



Oliver Wendell Holmes, Jr.

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Oliver Wendell Holmes, Jr. (8 March 1841 - 6 March 1935) American jurist; Justice of U. S. Supreme Court (1902 -1932) often called "The Great Dissenter"; son of [Oliver Wendell Holmes, Sr.](#)

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- The character of every act depends upon the circumstances in which it is done.
 - *Schenck v. United States* (3 March 1919)
- The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic.
 - *Schenck v. United States* (3 March 1919)
- The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree. When a nation is at war many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight and that no Court could regard them as protected by any constitutional right.
 - *Schenck v. United States* (3 March 1919)
- I think that we should be eternally vigilant against attempts to check the expression of opinions that we loathe and believe to be fraught with death, unless they so imminently threaten immediate interference with the lawful and pressing purposes of

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the law that an immediate check is required to save the country.

- *Abrams et al v. United States* (10 November 1919)
- Only the emergency that makes it immediately dangerous to leave the correction of evil counsels to time warrants making any exception to the sweeping command, "Congress shall make no law...abridging the freedom of speech."
 - *Abrams et al v. United States* (10 November 1919)
- It is better for all the world, if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind.
 - *Buck v. Bell* 274 U.S. 200, 207 (1927)
- Three generations of imbeciles are enough.
 - *Buck v. Bell* 274 U.S. 200, 207 (1927) (Endorsing Virginia's eugenics program)
- The common law is not a brooding omnipresence in the sky, but the articulate voice of some sovereign or quasi sovereign that can be identified...
 - *Southern Pac Co. v. Jensen* 1917
- [A] Constitution is not intended to embody a particular economic theory... It is made for people of fundamentally differing views, and the accident of our finding certain opinions natural and familiar, or novel, and even shocking, ought not to conclude our judgment upon the question whether statutes embodying them conflict with the Constitution of the United States.
 - *Lochner v. New York* 1905
- General propositions do not decide concrete cases.

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- *Lochner v. New York* 1905
- [A] page of history is worth a volume of logic.
 - *New York Trust Co. v. Eisner* 1921
- Deep-seated preferences cannot be argued about — you cannot argue a man into liking a glass of beer — and therefore, when differences are sufficiently far reaching, we try to kill the other man rather than let him have his way. But that is perfectly consistent with admitting that, so far as appears, his grounds are just as good as ours.
 - "Natural Law", *Collected legal papers*, 1921
- To allow opposition by speech seems to indicate that you think the speech impotent, as when a man says that he has squared the circle, or that you do not care wholeheartedly for the result, or that you doubt either your power or your premises. But when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out. That at any rate is the theory of our Constitution.
 - *Abrams v. United States* 1919
- Eloquence may set fire to reason.
 - *Gitlow v. People of New York* 268 U.S. 652 (1925)
- The power to tax is not the power to destroy while this Court sits.
 - *Panhandle Oil Co. v. Mississippi ex rel. Knox* (1928)

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- "Get down, you fool!" (directed at then-President [Abraham Lincoln](#) when he came under enemy fire at Fort Stevens.)
- "One's mind, once stretched by a new idea, never regains its original dimensions."
- "I happen to prefer champagne to ditchwater, but there is no reason to suppose that the cosmos does." - As quoted by [William F. Buckley, Jr.](#) [1]
- We have shared the incommunicable experience of war. . . we have felt, we still feel the passion of life to its top. In our youths, our hearts were touched with fire.
- Detached reflection cannot be demanded in the presence of an uplifted knife.
- Most people think mostly what they want to think the majority of the time.
- The right to swing my fist ends where the other man's nose begins.
- [Taxes are the price we pay for a civilized society.](#)
 - Quoted by the IRS above the entrance to their headquarters at 1111 Constitution Avenue.
- ...certainty is generally illusion, and repose is not the destiny of man.
- A child's education should begin at least one hundred years before he is born.
- A moment's insight is sometimes worth a lifetime's experience.
- A word is not a crystal, transparent and unchanging, it is the skin of a living thought and may vary greatly in colour and content according to the circumstances and time in which it is used.
- Any two philosophers can tell each other all they know in two hours.

- Beware now you take away hope from another human being.
 - *Variant:* Beware how you take away hope from any human being.
- Certitude is not the test of certainty. We have been cocksure of many things that were not so.
- Death tugs at my ears and says: "*Live, I am coming!*"
- I have no respect for the passion of equality, which seems to me merely idealizing envy.
- If I were dying, my last words would be, *Have faith and pursue the unknown end.*
- It's faith in something and enthusiasm for something that makes life worth living.
- Lawyers spend a great deal of their time shoveling smoke.
- Life is action and passion; therefore it is required of a man that he should share the passion and action of the time, at peril of being judged not to have lived.
- Life is an end in itself, and the only question as to whether it is worth living is whether you have had enough of it.
- Men must turn square corners when they deal with the Government.
- Most of the things we do, we do for no better reason than that our fathers have done them or our neighbors do them, and the same is true of a larger part than what we suspect of what we think.
- Old age is fifteen years older than I am.
- Our test of truth is a reference to either a present or imagined future majority in favour of our view.
- Pretty much all the honest truth-telling there is in the world is done by children.

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- The advice of their elders to young men is very apt to be as unread as a list of the hundred best books.
- The chief end of a man is to frame general ideas— and... no general idea is worth a damn.
- The great act of faith is when a man decides he is not God.
- The mind of a bigot is like the pupil of the eye. The more light you shine on it, the more it will contract.
- The only prize much cared for by the powerful is power.
- The riders in a race do not stop short when they reach the goal. There is a little finishing canter before coming to a standstill. There is time to hear the kind voice of friends and to say to one's self: "The work is done."
- There is no friend like an old friend who has shared our morning days, no greeting like his welcome, no homage like his praise.
- This is a court of law, young man, not a court of justice.
- To be 70 years young is sometimes far more cheerful and hopeful than to be 40 years old.
- To have doubted one's own first principles is the mark of a civilized man.
- Where we love is home, home that our feet may leave, but not our hearts.
- With all humility, I think, "Whatsoever thy hand findeth to do, do it with thy might." Infinitely more important than the vain attempt to love one's neighbor as one's self. If you want to hit a bird on the wing, you must have all your will in focus, you must not be thinking about yourself, and equally, you must not be thinking about your

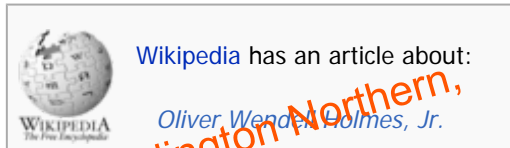
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neighbor: you must be living in your eye on that bird. Every achievement is a bird on the wing.

- Young man, the secret of my success is that at an early age I discovered that I was not God.
- I would not give a fig for the simplicity this side of complexity, but I would give my life for the simplicity on the other side of complexity.

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