

PoLAR Style Samples

In Other Words

Current as of 13-Dec-25

The following excerpts are the first paragraphs of recent entries in the legal blog **JOTWELL** (*Journal of Things We Like Lots*) that is maintained by the University of Miami School of Law. You can read more about JOTWELL here: <https://jotwell.com/faq/>.

Jots, unlike *IOW* submissions, are written about *someone else's* recently published or forthcoming piece of scholarship. Additionally, they are mostly about articles rather than books. But their length and tone, as well as their overarching purpose are all good analogues for this new PoLAR feature. Jots are short, minimally cited, informally written with non-specialists in mind, and their goal is to convey why a work of scholarship is worth reading.

MENTIONING THE UNMENTIONABLE PARTS OF TORT LAW: RESPONDING TO SILENCE WITH DISCOURSE

Sep 18, 2024

Ellen Bublick

Reviewing Anita Bernstein, "Renewing Products Liability with Semen," 73 DePaul L. Rev. 211 (2024).

Of the tens of thousands of reported civil cases in Westlaw's torts database, would it surprise you that a mere 34 opinions in the set use the word "vulva"? Even then, the term is often mentioned only as a quote from a statute, regulation, or expert testimony, or used with reference to non-human animals (baby mink). 74 cases mention the term "oocyte or ovum." 578 mention the word "vagina." These small numbers exist alongside 5,954 published civil cases in the database that mention "rape" or "sexual assault." Courts use terms related to male anatomy more often than their female analogues, but only two to three times more often...

IMPERFECTIONIST CONSTITUTIONAL THEORY

Sep 19, 2024

Evan Bernick

Reviewing Joel Alicea, "Constitutional Theory and the Problem of Disagreement," 173 U. Pa. L. Rev. __ (forthcoming, 2024).

Joel Alicea wants to make the world a better place with constitutional theory and thinks that you should, too. More specifically: In choosing how to interpret a constitution, you ought to consult moral views which you believe to be correct, while making room for widespread social practices which aren't entirely consistent with those views. It's a testament to Alicea's intellect, prudence, and rhetoric that readers are likely to be persuaded. His paper, *Constitutional Theory and the Problem of Disagreement*, feels less like an argument than a friendly conversation from which truth gradually but inexorably emerges...