

Author: Jerzy Zajadło

Title: Joseph Story. Portret uczonego prawnika i pragmatycznego sędziego / Joseph Story. The Portrait of Scientist Lawyer and Pragmatic Judge

Source: Kwartalnik Prawa Prywatnego (“Quarterly of Private Law”)

Year: 2022, vol. XXXI, number 1, pages: 5-31

Keywords: Joseph Story, Private International Law, Slavery, Prigg v. Pennsylvania

Discipline: Private Law

Language: Polish

Document Type: Article

Publication order reference: University of Gdańsk [jerzy.zajadlo@prawo.ug.edu.pl]

Abstract:

Joseph Story (1779-1845) studied law at Harvard and subsequently opened a law practice in Salem. After a brief political career with the state authorities and later in Congress, president James Madison appointed him to the Supreme Court in 1812. To this day, Story is the youngest justice in the long history of this institution. He spent thirty-three years on the Supreme Court up to his death in 1845. According to modern rankings, he is considered to be one of the best justices, alongside such eminent personalities as John Marshall, Oliver W. Holmes, Earl Warren, and William J. Brennan. Independently of his Supreme Court position, Story lectured at Harvard and carried out scholarly work. He was the author of several commentaries in different areas of law, including constitutional, civil, commercial, and financial law; the best known of them being his three-volume commentary on the Constitution of the United States, published in 1833. The main purpose of this article is the presentation of Joseph Story's two different professional roles: brilliant scientist lawyer and eminent Supreme Court judge. The first is analysed on the example of his outstanding Commentaries on the Conflict of Law (1834), the second – on the basis of his controversial verdict in *Prigg v. Pennsylvania* (1842).