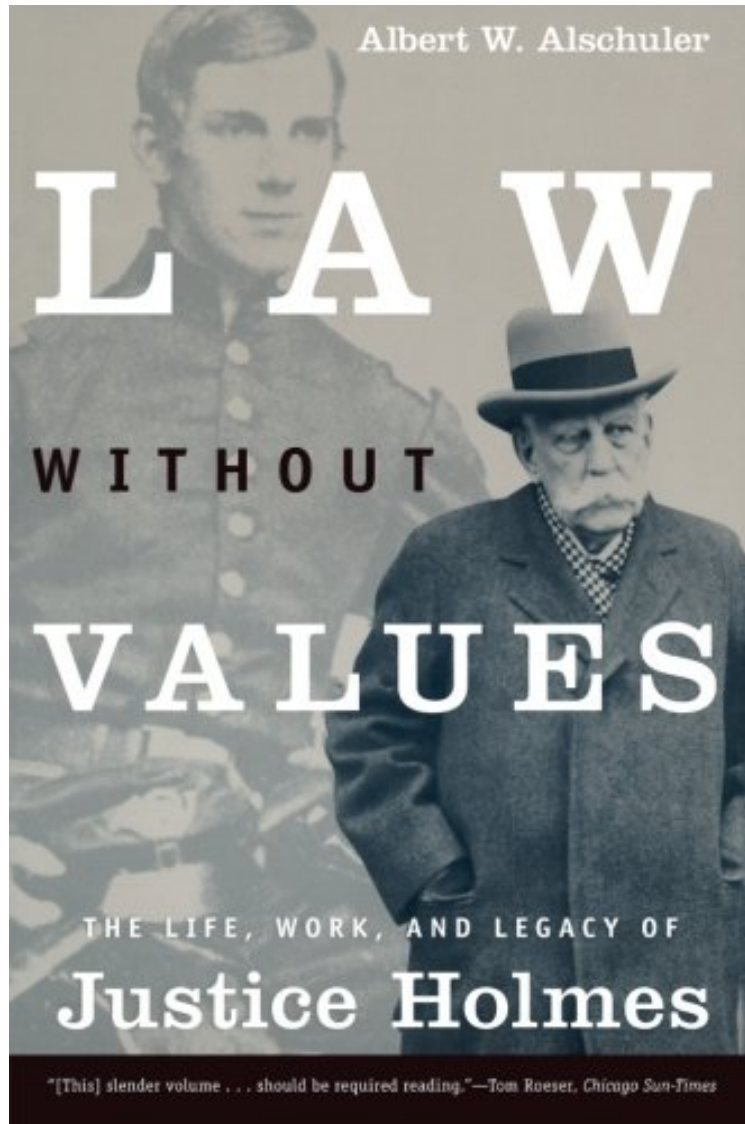


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Law Without Values : The Life, Work, and Legacy of Justice Holmes

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Albert W. Alschuler : Law Without Values : The Life, Work, and Legacy of Justice Holmes before purchasing it in order to gage whether or not it would be worth my time, and all praised Law Without Values : The Life, Work, and Legacy of Justice Holmes:

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the little boy that had let us know the Emperor had no clothes. I looked up at the Large as Life painting of Holmes in Harvard Law School every day during the 1950s and hung a copy in a courtroom for 20 years. Alschuler's *Law Without Values* revealed the superficiality of my hero worship. Alschuler's insightful scholarship and concise, storytelling will open your eyes to how an aristocratic hero with a dark view of mankind was transformed into a mythical champion of labor and liberalism. This is a book lawyers, judges and students of the law (including laymen) should not only read but actively discuss. 0 of 0 people found the following review helpful. Four Stars By JavaBornGood, but a little hard to read if you're not from the legal profession. 12 of 18 people found the following review helpful. Thorough scholarship. By Benjamin Rossen This book is extremely well written, thoroughly researched and possessing the profound perspective of a wise and intelligent writer exercising his science and art with a passion that can be felt just beneath the surface of cool academic analysis. This book is not only of interest to legal historians and philosophers of law, but to any reader wishing to take hold of the main threads which run through the cultural landscape of the modern world.

In recent decades, Oliver Wendell Holmes has been praised as "the only great American legal thinker" and "the most illustrious figure in the history of American law." But in Albert Alschuler's critique of both Justice Holmes and contemporary legal scholarship, a darker portrait is painted that of a man who, among other things, espoused Social Darwinism, favored eugenics, and, as he himself acknowledged, came "devilish near to believing that might makes right."

From Booklist Oliver Wendell Holmes is popularly considered to be one of the greatest legal thinkers in U.S. history. His illustrious legal career included teaching at Harvard Law School and three decades of service on the U.S. Supreme Court. Alschuler, a law professor, explores the complexities of Holmes' personality that have been obfuscated by his reputation. Although Holmes' work as a legal scholar was meritorious, it wasn't groundbreaking, according to Alschuler. The more substantive aspects of Holmes reflected an implicit dark side. The brutality of the Civil War rendered him a brooding skeptic: he'd gone in as an abolitionist and came out as a nonbeliever in causes. Holmes adopted the Social Darwinism popular at the time and came close to applying that philosophy in his decision making. Even so, many of Holmes' opinions, especially the dissenting ones, proved right over a period of time, including support for welfare-rights litigation and freedom of expression. Vernon Ford Copyright American Library Association. All rights reserved "An exuberantly and entertainingly polemical attack on the character, scholarship and philosophy of America's most revered judicial saint." - Jeffrey Rosen, New York Times Book "[This] slender volume by a distinguished University of Chicago law professor should be required reading." - Tom Roeser, Chicago Sun-Times; "In a lively and entertaining attack, Albert Alschuler strips layer after layer from the traditional image of Holmes to reveal not a wise and compassionate liberal saint, but a heartless social Darwinist who believed in nothing but power. [H]is dissection of Holmes's legal scholarship is devastating." - The Economist From the Inside Flap In recent decades, Oliver Wendell Holmes has been praised as "the only great American legal thinker" and "the most illustrious figure in the history of American law." In *Law without Values*, Albert W. Alschuler paints a much darker picture of Justice Holmes as a distasteful man who, among other things, espoused Social Darwinism, favored eugenics, and as he himself acknowledged, came "devilish near to believing that might makes right." Alschuler begins by examining Holmes's power-focused philosophy and then turns to Holmes the person, describing how the horrors he experienced in the Civil War would transform his outlook into one of moral skepticism and profoundly color his decisions, both personal and legal. Thus skepticism, Alschuler argues, was at the root of his personal indifference to others, his romanticization of war and struggle, his persistent efforts to substitute power metaphors for judgments of right and wrong, and his "bad man" concept of law. His pernicious legacy, according to Alschuler, is evident in twentieth-century legal thought, whether one takes an economic or a critical legal approach. Contrary to the perception of many modern lawyers and scholars, Holmes's legacy was not a "revolt against formalism" or against a priori reasoning; it was a revolt against the objective concepts of right and wrong against values. Alschuler's thoroughgoing, no-holds-barred debunking of Holmes, together with his scathing critique of contemporary legal scholarship, will be a lightning rod for discussion and debate.