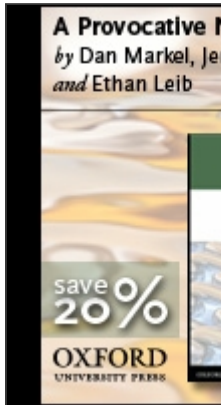


# PrawfsBlawg

"Where Intellectual Honesty Has (Almost Always) Trumped Partisanship -- Albeit in a Kind of Boring Way Until Recently -- Since 2005"

## Our Sponsor

Advertise here!  
Email market at  
post.harvard.edu



**Buy Wendi Adelson's This Is Our Story (a novel about human trafficking)**

[Amazon Page](#)

## Recent Posts

[Legrand and Werro on the Doctrine Wars](#)

[Should the government be required to recognize and protect life?](#)

[Waldron v. Seidman, and the obligations of officials and the rest of us](#)

[Introduction](#)

[Rotations](#)

[New York Times v. Sullivan at 50](#)

[Blog Post as Community](#)

[« Should the government be required to recognize and protect life? | Main](#)

SUNDAY, MARCH 02, 2014

## Legrand and Werro on the Doctrine Wars

The following guest post is a contribution to the [conversation continued by Rob Howse here earlier](#).

Professor [Pierre Legrand](#) teaches at the Sorbonne and has been visiting at the University of San Diego Law School and at Northwestern University Law School. Professor [Franz Werro](#) teaches at the Université de Fribourg and at the Georgetown University Law Center.

### When It Would Have Been Better Not To Talk About a Better Model

So, the German *Wissenschaftsrat* — a government body concerned with the promotion of academic research (broadly understood) — suggests that legal scholarship should become more interdisciplinary and international. And the American Bar Association — a non-government body devoted to the service of the legal profession — opines that legal education should become more practical and experiential. These *pro domo* pleas featuring their own interesting history and having generated much debate already, we want specifically to address Professor Ralf Michaels's reaction.

In his post on “Verfassungsblog” dated 19 February 2014, Professor Michaels claims that “the contrast [between the two reports] points to two problems of the US law school model — and thereby highlights two attractive traits of German education”. According to Professor Michaels, the first difficulty faced by US law schools is that “they are largely financed privately”, which means that “it becomes harder and harder to justify spending significant resources on anything other than the recruitment of better students and on their ability to land well-paying jobs”. The second complication for US law schools that Professor Michaels identifies is related. For him, “[t]he consumer model of legal education requires, ultimately, that law students are taught nothing other than skills”. His reasoning is as follows: “[I]nterdisciplinary scholarship may decline, but doctrinal scholarship cannot take its place because academic understanding of doctrine has been thoroughly discarded”, *ergo*, “scholarship of

**E-mail Us About Prawfsblawg**

## Prawfs

[Join Prawfs on Facebook!](#)

### Dan Markel

[Dan's SSRN Page](#)  
[Dan's Homepage](#)

### Ethan J. Leib

[Ethan's Second Book on Deliberative Democracy in China](#)  
[Ethan's First Book on Deliberative Democracy](#)  
[Ethan's Homepage](#)

### Paul Horwitz

[Paul's Home Page](#)  
[SSRN Page](#)

[Paul's Book on The Agnostic Age](#)

[Paul's Book on First Amendment Institutions](#)

### Rick Garnett

[Home Page](#)  
[Rick's SSRN Page](#)

### Matt Bodie

[Matt's Home Page](#)  
[Matt's SSRN Page](#)

### Steve Vladeck

[Steve's SSRN Page](#)  
[Steve's Homepage](#)

["We the People" Petition](#)

[Should A Colleague Review a Colleague's Book \(or a Journal Publish That Review\)?](#)

[The other side of corporate speech](#)

[AALS: is, not, and ought](#)

[Funding legal scholarship](#)

[More personal jurisdiction from SCOTUS](#)

[When Should Originalism Fall Back on Precedent?](#)

[A Post-Script on Samuel Sheinbein](#)

## Recent Comments

[Dan Markel on Waldron v. Seidman, and the obligations of officials and the rest of us](#)

[anon on Should A Colleague Review a Colleague's Book \(or a Journal Publish That Review\)?](#)

[Asher Steinberg on Waldron v. Seidman, and the obligations of officials and the rest of us](#)

[IP Fellows on VAPs and Fellowships: Open Thread, 2013-2014](#)

[anonyme on Redyip's return: Angsting Thread Spring 2014 edition](#)

[anon14 on Redyip's return: Angsting Thread Spring 2014 edition](#)

any kind may be viewed as useless” and “[l]aw schools may, finally, turn into pure trade schools”. But, in Professor Michaels’s words, “in Germany, this is unlikely to happen”. Professor Michaels’s two-prong explanation is that, on the one hand, “[p]ublic financing of law schools guarantees that the public good aspect of legal education can be maintained” and, on the other, that “the continued acceptance of doctrine as a subject worthy of scholarly attention means not only that scholars will continue to be able to produce scholarship; it also means that the quality of this scholarship will remain at its high level”. To emphasize his claim on the subject of legal doctrine, Professor Michaels writes that “German doctrinal scholarship will always be superior to that of other countries”. He also refers to “the historic advantage [that German law schools] have in excelling at legal doctrine”.

After Professor Robert Howse had replied on “PrawfsBlawg”, Professor Michaels wrote a rejoinder, again on “Verfassungsblog”, with a view to clarifying his initial comments though in effect changing his argument. Professor Michaels’s revised version of his initial assertion is that “the basic claim that German legal scholarship excels more in doctrine while American legal scholarship excels more in interdisciplinarity [...] has become almost a truism in comparative law”. Still in his second post, Professor Michaels notes that there are “real institutional differences that perpetuate cultural differences” and that these “cannot simply be wished away”. He adds that “[t]o recognize such cultural differences is our daily job as comparative lawyers”. With specific reference to the statement in his first post that “German doctrinal scholarship will always be superior to that of other countries”, Professor Michaels writes that his “intent” was “quite the opposite [of] claim[ing] superiority of one tradition over the other”. Rather, he says, “[he] tried to make a point about relative incommensurability”. Still in his second post, Professor Michaels insists that “[l]egal education and legal scholarship in different countries are not culturally determined. Nor are they immune to change. At the same time, they exist within the constraints of cultural and institutional traditions, and they respond to these constraints in idiosyncratic ways”. He adds as follows: “[T]he idea that excellence will look similar, at some point, in all systems of the world, appears to me not only unrealistic, but also undesirable”. In his own words, Professor Michaels seeks to “encourage German scholars to keep playing to their strength” while “the US should play to [its] strengths” also. The conversation spurred by Professor Michaels’s intervention has since continued both on “Verfassungsblog” and on “PrawfsBlawg” — and presumably elsewhere also.

In the way senders of hasty e-mails have been writing to take them back, Professor Michaels has wanted to reclaim his statement that “German doctrinal scholarship will always be superior to that of other countries”. Professor Michaels must, of course, be allowed

**Orly Lobel**

[Orly's SSRN Page](#)  
[Orly's Homepage](#)

**Rick Hills**

[Rick's SSRN Page](#)  
[Rick's Homepage](#)

**Howard Wasserman**

[Howard's SSRN Page](#)  
[Howard's Homepage](#)

**Jonathan Simon**

[Jonathan's Homepage](#)

**Lyrisa Lidsky**

[Lyrisa's Homepage](#)  
[Lyrisa's SSRN Page](#)

## Guests

[David Han](#)

[Mehrsa Baradaran](#)

[Steven Morrison](#)

[Jack Chin](#)

[Nate Oman](#)

[Jordy Singer](#)

[Daria Roithmayr](#)

[Randy Kozel](#)

[Miriam Baer](#)

[Sarah Lawsky](#)

## PrawfsBlaw Alumni

[Daria Roithmayr](#)

[Jordan Singer](#)

[Margaret Ryznar](#)

[Marc Roark](#)

[Veronica Root](#)

[I. Glenn Cohen](#) on [Should the government be required to recognize and protect life?](#)

[newanon](#) on [Redyip's return: Angsting Thread Spring 2014 edition](#)

[Hb](#) on [Redyip's return: Angsting Thread Spring 2014 edition](#)

[anony](#) on [Redyip's return: Angsting Thread Spring 2014 edition](#)

[Hb](#) on [Redyip's return: Angsting Thread Spring 2014 edition](#)

[Susannah Pollvogt](#) on [Should the government be required to recognize and protect life?](#)

[Barry](#) on [The other side of corporate speech](#)

[Steven R. Morrison](#) on [Should the government be required to recognize and protect life?](#)

[anonym](#) on [Redyip's return: Angsting Thread Spring 2014 edition](#)

## **[Archives](#)**

[March 2014](#)

[February 2014](#)

[January 2014](#)

[December 2013](#)

[November 2013](#)

[October 2013](#)

[September 2013](#)

[August 2013](#)

[July 2013](#)

his afterthoughts. But there is a clear sense in which once words have been released in writing, whether in a hasty e-mail or otherwise, any attempt at reconsideration can appear unconvincing. To suggest, as Professor Michaels did after Professor Howse's initial reply, that he was only advocating that both German and US legal scholarship should be "playing to their strength[s]" strikes us as being indeed unconvincing. After all, elsewhere in his two posts Professor Michaels mentions how German legal scholarship is destined to "remain at its high level", how it enjoys a "historic advantage", and, in sum, how it "excel[s] at legal doctrine". While we are not in a position to divine Professor Michaels's intent, his many iterations seem difficult to reconcile with anything other than a genuine belief in the German scholarly advantage. Needless to say, Professor Michaels is welcome to his faith. But we think it behooves a seasoned comparativist carefully to distinguish between an expression of preference and an allegedly scholarly formulation whose language may fairly be taken to suggest that a model — one's "home" model, of all models! — can act as some sort of universal referent (in line with a metric which remains unspecified).

The fundamental point here is that it cannot do to defend the idea that German legal scholarship would be excellent *as such*. Indeed, Professor Michaels's assertion is as implausible as if he maintained that "French literary criticism will always be superior to that of other countries" or that "Japanese aesthetics will always be superior to that of other countries" or for that matter that "the Spanish language will always be superior to that of other countries". The ascertainable fact is that German legal scholarship, French literary criticism, Japanese aesthetics, or the Spanish language — to the extent that such entities can be persuasively delineated — are cultural formations. They are made, fabricated, constructed by women and men interacting in a certain place and at a certain time. They are artefacts. It is not then that there would be something like "cultural excellence" *an sich*, for all to see. Rather, the quality of excellence is ascribed by an ascertainable constituency of individuals who appreciate "excellence" according to local criteria. For example, the matter of "excellence" in legal scholarship will be attributed by a group of jurists who have been trained to deem certain scholarly forms to be "excellent", that is, who have been inducted into appreciating certain scholarly practices and socialized into favoring certain scholarly values. To be sure, German scholarly undertakings will often, perhaps typically, adopt a conceptual form and eschew the candid policy concerns that are familiar to US academics. And the reader of German legal scholarship can therefore expect more on systemics and less on patriarchy, more on categories and less on externalities, more on subsumption and less on critical race theory. But none of these German predilections is intrinsically "excellent" or "superior" to prevailing perspectives in other countries. In other words, scholarly excellence very much lies in

[Colin Starger](#)

[Seema Mohapatra](#)

[Tamar Birkhead](#)

[Gregg Macey](#)

[Jonathan Witmer-Rich](#)

[Frederick Vars](#)

[Josh Douglas](#)

[Eric J. Miller](#)

[Ann Marie Marciarille](#)

[Max Helveston](#)

[Zoe Robinson](#)

[Michael Hiqdon](#)

[Amelia Rinehart](#)

[Babette Boliek](#)

[Raja Raghunath](#)

[Mark Moller](#)

[Cynthia Godsoe](#)

[Martin Pritikin](#)

[Stewart Young](#)

[Addie Rolnick](#)

[Sam Bagenstos](#)

[Bob Howard](#)

[Nancy Leong](#)

[Jeremy Sheff](#)

[Redyip of Zarcos](#)

[Shawn Crincoli](#)

[Trey Childress](#)

[Michael Teter](#)

[Adam Zimmerman](#)

[Kirsten Nussbaumer](#)

[Ryan Scoville](#)

[Lee Kovarsky](#)

[Andy Spalding](#)

[Franita Tolson](#)

[Ozan Varol](#)

[Dave Sidhu](#)

[Lawrence Friedman](#)

[June 2013](#)

## **Categories**

[Article Spotlight](#)[Blogging](#)[Books](#)[Civil Procedure](#)[Constitutional thoughts](#)[Corporate](#)[Criminal Law](#)[Culture](#)[Current Affairs](#)[Dan Markel](#)[Daniel Solove](#)[Dave Hoffman](#)[Deliberation and voices](#)[Employment and Labor Law](#)[Entry Level Hiring Report](#)[Erik Knutsen](#)[Ethan Leib](#)[Fernando Teson](#)[Film](#)[First Amendment](#)[Food and Drink](#)[Funky FSU](#)[Games](#)[Gender](#)[Getting a Job on the Law Teaching Market](#)[Hillel Levin](#)[Housekeeping](#)[Howard Wasserman](#)[Immigration](#)[Information and Technology](#)[Intellectual Property](#)[International Law](#)

the eye of the beholder. In the end, there is neither more nor less to be said for or against the “excellence” of German legal scholarship — which, if we are willing to assume such a configuration, illustrates but one way among others to approach the study of law, no matter how influential. Lest influence be confused with rightness or truthfulness, let us emphasize that it is not because German legal scholarship enjoys a substantial and longstanding following that it can claim any particular entitlement to being right or true. Nor is it the case that the tiresome repetition on the part of so many German jurists that their scholarly model is best can, in time, somehow elevate it to the exalted status of universal yardstick by which other forms of scholarship would be assessed. Needless to add, precisely the same reservations must be entered as regards United States legal scholarship, which must also confine any claim to excellence it may wish to hold to a specifiable horizon.

As regards scholarship “US style”, Professor Michaels, while asserting its successful approach to interdisciplinarity, claims to be in a position to identify various and serious deficits. In this respect, we are moved to make two points and two points only (there would be more to say, for instance as regards the distinction Professor Michaels appears to be drawing between what he calls “the public good aspect of legal education” and the teaching of “skills” or with respect to his assumption that doctrinal writing would have fallen into discredit in the United States after US academics had realized that it could not be “sufficiently exact” or indeed as concerns his basic postulate about the absence of doctrinal work on the US academic scene).

First, even if Professor Michaels’s *argumentum in terrorem* were to be vindicated and even if at some point in future US “law students [were to be] taught nothing other than skills”, it would not follow that US law schools would “turn into pure trade schools”. There is at least one reason why Professor Michaels’s conclusion comes across as a *non sequitur*, and it is that for the most part scholars in US law schools do not pursue their scholarship to *fit* their teaching. It is not, of course, that scholarship does not inform teaching. It does, and it must. But scholarship is not beholden to teaching such that whatever happens to make teaching more practical or experiential will *ipso facto* disincentivize scholarship. (In fact, one can imagine that a number of law teachers being invited to teach more practically or experientially would take to scholarship with renewed vigour.) In other words, even if Professor Michaels is right and, *concessio non dato*, the class on anticipatory breach of contract were somehow to become strictly doctrinal or skills-oriented, there is nothing in this development that would inevitably discourage contract law professors from continuing to research Max Weber’s sociological understanding of contractual relationships or to pursue an investigation into the economics of early termination of contracts.

[Allan Erbsen](#)[Patrick Luff](#)[Bill Merkel](#)[Debbie Borman](#)[Ori Herstein](#)[Michael Mannheimer](#)[Daniel B. Rodriguez](#)[Ari Waldman](#)[Shima Baradaran](#)[Jill Goldenziel](#)[Mary Anne Franks](#)[Miriam Albert](#)[TJ Chiang](#)[Sergio Campos](#)[Elizabeth Dale](#)[Jake Linford](#)[Michael Helfand](#)[Ashira Ostrow](#)[David Horton](#)[Brendan Maher](#)[Emily Gold Waldman](#)[Jen Anglim Kreder](#)[Stuart Buck](#)[Thomas E. Baker](#)[Giovanna Shay](#)[Paul Ohm](#)[Michelle Wilde Anderson](#)[Al Brophy](#)[Lee Anne Fennell](#)[Stephen Clowney](#)[Paul Ohm](#)[Evan Criddle](#)[Michael Waterstone](#)[Chris Serkin](#)[Robin Effron](#)[Darren Rosenblum](#)[Aaron Bruhl](#)

[Jay Wexler](#)  
[Jonathan Simon](#)  
[Judicial Process](#)  
[Kaimi Wenger](#)  
[Law and Politics](#)  
[Law Review Review](#)  
[Legal Theory](#)  
[Life of Law Schools](#)  
[Lipshaw](#)  
[Lyrissa Lidsky](#)  
[Matt Bodie](#)  
[Music](#)  
[Odd World](#)  
[oPtion\\$ Book Club](#)  
[Orly Lobel](#)  
[Paul Horwitz](#)  
[Peer-Reviewed Journals](#)  
[Privilege or Punish](#)  
[Property](#)  
[Religion](#)  
[Research Canons](#)  
[Retributive Damages](#)  
[Rick Garnett](#)  
[Rick Hills](#)  
[Scholarship in the Courts](#)  
[Science](#)  
[Sponsored Announcements](#)  
[Sports](#)  
[Steve Vladeck](#)  
[Syllabi Project](#)  
[Tamanaha](#)  
[Tax](#)  
[Teaching Law](#)  
[Television](#)  
[Things You Oughta Know if You Teach](#)  
[X](#)  
[Torts](#)

To suggest, as Professor Michaels does, that “legal scholarship ends up as subordinate to legal teaching” is an overstatement. Rather, US legal scholarship can be expected to resist the commodification of teaching in significant ways — as, indeed, it demonstrably does at present. If anything, the key issue lies elsewhere — and it is one that Professor Michaels apparently misses although it is currently being fiercely debated in the United States. What if law teachers in US law schools were made to teach more than they is the case at present and found themselves having less time to research and write as a result? Arguably, scholarship would then be detrimentally affected, at least quantitatively (though one could claim that such a market correction is long overdue).

Secondly, Professor Michaels’s assumption that students are narrowly focused on obtaining gainful employment and that they will therefore enrol only in courses featuring strictly practical and measurable benefits strikes us as painting an unduly philistine picture of the student body (not to mention the law school’s curriculum committee). We both regularly teach comparative law in US law schools, and we both find that despite real financial pressures and legitimate concerns with life after law school, a significant group of law students — often some of the best ones — remains interested in “enrichment” courses ranging beyond the bar examination. Year after year, our offerings on comparative law continue to attract a critical mass of students, a number of those being sincerely committed to the issues and genuinely interested in the materials. We do not doubt that our experience is also that of many of our colleagues teaching, let us say, “non-mainstream” subjects — and we suspect our experience may well tally with that of Professor Michaels himself. In sum, we take the view that the US law school runs little risk of being visited by Professor Michaels’s dire predictions.

It remains for us to salute how in the two posts of his that we have addressed, though mostly in his second one, Professor Michaels emphasizes the cultural character of legal scholarship (and how he mentions that culture is neither immutable nor determined), how he insists that scholarly cultural response is singular (he calls it “idiosyncratic”), how he argues that the matter of cultural difference cannot be eliminated at will, and how he indicates that the idea that legal scholarship would be the same across legal traditions “appears [...] not only unrealistic, but also undesirable”. As Professor Michaels insightfully articulates the matter, in the end variations in legal scholarship pertain to “incommensurability”. In our view, Professor Michaels does well to contend that given incommensurability, “[t]o recognize [...] cultural differences is our daily job as comparative lawyers”. We can only hope that this heterodox claim will find a devoted following — not least in Germany where, as all comparativists know, comparative research, largely made in Hamburg, has sought

[Andrew Coan](#)  
[Ian Bartrum](#)  
[Caleb Mason](#)  
[Fabio Arcila](#)  
[Peter Appel](#)  
[Jeff Yates](#)  
[Sarah Lawsky](#)  
[Joseph Blocher](#)  
[Richard Albert](#)  
[John Greenman](#)  
[Tim Zick](#)  
[Jon Siegel](#)  
[Noah Sachs](#)  
[David Friedman](#)  
[Kurt Lash](#)  
[Greg Bowman](#)  
[Marcia Zug](#)  
[Amy Landers](#)  
[Jody Lynee Madeira](#)  
[Jay Wexler](#)  
[Miriam H. Baer](#)  
[Naomi Cahn](#)  
[John Pfaff](#)  
[Eugene Kontorovich](#)  
[Kelly Anders](#)  
[Marc DeGrolami](#)  
[Rose Cuison Villazor](#)  
[Mark Kende](#)  
[Don Braman](#)  
[Colin Miller](#)  
[Chris Lund](#)  
[Marcia McCormick](#)  
[Brian Foley](#)  
[Rob Vischer](#)  
[Richard Esenberg](#)  
[Michael Cahill](#)  
[Susan Kuo](#)  
[Ken Simons](#)

[Travel](#)

[Web/Tech](#)

[Weblogs](#)

[Workplace Law](#)

[Subscribe to this blog's feed](#)

MARCH 2014  
Sun Mon Tue Wed Thu

2 3 4 5 6  
9 10 11 12 13  
16 17 18 19 20  
23 24 25 26 27  
30 31

### Search Site

[Add me to your TypePad People list](#)

to implement an alternative set of assumptions focusing at once on the ascertainment of similarities across laws and on the identification of the better law.

Posted by Dan Markel on March 2, 2014 at 09:56 PM in [Article Spotlight](#), [Legal Theory](#) | [Permalink](#)

### TRACKBACK

TrackBack URL for this entry:  
<http://www.typepad.com/services/trackback/6a00d8341c6a7953ef01a5117a8c23970c>

Listed below are links to weblogs that reference [Legrand and Werro on the Doctrine Wars](#):

### COMMENTS

#### POST A COMMENT

### Verify your Comment Previewing your Comment

Posted by: |

This is only a preview. Your comment has not yet been posted.

Your comment could not be posted. Error type:  
Your comment has been posted. [Post another comment](#)

The letters and numbers you entered did not match the image.  
Please try again.

As a final step before posting your comment, enter the letters and numbers you see in the image below. This prevents automated programs from posting comments.

Having trouble reading this image? [View an alternate.](#)

Name:

Email Address:

URL:

Comments:

Remember personal info?

[Sonja West](#)

[Chris Lund](#)

[Chad Oldfather](#)

[Michael Risch](#)

[Verity Winship](#)

[Marc Blitz](#)

[Hadar Aviram](#)

[Noah Zatz](#)

[Melissa Hart](#)

[Steven Greenhouse](#)

[Ben Barros](#)

[David Schleicher](#)

[I. Bennett Capers](#)

[Katy Kuh](#)

[Tim Lytton](#)

[Carlton Larson](#)

[Adam Levitin](#)

[Helen Norton](#)

[Eric E. Johnson](#)

[Andy Hessick](#)

[Richard Epstein](#)

[Garry Jenkins](#)

[Amy Barrett](#)

[Jim Von der Heydt](#)

[Erik Knutsen](#)

[Scott Dodson](#)

[Adam Winkler](#)

[Rob Howse](#)

[Howard Wasserman](#)

[Wes Oliver](#)

[Tommy Crocker](#)

[Eduardo Penalver](#)

[Rob Kar](#)

[Mike O'Shea](#)

[Nadine Farid](#)

[Eric Muller](#)

[Michael Steven Green](#)

[Sam Kamin](#)

- [Austen Parrish](#)
- [Zak Kramer](#)
- [James  
Grimmelmann](#)
- [Liz Glazer](#)
- [Laura Appleman](#)
- [Lesley Wexler](#)
- [Jonathan Simon](#)
- [Ann Bartow](#)
- [Mark Drumbl](#)
- [Stuart Green](#)
- [Ben Depoorter](#)
- [William Birdthistle](#)
- [Adam Gershowitz](#)
- [Jonah Gelbach](#)
- [Carissa Byrne  
Hessick](#)
- [Jack Chin](#)
- [Bruce Boyden](#)
- [Miranda Perry  
Fleischer](#)
- [Anthony D'Amato](#)
- [Judge Sarokin](#)
- [Brian Galle](#)
- [Jessie Hill](#)
- [Glenn Cohen](#)
- [Elaine Chiu](#)
- [Danielle Citron](#)
- [Anders Kaye](#)
- [Bill Patry](#)
- [Melissa Waters](#)
- [Miriam Cherry](#)
- [Mike Dimino](#)
- [Geoff Rapp](#)
- [Alex Long](#)
- [Jay Michaelson](#)
- [Andrew Siegel](#)
- [Deb Ahrens](#)
- [Avi Bell](#)
- [Alexandra Lahav](#)
- [Kristi Bowman](#)

[Bill Araiza](#)

[Brian Tamanaha](#)

[Shubha Ghosh](#)

[Bobby Chesney](#)

[Michael O'Hear](#)

[Paul Secunda](#)

[Jeff Lipshaw](#)

[Russell Covey](#)

[Kimberly Kessler  
Ferzan](#)

[Yair Listokin](#)

[Jason Solomon](#)

[Scott Moss](#)

[Frank Pasquale](#)

[Alexandra  
Natapoff](#)

[Peggy McGuinness](#)

[Gowri  
Ramachandran](#)

[Gaia Bernstein](#)

[Joseph Slater](#)

[Nelson Tebbe](#)

[Jeremy  
Blumenthal](#)

[Adam Kolber](#)

[Linda Beale](#)

[Hillel Levin](#)

[Jonathan Zittrain](#)

[Ed Lee](#)

[Bill Henderson](#)

[Adil Haque](#)

[Dave Fagundes](#)

[Julian Ku](#)

[Tung Yin](#)

[Will Baude](#)

[Fernando Teson](#)

[Kristin Hickman](#)

[Kaimi Wenger](#)

[Daniel Solove](#)

[Mark Fenster](#)

[Doug Lichtman](#)



[Brooks Holland](#)

[Doug Berman](#)

[Lior Strahilevitz](#)

[Nicole Stelle](#)

[Garnett](#)

[Ekow Yankah](#)

[Bernie Meyler](#)

[Ron Wright](#)

[Orin Kerr](#)

[Joelle Anne](#)

[Moreno](#)

[David Zaring](#)

[Marcy Peek](#)

[Laura Appleman](#)

[Orly Lobel](#)

[Trevor Morrison](#)

[Kim Roosevelt](#)

[David Hoffman](#)

[Jennifer Collins](#)

[Christine Hurt](#)

## **PrawfsBlawg Recommend**

[Larry Solum](#)

[\(Legal Theory\)](#)

[CrimProf Blog](#)

[ACS Blog](#)

[Althouse](#)

[Becker-Posner](#)

[Blog](#)

[Crescat Sententia](#)

[CrimLaw](#)

[Crime &](#)

[Federalism](#)

[How Appealing](#)

[Instapundit.com](#)

[JD2B.com](#)

[Lawrence Lessig](#)

[Leiter Reports](#)

[ProfessorBainbridge.](#)

[SCOTUSBlog](#)

[Sentencing Law and Policy](#)

[The Buck Stops Here](#)

[Volokh Conspiracy](#)

[Jack Balkin](#)

[Conglomerate](#)

[The Right Coast](#)

[The Yin Blog](#)

[Point of Law](#)

[Underneath Their Robes](#)

[Ribstein](#)

[Mirror of Justice](#)

[Mark Kleiman](#)

[Truth On the Market](#)

[Opinio Juris](#)

[Orin Kerr](#)

[Juris Novus](#)

[Jurisdynamics](#)

[TalkLeft](#)

[Workplace Prof](#)

[Above the Law](#)

[National Security Advisors](#)

[Open University](#)

[Adjunct Law Profs](#)

[Bill of Health](#)

[BlackProf](#)

[Brian Leiter's Law School Reports](#)

[Chicago-Kent Law Faculty Blog](#)

[Concurring Opinions](#)

[Crooked Timber](#)

[Dean Dan Rodriguez, Northwestern Law](#)

[Dorf et al. on Law](#)

[Drezner](#)

[Empirical Legal Studies Blog](#)

[Feminist Law Professors](#)

[Findlaw's Writ](#)

[Harvard L. Rev. Forum](#)

[Human Trafficking Law Blog](#)

[In Brief--Va. L. Rev.](#)

[Is That Legal?](#)

[LawBlog Central](#)

[LawCulture](#)

[Legal Profession Blog](#)

[Legal Scholarship Blog](#)

[Legal Workshop](#)

[Loyola LS Faculty Blog](#)

[Mich. L.Rev.'s FirstMPressions](#)

[Michael Froomkin](#)

[MoneyLaw](#)

[Northwestern's Colloquy](#)

[Opinio Juris](#)

[Rick Hasen's Election Law Blog](#)

[Rutgers Review of Criminal Law and Criminal Justice Books](#)

[Talkleft](#)

[Tex L.R.'s See Also](#)

[The BLT](#)

[The Faculty Lounge](#)

[U.Penn L. Rev. Penumbra](#)

[YJL Pocket Part](#)

**Site Meter**





Powered by  
[TypePad](#)

---