of fury polarization and broken government The election of Donald Trump enabled the Republicans to make things even worse All seemed lost But the Republicans have set themselves up for a shattering defeat In *RIP GOP* Stanley Greenberg argues that the 2016 election hurried the party s imminent demise Using amazing insights from his focus groups with real people and surprising revelations from his own polls Greenberg shows why the GOP is losing its defining battle He explores why the 2018 election when the New America fought back was no fluke And he predicts that in 2020 the party of Lincoln will be left to the survivors opening America up to a new era of renewal and progress

**LGBTQI+ Allies in Education, Advocacy, Activism, and Participatory Collaborative Research** Wendy M. Cumming-Potvin,2022-07-07 This topical book explores the ally perspective in advocating for Lesbian Gay Bi sexual Transgender Queer and Inter sex LGBTQI human rights across American Canadian and Australian educational contexts This book aims to clarify the terms and dynamics of mobilizing heterosexual and cisgender privilege in the interests

of promoting safe welcoming and inclusive educational communities for all stake holders particularly those students who self identify as LGBTQI By highlighting concrete examples of allies engaged in participatory collaborative research and by investigating the historical and theoretical dimensions of ally work more generally this volume presents a comprehensive research account of allies role in education advocacy and activism This book will benefit researchers academics and educators in higher education with an interest in gender and sexuality the sociology of education and schools and schooling more broadly Those specifically interested in gender studies as well as the politics of higher education will also benefit from this book

*Pay-to-Play* Ryan Kraski, 2021-07-16 Pay to Play bietet einen zug nglichen Ansatz zum Verst ndnis zweier Systeme zur Wissenserschaffung und verbreitung die in das US Rechtssystem eingebettet sind private gemeinn tztige Universit ten und das Urheberrecht Pay to Play zeigt die harte Realit t auf dass ein umfangreicher Bestand an akademischen Werken hinter gewinnorientierten digitalen Paywalls verschlossen bleibt Der Zugang zu diesen Werken ist f r den Einzelnen unerschwinglich und wird in der Regel nur durch noch teurere institutionelle Mitgliedschaften erm glicht Infolgedessen werden die meisten Menschen unn tigerweise vom Innovationsprozess ausgeschlossen der den Kern der Urheberrechtsklausel der Verfassung darstellt

**Harvard Law Review: Volume 131, Number 2 - December 2017**

Harvard Law Review, 2017-12-13 **Financial Corruption and Money Laundering in the AI Era** Rafay, Abdul, 2025-10-09 Financial and technological crimes such as fraud corruption and money laundering have become increasingly sophisticated in the digital era posing serious threats to economic stability public trust and global security These illicit practices exploit emerging technologies regulatory loopholes and transnational networks making them harder to detect and combat As digital systems evolve so do the methods of abuse from cryptocurrency enabled laundering to AI driven scams and cyber enabled corporate fraud A widespread lack of awareness and preparedness among individuals organizations and institutions exacerbates the problem underscoring the need for informed cross sectoral responses Addressing these challenges is essential to promoting transparency accountability and resilience in both public and private sectors worldwide Financial Corruption and Money Laundering in the AI Era provides understanding and lessons learned regarding all aspects of financial and technological crimes frauds and corruption in individual organizational and societal contexts It discusses the emergence and practices of financial crimes frauds and corruption in the context of current technological advancement Covering topics such as big data forensic accounting and whistleblowing this book is an excellent resource for practitioners researchers academicians policymakers and more

**Comparative Perspectives on Communal Lands and Individual Ownership** Lee Godden, Maureen Tehan, 2010-02-26 A collection of critical debates analyses and evaluations of changing models of property as the vehicle governing access to land and resources



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