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