



*The Legacy of
Oliver Wendell Holmes, Jr.*

EDITED BY ROBERT W. GORDON

The Legacy Of Oliver Wendell Holmes Jr Jurists Pro In Legal Theory Ser

Albert W. Alschuler



The Legacy Of Oliver Wendell Holmes Jr Jurists Pro In Legal Theory Ser:

The Legacy of Oliver Wendell Holmes, Jr Robert Watson Gordon, 1992 On his retirement from the Supreme Court at the age of 90 in 1932 Oliver Wendell Holmes Jr was celebrated as few judges have ever been beloved and revered as a national treasure Holmes s influence magnified into legend by the attention he has continued to receive has helped to constitute the identity of the legal profession the conception of the judicial function and the role of the public intellectual in modern American culture The present collection of seven essays attempts to view Holmes s work apart from the restricted framework supplied by traditional jurisprudence by reassessing Holmes as an intellectual a legal theorist and an iconic public figure and culture hero Each essay adds something new and distinctive to the scholarly controversies that have surrounded Holmes for over a century J W Burrow begins the volume by looking at Holmes s relations to various strands of Victorian social thought she next three essays approach each from a different angle the problem of Holmes s relationship to formalism or classical orthodoxy in legal thought Morton Horwitz provides a sweeping reassessment of the development of Holmes s legal thinking between the early period of the 1870 s and 1880 s and *The Path of the Law* in 1897 Mathias Reimann presents the first thorough exploration of Holmes s use misuse more often of German philosophy notably his discrediting in *The Common Law* of the legacy of Kant and Hegel Stephen Diamond approaches Holmes s jurisprudence and his broader social and personal views by another original pathway his legal opinions in taxation cases and his private views on taxation The final three essays consider Holmes as a man of letters and representative man of the American scene both as he created himself and as he was created by others Robert Ferguson shows how Holmes deliberately went about the work of fashioning the public persona of a judge Peter Gibian shows how Holmes s construction of his public style was formed as a deliberate reaction against that of his famous father Dr Oliver Wendell Holmes Sr The final essay by David Hollinger has a dual purpose to ask what Holmes meant by the scientific way of looking at the world and to discover how Holmes came to be such a hero to liberal Jewish intellectuals like Felix Frankfurter and Harold J Laski BOOK JACKET Title Summary field provided by Blackwell North America Inc All Rights Reserved American Comparative Law David Scott Clark, 2022 Historical Comparative Law and Comparative Legal History Legal history and comparative law overlap in important respects This is more apparent with the use of some methods for comparison such as legal transplant natural law or nation building M N S Sellers nicely portrayed the relationship The past is a foreign country its people strangers and its laws obscure No one can really understand her or his own legal system without leaving it first and looking back from the outside The comparative study of law makes one s own legal system more comprehensible by revealing its idiosyncrasies Legal history is comparative law without travel Legal historians perhaps especially in the United States have been skeptical about the possibility of a fruitful comparative legal history preferring in general to investigate the distinctiveness of their national experience Comparatists however content with revealing or promoting similarities or differences between legal systems by their nature strive toward comparison Some

American historians especially since World War II see the value in this **Forthcoming Books** Rose Arny,1992

Bowker's Law Books and Serials in Print ,1995 **Encyclopedia of the Jazz Age: From the End of World War I to the Great Crash** James Ciment,2015-04-08 This illustrated encyclopedia offers in depth coverage of one of the most fascinating and widely studied periods in American history Extending from the end of World War I in 1918 to the great Wall Street crash in 1929 the Jazz age was a time of frenetic energy and unprecedented historical developments ranging from the League of Nations woman suffrage Prohibition the Red Scare the Ku Klux Klan the Lindberg flight and the Scopes trial to the rise of organized crime motion pictures and celebrity culture Encyclopedia of the Jazz Age provides information on the politics economics society and culture of the era in rich detail The entries cover themes personalities institutions ideas events trends and more and special features such as sidebars and photos help bring the era vividly to life *The British National Bibliography* Arthur James Wells,1993 **Oliver Wendell Holmes, Jr., Legal Theory, and Judicial Restraint** Frederic Rogers Kellogg,2007 *Law Without Values* Albert W. Alschuler,2000 Albert Alschuler s study of Holmes is very different from other books about him in that it is an exercise in debunking him Justice Oliver Wendell Holmes G. Edward White,1995-11-16 By any measure Oliver Wendell Holmes Jr led a full and remarkable life He was tall and exceptionally attractive especially as he aged with piercing eyes a shock of white hair and prominent moustache He was the son of a famous father Oliver Wendell Holmes Sr renowned for The Autocrat of the Breakfast Table a thrice wounded veteran of the Civil War a Harvard educated member of Brahmin Boston the acquaintance of Longfellow Lowell and Emerson and for a time a close friend of William James He wrote one of the classic works of American legal scholarship The Common Law and he served with distinction on the Supreme Court of the United States He was actively involved in the Court s work into his nineties In Justice Oliver Wendell Holmes G Edward White the acclaimed biographer of Earl Warren and one of America s most esteemed legal scholars provides a rounded portrait of this remarkable jurist We see Holmes s early life in Boston and at Harvard his ambivalent relationship with his father and his harrowing service during the Civil War he was wounded three times twice nearly fatally shot in the chest in his first action and later shot through the neck at Antietam White examines Holmes s curious childless marriage his diary for 1872 noted on June 17th that he had married Fanny Bowditch Dixwell and the next sentence indicated that he had become the sole editor of the American Law Review and he includes new information on Holmes s relationship with Clare Castletown White not only provides a vivid portrait of Holmes s life but examines in depth the inner life and thought of this preeminent legal figure There is a full chapter devoted to The Common Law for instance and throughout the book there is astute commentary on Holmes s legal writings Indeed White reveals that some of the themes that have dominated 20th century American jurisprudence including protection for free speech and the belief that judges make the law originated in Holmes s work Perhaps most important White suggests that understanding Holmes s life is crucial to understanding his work and he continually stresses the connections between Holmes s legal career and his

personal life For instance his desire to distinguish himself from his father and from the soft literary culture of his father's generation drove him to legal scholarship of a particularly demanding kind White's biography of Earl Warren was hailed by Anthony Lewis on the cover of The New York Times Book Review as serious and fascinating and The Los Angeles Times noted that White has gone beyond the labels and given us the man In Justice Oliver Wendell Holmes White has produced an equally serious and fascinating biography one that again goes beyond the labels and gives us the man himself **The Path of the**

Law Jr. Oliver Wendell Holmes, 2018-10-30 In the classic essay by the brilliant Oliver Wendell Holmes Jr he delivers his interpretation on what the law ought to be versus what the law is Holmes served on the United States Supreme Court from 1902 to 1932 The Path of the Law by Oliver Wendell Holmes Jr was originally published in the Harvard Law Review in 1897

Editorials on File, 1990-07 *Life of Oliver Wendell Holmes* E. E. Brown, 2019-12-18 In *Life of Oliver Wendell Holmes* E E Brown masterfully explores the life and legacy of one of America's most prominent jurists and literary figures The book is a meticulously researched biography that deftly balances a narrative style with critical analysis offering readers both an engaging story and an academic exploration of Holmes's contributions to law and literature Brown examines the socio-political context of Holmes's era the philosophical underpinnings of his legal thought and his enduring influence on the American judicial system encapsulating the evolution of a thinker who bridged law and poetry E E Brown a scholar with profound insights into American legal history draws upon a rich tapestry of primary sources including letters legal opinions and contemporary critiques which reveal the nuances of Holmes's character and intellect His background in both law and literature allows him to present a well rounded analysis that reflects Holmes's multifaceted persona a soldier a jurist and a poet whose ideas continue to resonate in contemporary discussions of law and ethics This compelling biography is highly recommended for both legal scholars and general readers alike Brown's eloquent style and thorough examination of Holmes's life provide invaluable insights into the man behind the doctrines making it an essential addition to any academic collection or personal library *Oliver Wendell Holmes, Jr* David Henry Burton, 1980 **The Essential Holmes** Oliver Wendell

Holmes, 1996 Oliver Wendell Holmes Jr has been called the greatest jurist and legal scholar in the history of the English speaking world In this collection of his speeches opinions and letters Richard Posner reveals the fullness of Holmes's achievements as judge historian philosopher and master of English style Thematically arranged the volume covers a rich variety of subjects from aging and death to themes in politics personalities and law Posner's substantial introduction firmly places this wealth of material in its proper biographical and historical context A first rate prose stylist Holmes was perhaps the most quotable of all judges as this ably edited volume shows Washington Post Book World Brilliantly edited lucidly organized and equipped with a compelling introduction by Judge Posner this book is one of the finest single volume samplers of any author's work I have seen Posner has fully captured the acrid tang of him in this masterly anthology Terry Teachout National Review Excellent A worthwhile contribution to current American political legal discussions Library Journal The best

source for the reader who wants a first serious acquaintance with Holmes Thomas C Grey New York Review of Books

Law Without Values Albert W. Alschuler, 2002-03-01 In recent decades Oliver Wendell Holmes has been praised as the only great American legal thinker and the most illustrious figure in the history of American law But in Albert Alschuler's critique of both Justice Holmes and contemporary legal scholarship a darker portrait is painted that of a man who among other things espoused Social Darwinism favored eugenics and as he himself acknowledged came devilish near to believing that might makes right *Oliver Wendell Holmes Jr., Pragmatism, and the Jurisprudence of Agon* Allen Mendenhall, 2017 This book argues that Oliver Wendell Holmes Jr helps us see the law through an Emersonian lens by the way in which he wrote his judicial dissents Holmes's literary style mimics and enacts two characteristics of Ralph Waldo Emerson's thought superfluity and the poetics of transition concepts ascribed to Emerson and developed by literary critic Richard Poirier Using this aesthetic style borrowed from Emerson and carried out by later pragmatists Holmes not only made it more likely that his dissents would remain alive for future judges or justices because how they were written was itself memorable whatever the value of their content but also shaped our understanding of dissents and in this our understanding of law By opening constitutional precedent to potential change Holmes's dissents made room for future thought moving our understanding of legal concepts in a more pragmatic direction and away from formalistic understandings of law Included in this new understanding is the idea that the canon of judicial cases involves oppositional positions that must be sustained if the law is to serve pragmatic purposes This process of precedent making in a common law system resembles the construction of the literary canon as it is conceived by Harold Bloom and Richard Posner *Justice Oliver Wendell Holmes* Silas Bent, 1932

Oliver Wendell Holmes, Jr. and His Legacy Jason Adam Weisel, 1991 Oliver Wendell Holmes Jr. G. Edward White, 2006-03-01 Known as the Great Dissenter Oliver Wendell Holmes Jr wrote some of the most eloquent opinions in the history of the United States Supreme Court A brilliant legal mind who served on the high court into his nineties Holmes was responsible for some of the most important judicial opinions of the twentieth century Now in this superb short biography G Edward White offers readers a lively informative portrait of this singular individual The Pragmatism and Prejudice of Oliver Wendell Holmes Jr. Seth Vannatta, 2019-06-26 This book investigates the extent to which various scholarly labels are appropriate for the work of Oliver Wendell Holmes Jr As Louis Menand wrote Holmes has been called a formalist a positivist a utilitarian a realist a historicist a pragmatist not to mention a nihilist Each of the eight chapters investigates one label analyzes the secondary texts that support the use of the term to characterize Holmes's philosophy and takes a stand on whether or not the category is appropriate for Holmes by assessing his judicial and nonjudicial publications including his books articles and posthumously published correspondences The thrust of the collection as a whole nevertheless bends toward the stance that Holmes is a pragmatist in his jurisprudence ethics and politics The final chapter by Susan Haack makes that case explicitly Edited by Seth Vannatta this book will be of particular interest to students and faculty working in

law jurisprudence philosophy intellectual history American Studies political science and constitutional theory

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