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## FACULTY SCHOLARSHIP SERIES

## Book Review: St. George Tucker, Blackstone's Commentaries

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## Abstract

American legal commentators of the antebellum period bear a distinctly conservative stamp. At their best they were conservative in the manner of Story, imposing wise restraint on the process of change; at their worst they could be no more than apologists for the status quo, justifying abuse and privilege in the name of order. This pervasive conservative tone is understandable, for the task of the commentator is often synthesis and consolidation. That function was even more important in the nation's childhood. The dearth of ordered materials made practice difficult and put a premium on the elementary tasks of order. Perhaps because he was a confirmed Jeffersonian, writing at the zenith of Jeffersonianism, St. George Tucker stands out as a notable exception to the rule. His work exudes a reformist and libertarian vitality unthinkable in a Kent, a Story, or a Dane.

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Author: Sir William Blackstone Editor: George Sharswood. PLL v6.0 (generated September, 2011). 2. <http://oll.libertyfund.org/title/2140>. Online Library of Liberty: Commentaries on the Laws of England in Four Books, vol. 1. About Liberty Fund: Liberty Fund, Inc. is a private, educational foundation established to encourage the study of the ideal of a society of free and responsible individuals. The present edition of the Commentaries of Sir William Blackstone has been prepared with especial reference to the use of American law-students. The main object of the notes, selected and original, has been to correct any statement in itself erroneous, and to explain what might be calculated to mislead. Allen Mendenhall reviews St. George Tucker's View of the Constitution of the United States, a classic of Jeffersonian constitutionalism. Most come from essays appended to his edition of Sir William Blackstone's Commentaries on the Laws of England. Born in Bermuda, Tucker became a Virginian through and through, studying law at the College of William and Mary under George Wythe, whose post at the law school he would eventually hold. On Tucker's résumé we might find his credentials as a poet, essayist, and judge. 1. St. George Tucker, Irew of the Constitution of the United States, in 1 ST. GEORGE TUCKER, BLACKSTONE'S COMMENTARIES: WITH NOTES OF REFERENCE, TO THE CONSTITUTION AND LAWS, OF THE FEDERAL GOVERNMENT OF THE UNITED STATES; AND OF THE COMMONWEALTH OF VIRGINIA ed. app. at 300 (St. George Tucker ed., Lawbook Exch. 1996) (1803) [hereinafter Tucker, View of the Constitution]. 2. As gun rights advocate David Kopel notes, "St. George Tucker appears regularly in Standard Model articles discussing the Second Amendment. It is perhaps significant that noneofthe anti-individual writers even admi