

The only rejoinder to this and other ancient principles is seldom made openly: it is that justice can go hang. Justice implies responsibility which implies free will which science cannot sanction. Most criminals, says the empirical social worker, cannot help themselves; they are patients not offenders. To save these patients from the criminal law, he invokes the social expediency of restoring them to a useful life. But it should be noted that this therapeutic doctrine still reserves for its cases the rights that the accused now enjoys under the law. And this is fortunate for the patient, because social expediency can work both ways: it can declare that for the good of the community the sick, the halt, and the useless should be eliminated. And if by that time justice *has* gone hang and the law courts have become the playground of psychiatrists and electronic engineers, the individualizing of the punishment will not comfort, much less save, the individual.

Meanwhile it will be an excellent thing if the issue laid out by the new textbook in our hands receives in the law schools of the country the discussion it deserves. I am not sure how much "decision-making" can be elicited from classes whose knowledge of the criminal law depends on what they can read, quite literally, between the lines of Dr. Kinsey and Margart Mead and the unreadable Professor Talcott Parsons. I am not even sure that the "problems" elaborately set forth are not rather perennial difficulties and causes for debate. But this will not matter to the recruits of a profession that respects the adversary mode of reaching truth — the mode which protects our civil and political rights, which governs our intellectual life, and which science itself must adopt when rival theories dispute the field.

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ADDITIONAL ERRATA: Volume 72.

Page 1486, Line 29. For "transferor" read "transferee."

Page 1499, Line 7. For "If" read "It."

Page 1501, Line 42. Delete "also be viewed as intangible property."