

Oliver Wendell Holmes

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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

an innovative study that links the themes of holmes s best known literary works to his medical training in nineteenth century paris

the new yorker staff writer louis menand s the metaphysical club is the winner of the pulitzer prize for history a national bestseller and hugely ambitious unmistakably brilliant janet maslin new york times book about the creation of modern american thought the metaphysical club was an informal group that met in cambridge massachusetts in 1872 to talk about ideas its members included oliver wendell holmes jr future associate justice of the united states supreme court william james the father of modern american psychology and charles sanders peirce logician scientist and the founder of semiotics the club was probably in existence for about nine months no records were kept the one thing we know that came out of it was an idea an idea about ideas this book is the story of that idea holmes james and peirce all believed that ideas are not things out there waiting to be discovered but are tools people invent like knives and forks and microchips to make their way in the world they thought that ideas are produced not by individuals but by groups of individuals that ideas are social they do not develop according to some inner logic of their own but are entirely dependent like germs on their human carriers and environment and they thought that the survival of any idea depends not on its immutability but on its adaptability the metaphysical club is written in the spirit of this idea about ideas it is not a history of philosophy but an absorbing narrative about personalities and social history a story about america it begins with the civil war and ends in 1919 with justice holmes s dissenting opinion in the case of u s v abrams the basis for the constitutional law of free speech the first four sections of the book focus on holmes james peirce and their intellectual heir john dewey the last section discusses some of the fundamental twentieth century ideas they are associated with this is a book about a way of thinking that changed american life

a hefty one volume reference addressing various facets of the essay entries are of five types 1 considerations of different types of essay e g moral travel autobiographical 2 discussions of major national traditions 3 biographical profiles of writers who have produced a significant body of work in the genre 4 descriptions of periodicals important for their publication of essays and 5 discussions of some especially significant single essays each entry includes citations for further reading and cross references annotation copyrighted by book news inc portland or

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longlisted for the 2016 national book award for nonfiction one of america s great miscarriages of justice the supreme court s infamous 1927 buck v bell ruling made

government sterilization of undesirable citizens the law of the land in 1927 the supreme court handed down a ruling so disturbing ignorant and cruel that it stands as one of the great injustices in american history in imbeciles bestselling author adam cohen exposes the court s decision to allow the sterilization of a young woman it wrongly thought to be feeble minded and to champion the mass eugenic sterilization of undesirable citizens for the greater good of the country the 8 1 ruling was signed by some of the most revered figures in american law including chief justice william howard taft a former u s president and louis brandeis a progressive icon oliver wendell holmes considered by many the greatest supreme court justice in history wrote the majority opinion including the court s famous declaration three generations of imbeciles are enough imbeciles is the shocking story of buck v bell a legal case that challenges our faith in american justice a gripping courtroom drama it pits a helpless young woman against powerful scientists lawyers and judges who believed that eugenic measures were necessary to save the nation from being swamped with incompetence at the center was carrie buck who was born into a poor family in charlottesville virginia and taken in by a foster family until she became pregnant out of wedlock she was then declared feeble minded and shipped off to the colony for epileptics and feeble minded buck v bell unfolded against the backdrop of a nation in the thrall of eugenics which many americans thought would uplift the human race congress embraced this fervor enacting the first laws designed to prevent immigration by italians jews and other groups charged with being genetically inferior cohen shows how buck arrived at the colony at just the wrong time when influential scientists and politicians were looking for a test case to determine whether virginia s new eugenic sterilization law could withstand a legal challenge a cabal of powerful men lined up against her and no one stood up for her not even her lawyer who it is now clear was in collusion with the men who wanted her sterilized in the end buck s case was heard by the supreme court the institution established by the founders to ensure that justice would prevail the court could have seen through the false claim that buck was a threat to the gene pool or it could have found that forced sterilization was a violation of her rights instead holmes a scion of several prominent boston brahmin families who was raised to believe in the superiority of his own bloodlines wrote a vicious haunting decision upholding buck s sterilization and imploring the nation to sterilize many more holmes got his wish and before the madness ended some sixty to seventy thousand americans were sterilized cohen overturns cherished myths and demolishes lauded figures in relentless pursuit of the truth with the intellectual force of a legal brief and the passion of a front page exposé imbeciles is an ardent indictment of our champions of justice and our optimistic faith in progress as well as a triumph of american legal and social history

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