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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

this work represents a serious and philosophically sophisticated guide to modern american legal theory demonstrating that legal positivism has been a misunderstood and underappreciated perspective through most of twentieth century american legal thought

the surprising two hundred year history of diversity in education commerce and science from the scholar the new yorker dubbed america's "diversity detective" as a war on diversity upends government corporate and education policies the history of the idea of diversity has never been more important in this contrarian book david b oppenheimer a diversity skeptic turned admirer chronicles how diversity became a foundational value of higher education over the last two hundred years how it evolved as it was adopted in commerce and science and the implications of the current backlash the diversity principle—the idea that people with different backgrounds experiences identities and viewpoints produce better work by engaging with one another—was a core tenet of the first modern research university founded in germany in 1810 it was the inspiration for john stuart mill's on liberty a touchstone of academic freedom a hallmark of charles eliot's remaking of harvard in the late nineteenth century to promote the "clash of ideas" and a foundation of the twentieth century efforts toward equality of thurgood marshall ruth bader ginsburg and pauli murray in telling the story of the diversity principle through the experiences of these and other remarkable thinkers oppenheimer argues for affirming diversity as a central value of education and an essential ingredient for a robust intellectual and political culture

stanley fish is an equal opportunity antagonist a theorist who has taken on theorists an academician who has riled the academy a legal scholar and political pundit who has ruffled feathers left and right fish here turns with customary gusto to the trouble with principle specifically fish has a quarrel with neutral principles the trouble they operate by sacrificing everything people care about to their own purity and they are deployed with equal highmindedness and equally absurd results by liberals and conservatives alike in this bracing book fish argues that there is no realm of higher order impartiality no neutral or fair territory on which to stake a claim and that those who invoke one are always making a rhetorical and political gesture in the end it is history and context the very substance against which a purportedly abstract principle defines itself that determines a principle's content and power in the course of making this argument fish takes up questions about academic freedom and hate speech affirmative action and multiculturalism the boundaries between church and state and much more sparing no one he shows how our notions of intellectual and religious liberty cherished by those at both ends of the political spectrum are artifacts of the very partisan politics they supposedly transcend the trouble with

principle offers a provocative challenge to the debates of our day that no intellectually honest citizen can afford to ignore

the economist kenneth arrow proved in 1951 that a society of diverse individual preferences could only be ordered by dictatorship his impossibility theorem is still an axiom of contemporary welfare economics and has never been seriously challenged the american philosopher john dewey who died in 1952 had claimed that voting and electoral mechanisms do not define democratic self government his broad conception of social conflict addresses preference diversity and resolves arrow s impossibility since the 1980s political scientists have focused on decision through democratic deliberation dewey saw that conversation alone is inadequate for resolution of conflicts in a democracy conflict is accompanied by discourse but preferences are grounded in habits social habits resist adjustment in response to discourse alone but demonstrably adjust in the process of conflict resolution preference conflict is distinguished from marxist and later models as a discovery and transformation process it advances an original updated theory of social conflict in a democracy relevant to today s problematic situations from discrimination to climate change and political polarization

this book considers the three ps of liberty pragmatism pluralism and polycentricity these concepts enrich the complex tradition of classical liberal jurisprudence providing workable solutions based on the decentralization diffusion and dispersal of power

everything you need to know about how to use one of today s most powerful philosophies we go in search of that which we already possess but are not using so says ernest holmes author of the science of mind and founder of the philosophy of religious science god is not far away but is within ourselves other people and everywhere present why then do we fall prey to unwanted conditions illness financial lack relationship difficulties loneliness and problems of every kind written as a manual for the practical applications of the principles set forth in the science of mind this book takes the original philosophy of change your thinking change your life and explains a clear and definite scientific method of prayer that can help you overcome life s obstacles

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