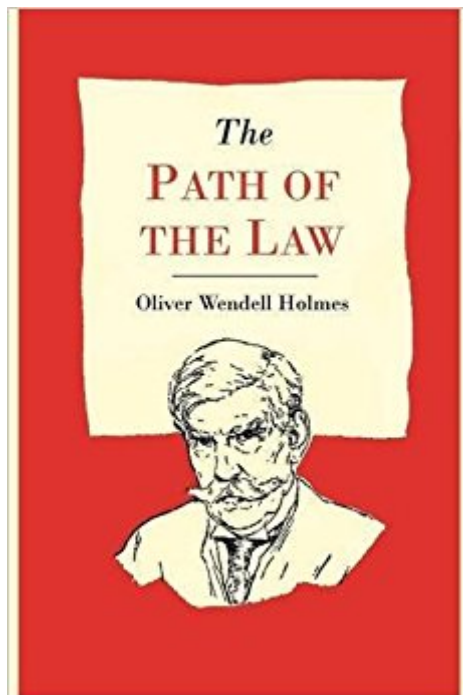


The book was found

The Path Of The Law



Synopsis

2012 Reprint of Original 1955 Edition. Exact facsimile of the original edition, not reproduced with Optical Recognition Software. "The Path of the Law" by Oliver Wendell Holmes, Jr. was originally published in the "Harvard Law Review" in 1897. By the time of his essay "The Path of the Law," Holmes had completed the evolution to a behaviorist theory of law. Whatever you may think of Holmes's jurisprudence, "The Path of the Law" is an unambiguously great exercise in legal philosophy; certainly it withstands the test of time much better than "The Common Law." Laws should be written, we learn, from the standpoint of "the bad man," he who will do the absolute minimum necessary to avoid the sanctions of his neighbors. In other words, it must create objective standards, that do not depend on the personal virtue or goodwill of the citizens. When the law seeks to determine the "intent" of someone who committed an act for which he is on trial, it is not seeking to determine whether he meant to do good or harm. The law seeks to know only whether he knew what the results of his action would be. The inquiry can be made only by considering the defendant's observable behavior.

Book Information

Paperback: 32 pages

Publisher: Martino Fine Books (March 14, 2012)

Language: English

ISBN-10: 1614272603

ISBN-13: 978-1614272601

Product Dimensions: 6 x 0.1 x 9 inches

Shipping Weight: 6.4 ounces (View shipping rates and policies)

Average Customer Review: 4.9 out of 5 starsÂ Â See all reviewsÂ (15 customer reviews)

Best Sellers Rank: #1,280,660 in Books (See Top 100 in Books) #529 inÂ Books > Law >

Philosophy #690 inÂ Books > Law > Rules & Procedures > Courts #797 inÂ Books > Law > Legal Theory & Systems > Jurisprudence

Customer Reviews

Note: has grouped together reviews of several different editions of this book; this review is for The Path of the Law (Little Books of Wisdom). More than a century after it was written, this is still the most important essay about law ever written, in part because lawyers are still arguing over exactly what it means. People from all across the political spectrum have used it to buttress their ideological arguments, which to my NON-legally trained mind ought to constitute something of a warning. Of

course the most basic reason for this is that one of the axes Holmes has grinding here is a brief in favor of the school of thought known as legal pragmatism, the idea that law can (and SHOULD) be separated from logic, from history, and most important of all from morality. Up to a point this is simply unarguable; law (like almost anything else you can imagine) can always benefit from a good dose of businesslike pragmatism. The trouble comes when you take pragmatism too far, as you must when you are trying to justify replacing God with Darwin. There is an old joke among philosophers about how Pragmatism was rejected because it didn't work; there's a reason Social Darwinism so often ends in gulags and mass graves. The trouble is that while pragmatism makes for a good basic approach to law (or anything else for that matter), it is no substitute for basic principles. Morals free "survival of the fittest" results in life that is "nasty, brutish, and short" for those who don't measure up to being the "fittest".

[Download to continue reading...](#)

The Four Noble Truths and Eightfold Path of Buddhism: Discover the Essence of Buddhism and the Path to Nibbana Steps on the Path to Enlightenment, Karma: Steps on the Path to Enlightenment: A Commentary on Tsongkhapa's Lamrim Chenmo, Volume 2: Karma (Vol.2) The Path of the Law Contracts Law Without The Confusion law book - (e borrow OK): law book - (e borrow OK) Definitions and Essay Writing: Contracts Torts Criminal law (Borrowing Allowed): Look Inside! This book is the best law school help for law students! (e book) Entertainment Law: The Law Student's Guide to Pursuing a Career in Entertainment Law Scholarly Writing for Law Students, Seminar Papers, Law Review Notes and Law Review Competition Papers (American Casebook Series) Human Rights and the Protection of Privacy in Tort Law: A Comparison between English and German Law (University of Texas at Austin Studies in Foreign and Transnational Law) Marriage: monogamy and polygamy on the basis of divine law, of natural law and of constitutional law : an open letter to the Massachusetts members of ... the opinion of the Supreme Court in Reynold The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law 1150 1625 (Emory University Studies in Law and Religion) The IMLI Manual on International Maritime Law Volume III: Marine Environmental Law and Maritime Security Law Secrets The Secret Never Told You;Law of Attraction for Instant Manifestation Miracles: 5 Secrets Never Told on How to Use the Law of Attraction (Law of ... Instant Manifestation Miracles Book Book 2) Law of Attraction: 7 Secrets to Put in Action the Law of Attraction on a Daily Basis and Successfully Manifest Abundance, Confidence, Money, Healthy and ... The Law of Attraction, Beliefs, Abraham) The Right Dog for the Job: Ira's Path from Service Dog to Guide Dog The Broken Way: A Daring Path into the Abundant Life Celebration of Discipline: The Path to Spiritual Growth Daring Adventures in Paint: Find Your Flow,

Trust Your Path, and Discover Your Authentic Voice-Techniques for Painting, Sketching, and Mixed Media
Wheat Belly Cookbook: 150 Recipes to Help You Lose the Wheat, Lose the Weight, and Find Your Path Back to Health
Off the Beaten Path: A Travel Guide to More Than 1000 Scenic and Interesting Places Still Uncrowded and Inviting
Our Fascinating Journey: Keys to Brain Potential Along the Path of Prenatal Brain Injury, Second Edition

[Contact Us](#)

[DMCA](#)

[Privacy](#)

[FAQ & Help](#)