

ROBERT M. COVER — *Justice Accused, Antislavery and the Judicial Process*. New Haven: Yale University Press, 1975. Pp. xii, 322. (Paperback 1984)

Robert M. Cover's *Justice Accused, Antislavery and the Judicial Process* is available with soft covers. The book originally appeared in 1975, and stands up well as a classic in both legal history and antebellum history. Professor Cover begins with the image of Captain Vere in Melville's *Billy Budd*. Vere is the symbol of the impersonal enforcer of a higher law who punishes an innocent victim while privately sympathizing with him. Though Melville's fictional victim was a white sailor, his innocence in the face of a mechanistic judicial process is reminiscent of the plight of the escaped slave being returned to his master by a Northern judge who privately disapproved of slavery. The parallel is not an exact one because Melville had artistic licence and redeemed his tormented judge upon his death-bed for having acknowledged an innocent Christ/Budd, whereas Cover has to work within the stricter canons of scholarship, leaving his judge unredeemed and suffering from cognitive dissonance. A scholar who deals in law and history is not allowed the favour of transfiguring judges and judicial victims.

There are two notable features to this book. First, it is an excellent legal history of slavery in the United States of America marred only by its loose background survey of the intellectual history of eighteenth century law. This survey is the only part of the book which shows age. The discussions of eighteenth-century writers such as David Hume lack the precision of more recent works of jurisprudence such as Knud Haakonssen's *The Science of a Legislator, The Natural Jurisprudence of David Hume and Adam Smith* (Cambridge, 1981). However, Cover's discussion of what early and mid-nineteenth-century judges made of the law as it relates to slavery is deft and crisp. His description of the legal work of judges such as Lemuel Shaw, Melville's father-in-law, is very fine. The historical parts of the work seem complete, and deal exhaustively with issues such as the slave trade, mutinies at sea, and private manumission.

Second, Cover is not content with providing an historical description of the judicial process. He insists on making a series of timeless statements about the act of judging. This is an issue-based discussion based on a moral/formal dichotomy. His judges temporarily lose their historical immunity and go on trial for the betrayal of their conscience. The prosecutor's tools here are borrowed from Leon Festinger's *A Theory of Cognitive Dissonance*. Using these tools, Cover examines justice for judicial response patterns, choice, retreat and ascription of responsibility elsewhere. A brief review is not the place to provide a critique of the appropriateness of applying a psychological theory such as cognitive dissonance to historical work so no criticism of Cover's strategy will be given here. Further Cover must be allowed some latitude, because his intention is not solely historical, but includes suggestions on how judges respond to and interpret law in conflict situations. All that can be said in a short review is that Cover's use of cognitive dissonance seems more plausible and sensitive than the use of that theory by another recent historian (J.R. Moore in *The Post-Darwinian Controversies*, Cambridge University Press, 1979). Also, one can say that this theory is more promising as a tool for psycho-historical investigation than is Freudian Psychology.

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PHILIP D. CURTIN — *Cross-Cultural Trade in World History*. London: Cambridge University Press, 1984. Pp. xi, 293.

In a remote past Herodotus tells us of a trade on the western or northern shores of Africa, whereby people deposited goods for exchange at a familiar but isolated spot away from village and settlement. Having done that the people departed. A second group appeared, leaving another pile

of goods for trade, and in their turn departed. The first returned, judged the value of the goods and effected an exchange, or not, as they wished. Trade took place at the boundary zone between two peoples not speaking each other's language and, indeed, not even coming into physical contact. This silent trade, as it was described by Herodotus and many other travellers, was an exceptional approach to cross-cultural exchange. Once towns and concentrated settlements appeared itinerant or resident aliens carried out trade across cultural and political boundaries.

Normally the trader was a member of a particular society which had established trading ties with several communities diverse in language and culture. Diffused in a trading diaspora, it was important for the trader to maintain the culture, religion, and language of his place of origin, for to assimilate with the foreign culture, the culture of residence, was to lose his outside ties and special function as a cross-cultural border.

Although such trade diasporas eventually undermined the basis for their own existence, they occupied a fundamental and enduring place in world history from the earliest times to the nineteenth and even twentieth centuries.

The list of such trade diasporas is a long one and in the annals of world trade an impressive one. From Lebanon the Phoenicians spread westward through the Mediterranean to North Africa, Iberia, and the Atlantic shores of Africa. Greeks diffused along the littoral of the Mediterranean and Black Sea. Centuries later Arabs and Persians scattered along the east coast of Africa in some thirty to forty stone-built towns extending from Somalia to Sofala. From northwestern India Gujarati dispersed in a vast trade network extending from the Straits of Hormuz and Aden to Malacca and the Straits of Sunda; to the late seventeenth century they remained the single most important trading diaspora in the Indian Ocean. From the Coromandel Coast Kling and Chetti speaking Hindu merchants led Indian trade into the Bay of Bengal and Indonesia. Chinese and Okinawans spread through Southeast Asia and there interacted with a Burgis trading diaspora spreading from the southwest peninsula of Celebes. French spread in the trading diaspora across the wilds of North America, Jews and Armenians in the Indian Ocean and Central Europe.

The means by which the trade diasporas were linked together varied. At one extreme were the diaspora bound only by common language, religion, and culture, for example, the Jews in the Mediterranean of the Middle Ages or in Fatimid Egypt and the Arabian Sea of the thirteenth century. At the other extreme were the trading-post empires of the Venetians and Genoese and those later ones, partially modelled on them, of the Portuguese and Dutch. In this case the trader is part of an empire enjoying special rights and privileges, even political autonomy.

The origins of the trade diasporas are found in the commonplace advantages of trade between regions with differing resource endowments. Thus in Africa the desert fringe — the sahel where desert meets savannah — is an important cross-cultural trading zone, as is the other side of the savannah where it fronts on the tropical rain forest. Because of locational advantages certain peoples emerge as brokers. It was thus with the Hansa trade diaspora to the kola groves of central Ghana. The Dendi of southern Niger began a trade diaspora based on salt. By the nineteenth century they had diversified and spread their trade network to the point where the Dendi language had become the dominant trade language over much of the present republics of Togo and Benin. Locational advantages with respect to deposits of iron or copper and date groves all, at one time or another, became the basis upon which certain communities established trade diaspora.

The story of trade is an old one and the reasons for it well and long known. Philip Curtin's account of world trade is a noteworthy contribution to the history for two reasons. First it is especially successful in integrating much of the recent work on pre- or non-European trade into a global history of trade. Thus, there is substantial material on trade in Africa, Southeast and Central Asia, and the Indian Ocean in the pre-European period. In subsequent periods, with European presence, the non-European dimension is kept in focus.

Second the closer examination of non-European aspects of trade has shifted the perspective in which the whole history of trade is viewed. Historians of trade nurtured in the school of neo-classical

economics are prone in their history to elaborate the theme that trade takes place when the differential production costs are not neutralized by transportation costs. Certainly there is truth to that but it leaves a great deal unsaid about how trade actually takes place and who makes it happen. Economic anthropologists, who have done so much to put trade in an alternative perspective and view it from the vantagepoint of economies not so thoroughly commercialized, have seen it in a more complex, textured environment where religion, language, custom, tribute, and politics subtly interrelate. This work is reflected in Curtin's treatment of African and East Indian trade but also in brief but insightful perspectives on Hanse traders in the Steelyard of Medieval London or as an alien merchant community in Medieval Bruges.

Curtin's essay covers, for the most part in chronological order, the development of trade from the earliest times to the nineteenth century when trade diasporas begin to fade away. It is especially forceful in its treatment of non-European trading patterns in history and how these adjusted to and blended with the European patterns. The review of these latter, however, is quite provocative in this new global context. In other instances, for example the chapter on the overland Russian and Canadian fur trade, the juxtaposition of regional development in a global context is exciting. Historical development is blended with rich geographical and ethnographic detail. The text is illustrated with thirty-one maps, and for a valuable study of world trade it is remarkable in not having or needing a single table of trade statistics.

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MATTHEW EDEL, ELLIOT D. SCLAR, and DANIEL LURIA — *Shaky Palaces: Homeownership and Social Mobility in Boston's Suburbanization*. New York: Columbia University Press, 1984. Pp. xxiv, 459; tables and figures.

Shaky Palaces, an initial volume in the Columbia history of urban life series, is a fascinating, unusual, provocative, doggedly biased, and flawed book. Employing radical treatments of the past, characteristic of the New Left of the late 1960s and early 1970s, it considers critically several aspects of the American dream of home ownership. Essentially a case study of Boston which builds upon and takes issue with the seminal work of Stephen Thernstrom and Sam Bass Warner Jr., *Shaky Palaces* attempts to reach universal conclusions for the American experience. The joint authorship and a lack of chronological meshing of events yield a choppy text resembling a collection of connected research papers and contentious briefs. Unwieldy and, at times, quite technical, *Shaky Palaces* holds together because of its coherent but deficiently supported revisionist argument. For historians interested in historiography, methodology, and shelter, this book by three non-historians nevertheless has a few stimulating qualities.

From the perspective of historiography, Edel, Sclar, and Luria, have marched with banners flying into a demonstration of the traits of the New Left a decade after the parade. The characteristics of that dissenting coterie included a critique of the belief that America had achieved affluence and widely distributed political power. The authors of *Shaky Palaces* make exactly these points with regard to the topics of housing and neighborhoods. Contrary to myth, they argue, homeownership has proven to be a poor investment and a drag on upward mobility. As for political clout, the working class could not achieve real power because homeowner-tenant differences and struggles among neighborhoods helped wreck attempts at class unity. The authors avoid a truly crude Marxist analysis that would make the working class victims of a manipulated property and shelter scene; they seem well aware of the new labour history themes: "Workers, too, develop ideas and organizational power. There are two sides to a class conflict (p. 264)." Therefore what the authors argue is that capitalists and