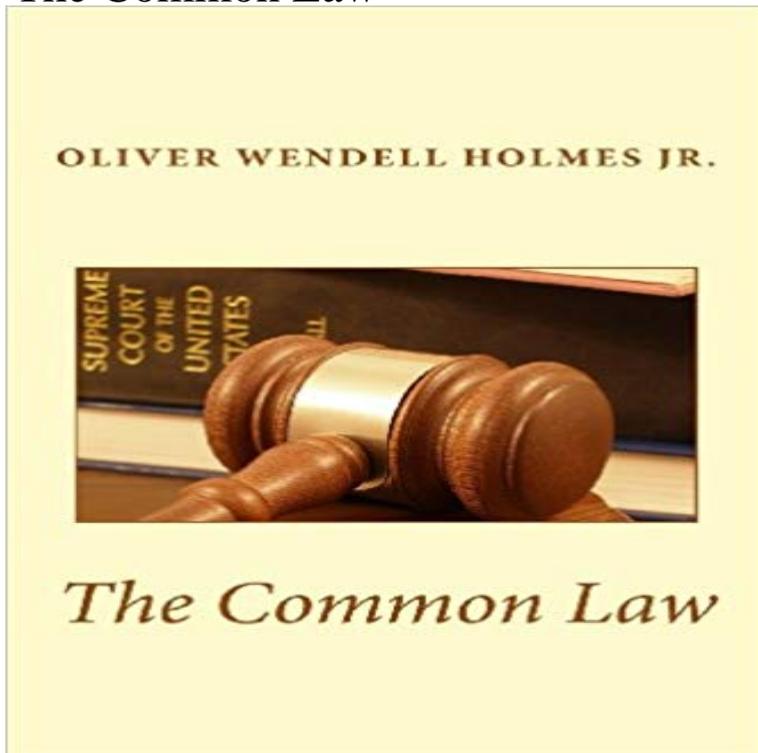


The Common Law



The Common Law, a great legal classic, was written by noted Supreme Court Justice Oliver Wendell Holmes, Jr. in 1881. The book is about common law in the United States, including torts, property, contracts, and crime. The substance of The Common Law is a series of lectures on the various common law subjects: criminal law, property law, contracts, consideration, torts, negligence, bailments, trespass, etc. What makes this book so important is not that the lectures were a summary of the current state of the law at the time Holmes spoke in 1881, but rather because Holmes insightfully explains how they got to be that way. The Common Law, which offers lucid, accessible coverage, from a historical perspective, of liability, criminal law, torts, bail, possession and ownership, contracts, successions, many other aspects of civil and criminal law, is indispensable reading for lawyers, political scientists, and interested general readers. The point of reading The Common Law is not so much that Holmes was a great legal historian; rather, it is that he was an influential legal philosopher. Two tenets of early 20th century jurisprudence that Holmes propounded (and was influential in writing into law when he was later appointed to the Supreme Court of Massachusetts, and later of the United States) can be identified in this work: legal positivism and legal realism. Though a little tedious for non-lawyers, The Common Law illustrates some interesting points as Oliver Wendell Holmes, Jr. addresses the fluid basis for our legal system.

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