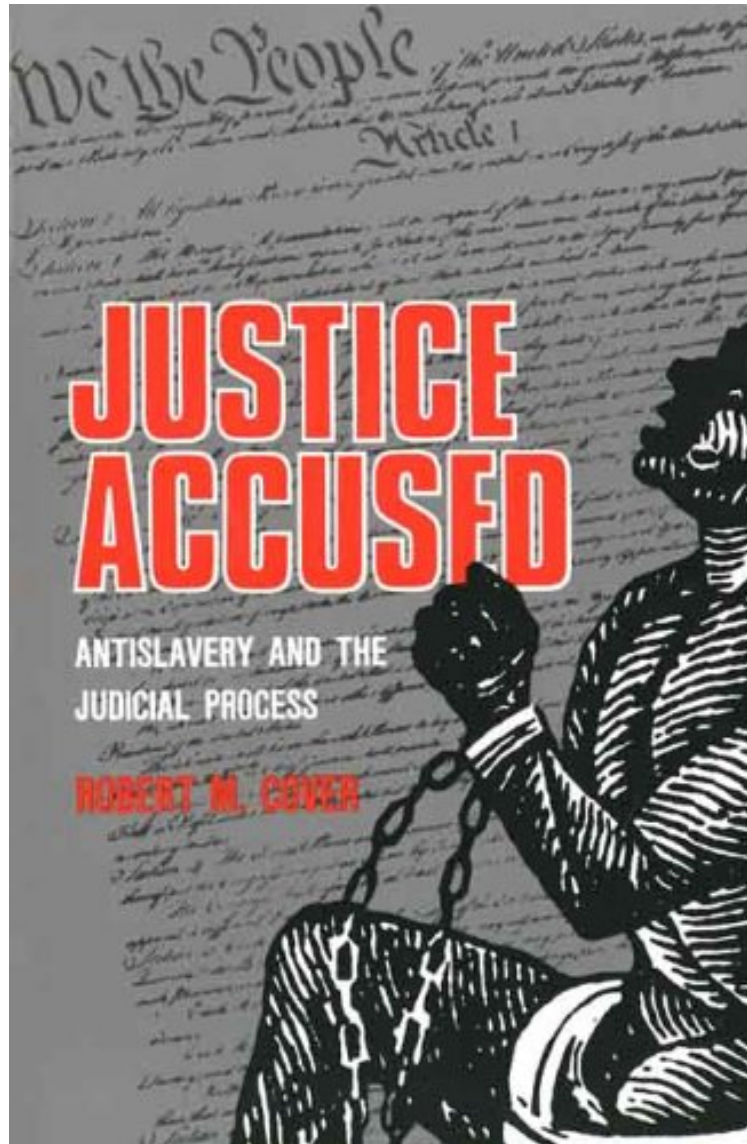


[Download] Justice Accused: Antislavery and the Judicial Process

Justice Accused: Antislavery and the Judicial Process

Robert M. Cover

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Robert M. Cover : Justice Accused: Antislavery and the Judicial Process before purchasing it in order to gauge whether or not it would be worth my time, and all praised Justice Accused: Antislavery and the Judicial Process:

10 of 10 people found the following review helpful. The Deeper Question By Guitarface I studied this book in law school. I think the central question of this book is a little deeper than the way the previous reviewer phrased it. The book explores the conflict that occurs when a judge perceives that the law applying to a case before him is not a just one and will result in injustice if applied in the current case. Does the judge simply apply the law, or find some way

around it to allow for a just result? This is an interesting question today, given the debate between "strict construction" of the Constitution and Holmes' popular notion that the Constitution is a "living document" whose interpretation must evolve with the times. The chief example used in this book is the infamous Dred Scott decision, in which a slave who had lived for many years on free soil, sued for his freedom, but was turned down by the Supreme Court on Constitutional grounds -- although presumably the judges knew that this was not a just result.³ of 6 people found the following review helpful. One of my favorite bookBy A CustomerJustice Accused addresses why antebellum judges who opposed slavery nonetheless felt powerless to do any thing but enforce it.

What should a judge do when he must hand down a ruling based on a law that he considers unjust or oppressive? This question is examined through a series of problems concerning unjust law that arose with respect to slavery in nineteenth-century America. "Cover's book is splendid in many ways. His legal history and legal philosophy are both first class. . . . This is, for a change, an interdisciplinary work that is a credit to both disciplines."?Ronald Dworkin, Times Literary Supplement "Scholars should be grateful to Cover for his often brilliant illumination of tensions created in judges by changing eighteenth- and nineteenth-century jurisprudential attitudes and legal standards. . . . An exciting adventure in interdisciplinary history."?Harold M. Hyman, American Historical Review "A most articulate, sophisticated, and learned defense of legal formalism. . . . Deserves and needs to be widely read."?Don Roper, Journal of American History "An excellent illustration of the way in which a burning moral issue relates to the American judicial process. The book thus has both historical value and a very immediate importance."?Edwards A. Stettner, Annals of the American Academy of Political and Social Science "A really fine book, an important contribution to law and to history."?Louis H. Pollak