CONTENTS

Articles
Taxing Human Capital Acquisition Costs—Or Why Costs of Higher Education Should Not Be Deducted or Amortized
Joseph M. Dodge ................................................................. 927
Reconsidering the Litigator’s Absolute Privilege to Defame
Paul T. Hayden ................................................................... 985
The Unconstitutional Stub of Section 1441(c)
Douglas D. McFarland ......................................................... 1059
The Advice and Consent of the Congress: Toward a Supreme Court Appointment Process for Our Time
Richard D. Manoloff ............................................................. 1087

Judges on Judging
Judging in New-Born Democracies
The Honorable Jane R. Roth ................................................... 1109

Comments
Agency Fee Arrangements in Labor Agreements: No Harm in Holding Employers Harmless ................................................ 1117
Metaethics and the Overlapping Consensus ................................ 1139
Defamation Publication Revisited: The Development of the Doctrine of Self-Publication .............................................. 1183

Case Comment
Harmelin v. Michigan: The Most Recent Casualty in the Supreme Court’s Struggle to Develop a Standard for Eighth Amendment Proportionality Review ........................................ 1205