

HARVARD LAW REVIEW

ARTICLE

PUNITIVE DAMAGES:
AN ECONOMIC ANALYSIS

*A. Mitchell Polinsky
and Steven Shavell*

COMMENTARY

THE CANONS OF CONSTITUTIONAL LAW

*J.M. Balkin
and Sanford Levinson*

BOOK REVIEW

A BOOK OF LAUGHTER AND
FORGETTING: KALMAN'S "STRANGE
CAREER" AND THE MARKETING
OF CIVIC REPUBLICANISM

Nomi Maya Stolzenberg

NOTE

Privacy, Photography, and the Press

RECENT CASES: CRIMINAL LAW AND CRIMINAL PROCEDURE

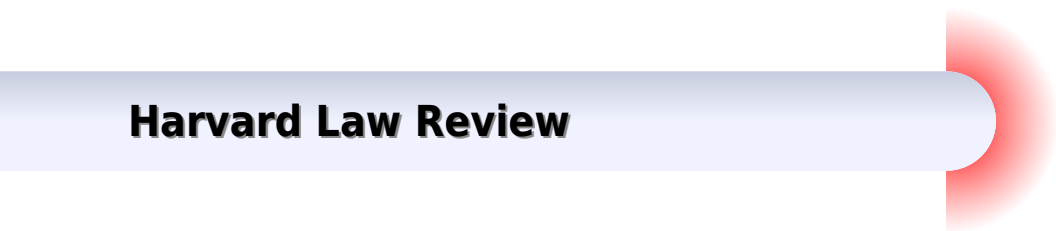
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Harvard Law Review



Harvard Law Review Volume 111 Number 2 December 1997:

Harvard Law Review: Volume 130, Number 2 - December 2016 Harvard Law Review, 2016-12-09 The Harvard Law Review's December 2016 issue Number 2 features these contents: Article Constitutionally Forbidden Legislative Intent by Richard H. Fallon Jr. Article Deal Process Design in Management Buyouts by Guhan Subramanian Book Review Law and Moral Dilemmas by Bert I. Huang Note Charming Betsy and the Intellectual Property Provisions of Trade Agreements Note Political Questions Public Rights and Sovereign Immunity Furthermore student commentary analyzes Recent Cases on equitable relief from a foreign judgment under RICO mootness after a 2014 Missouri election compelling an Internet Service Provider to produce data stored overseas immunity for failure to warn claims under the Communications Decency Act whether the federal cannabis prohibition is a substantial burden under the Religious Freedom Restoration Act reasonableness of sentencing under the Guidelines after using a jury poll and whether two way video testimony violates the Confrontation Clause of the U.S. Constitution's Sixth Amendment 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 second issue of academic year 2016-2017

Harvard Law Review: Volume 131, Number 2 - December 2017 Harvard Law Review, 2017-12-13 **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 Condone 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 Harvard Law Review: Volume 125, Number 2 - December 2011 Harvard Law Review, 2011-12-15 The Harvard Law Review is offered in a digital edition featuring active and nested Table of Contents linked footnotes and active cross references legible tables and proper ebook formatting This current issue of the Review is December 2011 the second issue of academic year 2011 2012 Volume 125 Articles in this issue are written by such recognized scholars as Jamal Greene writing on notorious or anti canonical Supreme Court cases such as Plessy and Lochner Orin Kerr on Fourth Amendment theory and Michael Klarman reviewing a new book on the Constitutional Convention Student contributions feature Notes on the John Dewey model of democracy and administrative agencies and on breaching international trade law Case Notes discuss recent decisions on such topics as civil procedure tort law patent law constitutional law on transgender prisoners and on firing ranges stem cell research funding and corporate immunity Aside from serving as an important academic forum for legal scholarship the Review has two other goals First the journal is designed to be an effective research tool for practicing lawyers and students of the law Second it provides opportunities for Review members to develop their own editing and writing skills Accordingly each issue contains pieces by student editors as well as outside authors The Review generally publishes articles by professors judges and practitioners and solicits reviews of important recent books from recognized experts Most student writing takes the form of Notes Recent Cases Recent Legislation and Book Notes Harvard Law Review: Volume 129, Number 2 - December 2015 Harvard Law Review, 2015-12-10 The December 2015 issue Number 2 features these contents Article Intra Agency Coordination by Jennifer Nou Book Review Body Banking from the Bench to the Bedside by Natalie Ram Note A Prison Is a Prison Is a Prison Mandatory Immigration Detention and the Sixth Amendment Right to Counsel Note Bundled Systems and Better Law Against the Leflar Method of Resolving Conflicts of Law The issue also includes In Memoriam essays honoring the legacy of Professor Daniel J Meltzer with contributions by Judge David J Barron Richard H Fallon Jr Vicki C Jackson Robert S Taylor Justice Elena Kagan David F Levi Martha Minow and Donald B Verrilli Jr In addition student commentary analyzes Recent Cases on retroactive application of Dodd Frank whether the first to file rule of the False Claims Act is jurisdictional ancillary jurisdiction to expunge a criminal conviction and First Amendment issues raised by a court ordered apology Student comments on Recent Legislation discuss state laws prohibiting local units from creating protected classes and state laws prohibiting local units from regulating fracking Further a student comment analyzes a Recent Adjudication in the EEOC defining discrimination on grounds of sexual orientation as protected sexual discrimination Finally the issue includes several 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

second issue of academic year 2015 2016 **Harvard Law Review** Harvard Law Review,2012-12-07 The Harvard Law Review is offered in a digital edition for ereaders featuring active Contents linked notes and proper ebook formatting The contents of Issue 2 December 2012 include ARTICLES Historical Gloss and the Separation of Powers by Curtis A Bradley and Trevor W Morrison Aggregate Litigation Goes Public Representative Suits by State Attorneys General by Margaret H Lemos BOOK REVIEW Fixing Washington by Richard L Hasen NOTE Ending Student Loan Exceptionalism The Case for Risk Based Pricing and Dischargeability In addition several case commentaries by students explore recent cases on Equal Protection as to gay marriage application of Miranda to Somali pirates OSHA statutes of limitation Fourth Amendment applications to DNA searches environmental law and greenhouse gas rules and willful blindness as knowledge in digital copyright law Finally the issue includes a student study of a recent regulation regarding health care reform □□□□□□,1998 *Harvard Law Review: Volume 128, Number 1 - November 2014* Harvard Law Review,2014-11-10 The November issue is the special annual review of the U S Supreme Court s previous Term Each year the issue is introduced by noteworthy and extensive contributions from recognized scholars In this issue for the 2013 Term articles include Foreword The Means of Constitutional Power by John F Manning Comment Slipping the Bonds of Federalism by Heather K Gerken Comment The Supreme Court as a Constitutional Court by Jamal Greene Comment The Hobby Lobby Moment by Paul Horwitz In addition the first issue of each new volume provides an extensive summary of the important cases of the previous Supreme Court docket covering a wide range of legal political and constitutional subjects Student commentary on Leading Cases of the 2013 Term includes recent cases on content neutrality under the First Amendment compelled subsidized speech free speech and contribution limits legislative prayer and the establishment of religion search and seizure law as to anonymous tips cellphones and cotenant consent equal protection and political process right to counsel Eighth Amendment issues for intellectually impaired defendants standing and jurisdiction class actions tribal immunity the Clean Air Act immigration of children misrepresentation of buyer and gun control law and copyright law s Transmit Clause Complete statistical graphs and tables of the Court s actions and results during the Term are included Finally the issue features several summaries of Recent Publications The issue also features essays on substantive and procedural law and judicial method honoring Justice Stephen G Breyer and his notable contributions to law and the Supreme Court The essays are written by scholars Martha Minow Martha Field Cass Sunstein Richard Fallon Michael Klarman Todd Rakoff Joseph Singer John Manning Laurence Tribe I Glenn Cohen and Mark Tushnet 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 This current issue of the Review is November 2014 the first issue of academic year 2014 2015 Volume 128 **Harvard Law Review: Volume 129, Number 6 - April 2016** Harvard Law Review,2016-04-10 The April 2016 issue Number 6 is the annual Developments in the Law special issue The topic of this extensive contribution is Indian Law including specific focus on tribal executive branches tribal

authority to follow fresh pursuit onto nontribal land reconsidering ICRA and rights securing Indian voting rights and indigenous people and extractive industries In addition the issue features these contents Article Reconstructivism The Place of Criminal Law in Ethical Life by Joshua Kleinfeld Essay Rule of Law Tropes in National Security by Shirin Sinnar Book Review Coming into the Anthropocene by Jedediah Purdy Furthermore student commentary analyzes Recent Cases on excessive force and SWAT raids after perfunctory investigation prior restraints and injunctions under copyright law individual liability of FBI agents for detention of citizens abroad religious establishment and display of the Ten Commandments and charter schools as violations of state constitutional law Finally the issue includes four 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 sixth issue of academic year 2015 2016 *Harvard Law Review: Volume 125, Number 8 - June 2012* Harvard Law Review,2012-06-12 The June 2012 issue features the Harvard Law Review s annual and extensive DEVELOPMENTS IN THE LAW section this year s subject is Presidential Authority The issue also includes an article by Nicholas Stephanopoulos Spatial Diversity and a Book Review by Michael Dorf The Undead Constitution which explores originalism and constitutional interpretation in light of recent books by David Strauss and Jack Balkin The issue begins with a series of In Memoriam contributions celebrating Bernard Wolfman In its Developments survey on executive authority the authors analyze the subjects of The President s Role in the Legislative Process Presidential Power and the Office of Legal Counsel Presidential Involvement in Defending Congressional Statutes Executive Appointments In addition student contributions on Recent Cases explore such topics as patentable subject matter sentencing guidelines economic spying the death penalty and mental retardation Guant namo hearings and intelligence reports and organ donor compensation The issue includes Recent Publications and the Index for volume 125 The Harvard Law Review is offered in a digital edition featuring active Table of Contents linked footnotes and cross references legible tables and proper ebook formatting This current issue of the Review is June 2012 the eighth issue of academic year 2011 2012 Volume 125 **Harvard Law Review: Volume 131, Number 5 - March 2018** Harvard Law Review,2018-03-03 Dream and Legacy, Volume II Michael L. Clemons,Donathan L. Brown,William H. L. Dorsey,2024-08-15 Contributions by Robert Adams Jr Shenita Brazelton Donathan L Brown Owen Brown Jr LaTasha Chaffin Michael L Clemons Daphne Cooper William H L Dorsey Bertis D English Precious D Hall Beverly A Johnson Maruice Mangum Natasha Altema McNeely Amardo Rodriguez Randall Swain Edward V Wallace Ingrid P Whitaker and Mark M Whitaker Beginning early in his career Dr Martin Luther King Jr recognized the moral and humanitarian need to pursue social justice and equity for marginalized Americans those for whom the American dream had proven to be an elusive ideal In Dream and

Legacy Volume II Revisiting King in the Post Civil Rights Era contributors sift through the historical record engaging one of America's most consequential radical historical traditions. Despite robust reform efforts since the 1930s a wide range of policy related challenges plague the lives of African Americans other persons of color women and the poor in the twenty first century. This anthology like the first from coeditors Michael L Clemons Donathan L Brown and William H L Dorsey applies the ideology and activism of Dr King to its analysis of contemporary sociopolitical issues in the United States and abroad. The project begins with a foreword that situates the subsequent essays within the context of contemporary social developments. Grouped into themed sections the essays cover such topics as voting rights public protest police brutality poverty and wage discrimination healthcare and more. The epilogue concludes with a discussion of the timeless impact of Dr King's philosophy and activism as well as the implications of his work for the future of domestic and global leadership. **Dream and Legacy** Volume II identifies a variety of practical lessons that can help resolve contemporary social problems. **Chinese**

Education Irving Epstein, 2017-12-12 This book first published in 1991 is concerned with educational change. It seeks to place Chinese educational policies within the broader social context of Chinese development and modernisation imperatives by analysing issues germane to specific educational structures and sectors. At the same time it attempts to inform the reader of larger policy issues which affect the educational system as a whole and speak to more global concerns: the nature of Chinese student activism gender inequality rural urban disparities educational inequality the influences of market forces and the growth of professionalism. **International Organizations and the Idea of Autonomy** Richard Collins, Nigel D.

White, 2011-04-20 This volume explores the idea of intergovernmental organizations as autonomous international actors. Including contributions from leading scholars in the fields of international law politics and governance it addresses themes of institutional autonomy in international law and governance from a range of theoretical and subject specific contexts. The collection looks internally at aspects of the institutional law of international organizations and the workings of specific regimes and institutions as well as externally at the proliferation of autonomous organizations in the international legal order as a whole. Competition versus Predation in Aviation Markets Peter Forsyth, 2018-01-18 Prior to liberalization there was little scope for predatory behaviour in the aviation market. However following deregulation new entrants sought to compete with entrenched incumbents. Low cost carriers (LCCs) gained significant market share which in turn provoked many different kinds of defensive response. Having put pressure on established carriers low cost airlines are themselves feeling the pressure of competition from new operators. While it is normal and natural for airlines to react to competition modifying their services the ways in which they offer them and their prices when does aggressive commercial behaviour go too far and become predation. This book considers what exactly is meant by predation in the aviation environment and explores the strategies LCCs adopt in order to gain market share as well as the strategies of the established airlines in response to competition from new entrants to the market. It also addresses the key question of what competition policy should do to ensure intensive

competition Competition versus Predation in Aviation Markets brings together contributions from around the world from airlines government agencies leading academics and consultants providing a wealth of perspectives on a business practice crucial to airline survival *The Political Economy of WTO Implementation and China's Approach to Litigation in the WTO* Yen Kong Ngangjoh-Hodu, Zhang Qi, 2016-01-29 Why and how do states obey international law This engaging book tackles this very question head on via its examination of the conflicting and conciliating processes of the Chinese approach to litigation and the Western approach to legal orientation in the field of the WTO dispute settlement mechanism The authors examine the normative framework of WTO rule implementation in a globalised international economic order They further explore the notion of the rule of law in China's Confucian system and how it interacts with a rule based world trading system Topics discussed include theorising the WTO implementation regime the Chinese approach to law China and the WTO dispute settlement system and Chinese Confucianism and compliance With its focus on international economic law and political science this book will be accessible to students policy makers practitioners and academics looking to understand China and the rule of law in a global context **Research Handbook on the Economics of Intellectual Property Law** Ben Depoorter, Peter Menell, David Schwartz, 2019 Both law and economics and intellectual property law have expanded dramatically in tandem over recent decades This field defining two volume Handbook featuring the leading legal empirical and law and economics scholars studying intellectual property rights provides wide ranging and in depth analysis both of the economic theory underpinning intellectual property law and the use of analytical methods to study it *Sexualised Crimes, Armed Conflict and the Law* Hannah Baumeister, 2018-06-04 From ancient to modern times sexualised war violence against women was tolerated if not encouraged as a means of reward propaganda humiliation and terror This was and is in defiance of international laws that have criminalised acts of sexualised war violence since the 18th century Ad hoc international tribunals have addressed especially war rape since the 15th century The International Criminal Court ICC however is the first independent permanent international criminal court that recognises not only war rape but also sexual slavery and other sexualised crimes as crimes against humanity war crimes and acts of genocide in its statute and supporting documents This book explores how the ICC definitions of rape and forced marriage came about and addresses the ongoing challenge of how to define war rape and forced marriage in times of armed conflict in a way that adequately reflects women's experiences as well as the nature of the crimes In addition to deepening the understanding of the ICC negotiations of war rape and forced marriage and of the crimes themselves this volume highlights relevant factors that need to be considered when criminalising acts of sexualised war violence under international law Sexualised Crimes Armed Conflict and the Law draws on feminist and constructivist theories and offers a comprehensive theoretical and empirical examination of the definition of rape and forced marriage It presents the latest state of knowledge on the topic and will be of interest to researchers academics policymakers officials and intergovernmental organisations and students in the fields of post conflict law and justice international law

human rights law international relations gender studies politics and criminology **Mediation Law Penny**

Brooker, 2013-10-23 In England mediation became a key part of the civil justice reform agenda after the Woolf Reforms of 1996 as disputants were deflected from litigation towards settlement outside the court system The Civil Procedure Rules CPR give courts the power to encourage mediation through judicial case management or use stronger measures by using costs to penalise parties who act unreasonably by refusing to use ADR or mediation One of the effects of this institutionalisation is an emerging case law that defines how mediation is practiced as it merges with the litigation process When mediation first began to be used in England the parties either agreed to mediate by a contract before a dispute happened or decided to attempt the process as a way of resolving disagreements Inevitably some disputants either refused to abide by their contractual obligations or would not follow through with the settlement agreements reached through the process This brought the authority of the law into a new area and the juridification process began This book explores how mediation law shapes the practice of mediation in the English jurisdiction It provides a comprehensive examination of the legal framework for mediation and explores the jurisprudence in order to analyse the extent that institutionalisation by the state and courts has led to the monopolisation by lawyers and a further juridification process results The book includes a comparative legal methodology on the framework underpinning mediation practise in other common law jurisdictions including the United States Australia and Hong Kong in order to explicate shared or distinctive approaches to mediation The book will be of great interest to academics and students of legal theory and dispute resolution **The Pragmatism and Prejudice of Oliver**

Wendell Holmes Jr. Seth Vannatta, 2019-06-26 This book investigates the extent to which various scholarly labels are appropriate for the work of Oliver Wendell Holmes Jr As Louis Menand wrote Holmes has been called a formalist a positivist a utilitarian a realist a historicist a pragmatist not to mention a nihilist Each of the eight chapters investigates one label analyzes the secondary texts that support the use of the term to characterize Holmes s philosophy and takes a stand on whether or not the category is appropriate for Holmes by assessing his judicial and nonjudicial publications including his books articles and posthumously published correspondences The thrust of the collection as a whole nevertheless bends toward the stance that Holmes is a pragmatist in his jurisprudence ethics and politics The final chapter by Susan Haack makes that case explicitly Edited by Seth Vannatta this book will be of particular interest to students and faculty working in law jurisprudence philosophy intellectual history American Studies political science and constitutional theory

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Table of Contents Harvard Law Review Volume 111 Number 2 December 1997

1. Understanding the eBook Harvard Law Review Volume 111 Number 2 December 1997
 - The Rise of Digital Reading Harvard Law Review Volume 111 Number 2 December 1997
 - Advantages of eBooks Over Traditional Books
2. Identifying Harvard Law Review Volume 111 Number 2 December 1997
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Harvard Law Review Volume 111 Number 2 December 1997
 - User-Friendly Interface
4. Exploring eBook Recommendations from Harvard Law Review Volume 111 Number 2 December 1997
 - Personalized Recommendations
 - Harvard Law Review Volume 111 Number 2 December 1997 User Reviews and Ratings
 - Harvard Law Review Volume 111 Number 2 December 1997 and Bestseller Lists

5. Accessing Harvard Law Review Volume 111 Number 2 December 1997 Free and Paid eBooks
 - Harvard Law Review Volume 111 Number 2 December 1997 Public Domain eBooks
 - Harvard Law Review Volume 111 Number 2 December 1997 eBook Subscription Services
 - Harvard Law Review Volume 111 Number 2 December 1997 Budget-Friendly Options
6. Navigating Harvard Law Review Volume 111 Number 2 December 1997 eBook Formats
 - ePub, PDF, MOBI, and More
 - Harvard Law Review Volume 111 Number 2 December 1997 Compatibility with Devices
 - Harvard Law Review Volume 111 Number 2 December 1997 Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Harvard Law Review Volume 111 Number 2 December 1997
 - Highlighting and Note-Taking Harvard Law Review Volume 111 Number 2 December 1997
 - Interactive Elements Harvard Law Review Volume 111 Number 2 December 1997
8. Staying Engaged with Harvard Law Review Volume 111 Number 2 December 1997
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Harvard Law Review Volume 111 Number 2 December 1997
9. Balancing eBooks and Physical Books Harvard Law Review Volume 111 Number 2 December 1997
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Harvard Law Review Volume 111 Number 2 December 1997
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Harvard Law Review Volume 111 Number 2 December 1997
 - Setting Reading Goals Harvard Law Review Volume 111 Number 2 December 1997
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Harvard Law Review Volume 111 Number 2 December 1997
 - Fact-Checking eBook Content of Harvard Law Review Volume 111 Number 2 December 1997
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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