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## George Dession

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## BUFFALO LAW REVIEW

the value of psychiatry in the administration of the criminal law and, also, the severe social and financial limitations on the actual use of psychiatry. I wish this essay, sympathetic and even optimistic regarding psychiatry, would be read by those literary psychiatrists whose forensic discourse is devoted almost exclusively to one segment of the substantive law—the M'Naghten Rules!

Another instance I would cite to indicate the quality of Professor Dession's scholarship is his analysis of the problem of legal sanctions. Here, a philosophical perspective was revealed and formulated in terms which can be employed significantly in legal research. Anyone concerned with the theory of law and socio-legal research, not only in criminal law but also in many other branches, will profit from the suggestiveness of Professor Dession's analysis. One could supplement these instances with many other examples of Professor Dession's major contributions, e.g., to criminal procedure and evidence, the functions of investigative bodies,

comparative criminal law, and so on.

But enough has been said, I hope, to delineate the principal interests of this sensitive, broadly-gauged, thoughtful scholar who lives in the minds and hearts of many colleagues both in this country and abroad.

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### GEORGE DESSION

George Dession died at the summit of his powers, and at the time when he had cleared his desk in order to concentrate on the great and systematic work for which his life was preparation. He had engaged in active practice on behalf of private and governmental clients. He had an imposing list of imaginative and authoritative articles in the journals of the Profession. His casebook, of course, was a standard in the field. For many years George Dession had special psychiatric training and continually worked in close cooperation with physicians and social scientists in the study of correctional problems. He was continually engaged in teaching and was on call incessantly for advisory opinions. All of this constituted a scholarly career of great weight and distinction. So far as George Dession was concerned, however, all these activities were prologue to what he hoped to do in the way of developing certain fields of law by applying the concepts and procedures in which he had come to have great confidence. His supple and superlative mind and his unique experience cannot be duplicated in

## IN MEMORIAM GEORGE H. DESSION

at least the immediate future. As with many remarkable men, only particular skills or deficiencies are easy to replace; not his genius.

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### GEORGE H. DESSION

The untimely death of Professor George H. Dession has deprived all those concerned with the present and future of criminal justice of one of their ablest and most promising colleagues. The present writer never had the privilege of meeting him in person, but the study of his writings makes it possible to reconstruct the basic characteristics of the man. He was one of the comparatively small band of criminal lawyers whose interests extend far beyond the limits of their own branch of the law and even beyond those of the law altogether. Moreover, although dealing in the first place with American conditions, most of his ideas were of a quality so universal as to make them applicable to conditions in other countries, and his writings were keenly appreciated abroad as much as in the United States. He was at home in legal philosophy and sociology and also familiar with the teachings of economists and psychiatrists. At the same time, he had at his disposal that indispensable first-hand experience of the actual working of the machinery of criminal justice that can be obtained only from practical activities in its various fields. Neither his learning nor his practical experience, however, seem to have made him, as sometimes happens, indifferent to the human factor which is perhaps more important here than in any other branch of the law. Characteristically, one of the various "Principles" dominating his major work "Criminal Law, Administration and Public Order" and appearing again in his outstanding James McCormick Mitchell Lecture at the University of Buffalo, is the "Humanitarian Principle" which requires "the largest possible identification" with the lawbreaker — a capacity which, Dession thought, had been almost lost in a self-satisfied and complacent "bourgeois" age too well off to feel sympathy with the underdog. Only communities which have to struggle hard for survival, communities and periods whose political and social values are not yet, or no longer, firmly secured and stabilized can have a real appreciation of the need to protect the legitimate interests of the lawbreaker. This seems to imply that, in the criminological sphere, Dession has taken his stand with Durkheim against Sorokin; and he is not likely to have favoured any Lombrosian or neo-Lombrosian theories stressing the hereditary and constitutional factors in crime and, in the last resort, proclaiming the unalterable difference between the criminal and the law-abiding citizen. In the