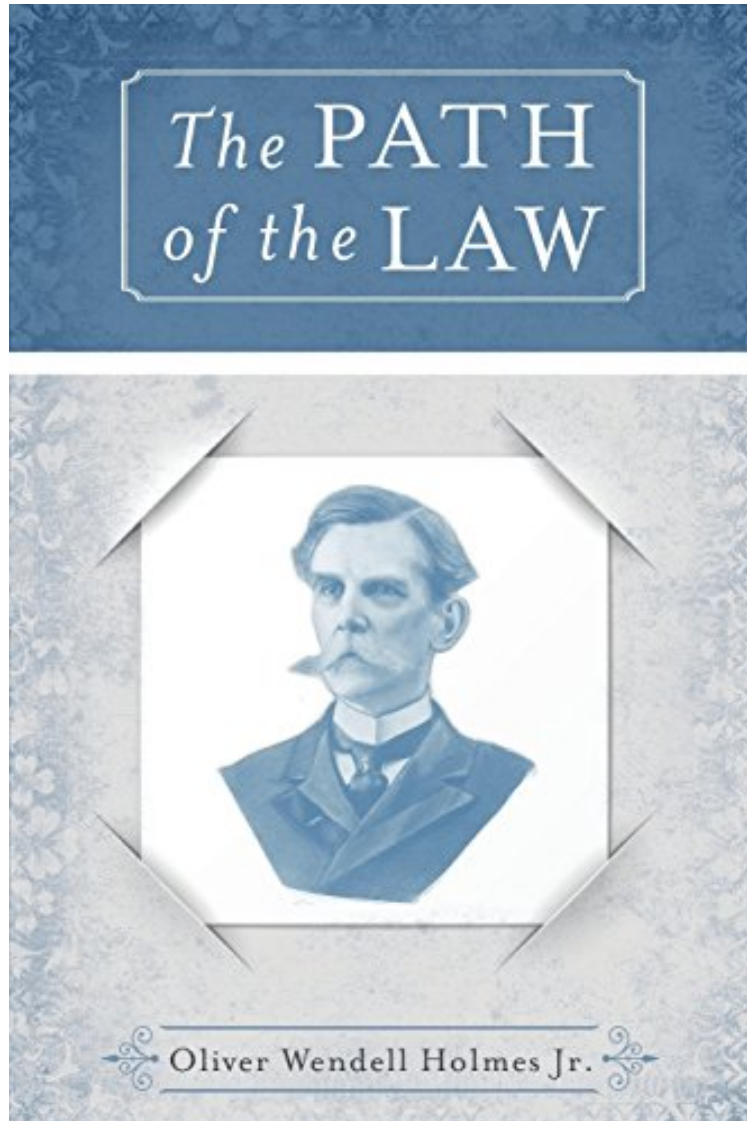


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The Path of the Law

Oliver Wendell Holmes Jr.
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Oliver Wendell Holmes Jr. : The Path of the Law before purchasing it in order to gage whether or not it would be worth my time, and all praised The Path of the Law:

0 of 0 people found the following review helpful. An echo of the infiniteBy Ricardo MioTo my knowledge, there have been three geniuses to sit on the Supreme Court: John Marshall, Oliver Wendell Holmes, and Louis Brandeis. Marshall served in the first half of the 19th century and his majority opinions helped foster a strong central government. Holmes and Brandeis served in the first half of the 20th century and their dissenting opinions in the

second half of the century became the Court's majority opinions that revolutionized our concepts of free speech, free press, workers rights, and personal freedom. Theirs are the voices that resonate with the ring of truth, theirs the words that are immortalized on the granite walls of our institutions. Words have power, but as each of them well understood, its not the words that have power but the ideas behind them. The Path of the Law is an address delivered by Justice Holmes at the dedication of the new hall of the Boston University School of Law, on January 8, 1897. At the time he was a justice of the Supreme Court of Massachusetts. The speech is not as piquant as his U.S. Supreme Court opinions, but rather a more leisurely discourse on the law and its history, strewn with a few jewels of wisdom and peppered with a bit of debunking reason enough to read it. The address runs slightly over 26 pages. The following are a few but certainly not all lines that caught my attention: For my own part, I often doubt whether it would to be a gain if every word of moral significance could be banished from the law altogether, and other words adopted which should convey legal ideas uncolored by anything outside the law. The language of judicial decision is mainly the language of logic. And the logical method and form flatter that longing for certainty and repose which is in every human mind. But certainty generally is illusion, and repose is not the destiny of man. No concrete proposition is self-evident, no matter how ready we may be to accept it, not even Mr. Herbert Spencers. Every man has a right to do what he wills, provided he interferes not with a like right on the part of his neighbors. The rational study of law is still to a large extent the study of history. History must be a part of the study, because without it we cannot know the precise scope of rules which it is our business to know. I trust that no one will understand me to be speaking with disrespect of the law, because I criticize it so freely. I venerate the law, and especially our system of law, as one of the vastest products of the human mind. Read the works of the great German jurists, and see how much more the world is governed today by Kant than by Bonaparte. An intellect great enough to win the prize needs other food beside success. The remoter and more general aspects of the law are those which give it universal interest. It is through them that you not only become a great master in your calling, but connect your subject with the universe and catch an echo of the infinite, a glimpse of its unfathomable process, a hint of the universal law.

2 of 2 people found the following review helpful. Brilliant and still relevant
By Stephen Woodruff
This book is over a hundred years old, but Holmes is one of the greatest legal minds in American history. The book obviously is not for everyone and contains much language and legal terminology anachronistic today. But the clarity of thought and felicity of expression is exceptional. Readers interested in the subject as expressed in the title would do well to read the book over and over. Each pass will reveal new insights and new points of relevance to issues still debated today. Unlike many authors today, especially in the fields of law and public policy, Holmes writes sincerely with indisputable honesty and integrity, from a philosophical perspective probably best identified as humanist pragmatism and an unwavering commitment to searching not for moral Truth but to historical truth as a guide to the interpretation, application, and development of the law. Many judicial errors, he observes, arise from a superficial understanding of precedent where the underlying purposes and principles of the established rules are misunderstood or ignored or only partially understood.

5 of 5 people found the following review helpful. A must read
By KnowItAll
This book is cited in a lot of my case books as well as many other written materials I have seen and read in law school. Holmes is a brilliant judge and this book is interesting and educational. It is a little pricey, being that it is only like 20 or so pages (I can't recall the exact page number but it is very short). The last 5 or 6 pages were blank in it... In short, if you can get it from a library or a friend to read it, do that instead of buying it because it will not take you very long to read and I don't see it being one of the books you HAVE to own. Hope this helps.

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 and looked at the law through the lens of the "bad man." More specifically the law should be defined as a prediction of how the courts behave. "The Path of the Law" by Oliver Wendell Holmes, Jr. was originally published in the "Harvard Law Review" in 1897. Holmes served on the United States Supreme Court as Associate Justice from 1902 to 1932.

From the Inside Flap
The single most important essay about law ever written. This essay defines the responsibilities of the legal profession from one of law's greatest practitioners.
About the Author