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**LA JEUNE EUGENIE AND THE ANTELOPE: TWO TRAGIC CHAPTERS
IN THE HISTORY OF THE LAW OF THE SEA**

The main purpose of the article is to analyze two judgments from the history of American justice – the case of the ship *La Jeune Eugenie* from 1822 and the case of the ship *The Antelope* from 1825. According to the Author, the understanding of the philosophical and legal nature of these decisions requires a broader presentation of the background associated with the ambivalence about slavery in the United States as well as moral and legal problems that accompanied the jurisdiction of American courts in cases related to slavery in the first half of the nineteenth century. The starting point is the formula for *Fiat iustitia ruat coelum*, which was used by Lord Mansfield in 1772 in the famous judgment in the case *R. v. Knowles, ex parte Somerset*. Next, the Author discusses two groups of issues, which put that American judges advocating abolitionism in the situation of a moral conflict between the sense of justice and legal formalism. First group includes the so-called *slaves in transit cases*, which concern the situation of voluntary bringing of a slave to the territory of a slave-free state and the second group of the so-called *fugitive slaves cases* concerns the situation of a slave captured in the territory of a slave-free state in order to be returned to the owner from a slave state.

According to the Author, the case law on these issues has not only historical but also paradigmatic significance, because it shows the universal nature of judicial conflict of conscience. In such case, the judge can choose one of four possible solutions: 1) escape into formalism and apply the law regardless of its moral or amoral character, 2) reject the immoral law and rule *contra legem* due to his conscience, 3) resign from his position, 4) escape into the so-called *subversion* meaning bending the law to the requirements of his own conscience with the awareness that such action is *contra legem*, albeit hidden and veiled by specific argumentation.

