



# The Common Law

*Oliver Wendell Holmes*

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## **The Common Law** Oliver Wendell Holmes

Oliver Wendell Holmes, Jr. (1841–1935) is generally considered one of the two greatest justices of the United States Supreme Court, Chief Justice John Marshall being the other. In more than 2000 opinions, he delineated an impressive legal philosophy that profoundly influenced American jurisprudence, particularly in the area of civil liberties and judicial restraint. At the same time, his abilities as a prose stylist earned him a position among the literary elite.

In *The Common Law*, derived from a series of lectures delivered at the Lowell Institute in Boston, Holmes systematized his early legal doctrines. The result was an enduring classic of legal philosophy that continues to be read and consulted over a century later. Beginning with historical forms of liability (thought to have originated in the desire for vengeance in ancient Roman and Germanic blood feuds), the book goes on to discuss criminal law, torts, bails, possession and ownership, contracts, successions, and many other aspects of civil and criminal law.

Encompassing Holmes's profound, wide-ranging knowledge of the law in its historical aspects, yet written in a manner easily accessible to the layman, *The Common Law* provoked this observation from another famed jurist; "The book is a classic in the sense that its stock of ideas has been absorbed and become part of common juristic thought ... they placed law in a perspective which legal scholarship ever since has merely confirmed." — Felix Frankfurter, *Of Law and Men*.

Now the influential ideas and judicial theory of Oliver Wendell Holmes, Jr. can be studied and appreciated in this superb edition — the only one in print — of his magnum opus. This edition also features a new introduction by Professor Sheldon M. Novick, author of *Honorable Justice: The Life of Oliver Wendell Holmes*. First published in 1881, this book is still indispensable reading for lawyers, political scientists, historians, general readers — anyone interested in the origins, development, and continuing evolution of the laws that govern human society.

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