

# THE YALE LAW JOURNAL

---

Vol. 114

DECEMBER 2004

No. 3

---



**ARTICLE**

The Defined Contribution Paradigm

*Edward A. Zelinsky*

**ESSAY**

Copy This Essay: How Fair Use Doctrine Harms Free Speech  
and How Copying Serves It

*Rebecca Tushnet*

**BOOK REVIEW**

Judicial Power and Civil Rights Reconsidered

*David E. Bernstein and Ilya Somin*

**NOTE**

Patents, Paradigm Shifts, and Progress in Biomedical Science

*Peter Lee*

# The Yale Law Journal

Volume 114, Number 3, December 2004

## Contents

### Article

The Defined Contribution Paradigm

*Edward A. Zelinsky* 451

### Essay

Copy This Essay: How Fair Use Doctrine Harms Free Speech  
and How Copying Serves It

*Rebecca Tushnet* 535

### Book Review

Judicial Power and Civil Rights Reconsidered

*David E. Bernstein and Ilya Somin* 591

### Note

Patents, Paradigm Shifts, and Progress in Biomedical Science

*Peter Lee* 659