



The Formative Essays of Justice Holmes: The Making of an American Legal Philosophy (Contributions in Philosophy,)

Frederic Kellogg

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Although *The Common Law*, the seminal work by Oliver Wendell Holmes, Jr., clearly represents the culmination of an intellectual journey, the development of Holmes' thought has not been easily deciphered. Frederic Rogers Kellogg traces Holmes' intellectual path, and asks: why did Holmes write *The Common Law*? what did he mean by his message that the law has evolved away from moral and toward external standards of liability? how did he arrive at this conclusion? The answers, Dr. Kellogg maintains, are to be found in a series of nine essays that originally appeared in *The American Law Review*. They show that Holmes was obsessed with elemental questions of pure legal theory and link him closely to the philosophic method of his friend Charles Sanders Peirce. Taken together with Holmes' later work, and viewed in light of American philosophy, these essays establish Holmes as the founder of a distinct approach to jurisprudence and reveal the implications of that approach for Holmes' later contributions to constitutional law.

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