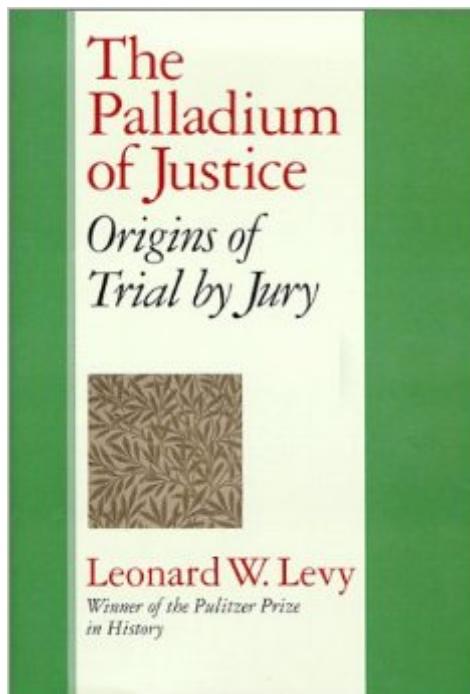


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The Palladium Of Justice: Origins Of Trial By Jury



Synopsis

Trial by jury is the mainstay of the accusatorial system of criminal justice. Here one of our most distinguished constitutional scholars, the Pulitzer Prize-winning Leonard Levy, brings his formidable skills to bear in tracing the development of what many great legal minds have called the Palladium of Justice. Recounting this history with his characteristic clarity, vigor, and elegance of expression, Mr. Levy has given us a brilliant and useful summary of one of our most cherished freedoms. Incisively, thoroughly, and thoughtfully—“as always”—Leonard Levy offers historical meaning and understanding to one of our most basic rights. —Stanley I. Kutler

Book Information

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Customer Reviews

Levy's defense of juries and the Anglo-American accusatorial system is a worthwhile evening's read that condenses 600 years of legal history into a scarce hundred pages of simple prose--a truly remarkable feat. As an alternative to trial by ordeal, conjuration, and battle, juries were an innovative fact-finding solution that helped spread the power of the central government in England, yet also helped focus resistance to British power in revolutionary America. Levy argues plausibly that though the Anglo-American tradition was hardly perfect, it better averted torture and other excesses of the inquisitorial (Continental) system during the 13th-17th centuries because bringing suspects before a jury to find the facts reduced the likelihood that judges would resort to other means of extracting confessions. The excesses of Guantanamo/Iraq/Afghanistan, where juries have been denied, suggest Levy's point is more than merely academic. The discussion of the role of juries in the Revolution seems less convincing, if only because the subject matter is less exotic, and contrary

impressions are readily available. Still, the Constitutional debates over jury nullification remain relevant today. A 103-page book, Levy's text does not seek to be an exhaustive treatise so much as an extended essay readily ingestable in an evening or two. Chock-full of interesting tidbits, it should appeal to anyone interested in the purpose and history of juries, one of the most distinctive characteristics of American legal heritage.

This brief book provides a good introduction to the origins and early history of trial by jury. The author surveys the history of trial by jury, including its roots in Great Britain, its evolution in Great Britain and the British colonies in North America, and its incorporation into American constitutional law. The author compares and contrasts the adversarial system of justice in England with the inquisitorial system of justice that prevailed in much of Continental Europe. In doing so, the author highlights some of the pros and cons of both systems of justice, and concludes the English adversarial system of justice was better overall. The author also briefly discusses how the grand jury developed as a separate institution from the trial jury in Great Britain. Finally, the author reviews the trial by jury experience in colonial America, and its incorporation into American constitutional law. The book is too short to provide a detailed or comprehensive look at the origins and early history of trial by jury. But, it provides a good, basic introduction for anyone interested in the subject.

This volume is far from the author's best work. It was, in fact, a disappointing read. In some places, it was simply inaccurate. In others, the author made statements that needed support - but he declined to use either end notes or foot notes, so we the readers can't check. I believe he wrote this book for casual readers, not serious readers or students.

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