

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