

1976

Editor's Note

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Recommended Citation

Editor's Note, 15 Duq. L. Rev. 161 (1976).

Available at: <https://dsc.duq.edu/dlr/vol15/iss2/3>

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Duquesne Law Review

Volume 15, Number 2, Winter 1976-77

Editor's Note

On October 21, 1976, students and faculty of Duquesne Law School were shocked by the death of Professor Henry Seney. The full effect of our loss has yet to be felt. Professor Seney inspired some, angered others, into questioning the traditional concepts of criminal law and conflicts. His course on law and literature was one of the most innovative offerings at the law school and revealed his creativity. His casual treatment of case material and caustic comments concerning the "meandering and leaden-hooved black-letter"¹ law often belied a sensitivity to and scholarly analysis of legal developments in the courses he taught. Those of us who were exposed to him, however, caught glimpses of his deep feelings despite or because of his classroom approach.

Students who have lost the opportunity to become acquainted with Professor Seney's personality and viewpoint will have missed a unique experience at Duquesne. Yet the impact of the man's thinking remains for all of us to appreciate in a series of seven articles he contributed to the *Wayne Law Review* between 1971 and 1974² in which he critically explored the socio-legal problems of criminal law and bitterly attacked the conceptual disorder of the criminal justice system.

Only Professor Seney's own words capture the essence of this work:

1. Seney, "When Empty Terrors Overawe"—*Our Criminal Law Defenses*, 20 WAYNE L. REV. 41, 45 (1973).

2. Seney, *The Sibyl at Cumae—Our Criminal Law's Moral Obsolescence*, 17 WAYNE L. REV. 777 (1971); Seney, "A Pond as Deep as Hell" *Harm, Danger, and Dangerousness in our Criminal Law*, 17 WAYNE L. REV. 1095 (1971); Seney, "A Pond as Deep as Hell"—*Harm, Danger, and Dangerousness in our Criminal Law* (pt. 2), 18 WAYNE L. REV. 569 (1972); Seney, "When Empty Terrors Overawe"—*Our Criminal Law Defenses* (pts. 1 & 2), 19 WAYNE L. REV. 947, 1359 (1973); Seney, "When Empty Terrors Overawe"—*Our Criminal Law Defenses* (pts. 3 & 4), 20 WAYNE L. REV. 41, 1269 (1973-1974).

Generations of legal scholars and jurists and lawyers and law students have pretended to communicate with the mumbo-jumbo of "mens rea" and "actus reus" and "causation," and the law journals overflow with scholarly expositions of these jargon games. But the real life consequences of such mummery, in unequal human suffering, are appalling. While it may comfort legalistic consciences to pretend that mighty abstractions—The Law and The Individual—are why people suffer the consequences of victimization and the medievalisms of jail and asylum, such escapism in a pretense-shattering age appears more and more clearly as simple moral cowardice. It seems intolerable for us to pretend any longer that The Criminal Law is pristinely occupied with impersonally applying the blackletter definition of some "crime" to a free-willing, morally responsible individual to produce a logical, inexorable, equal-justice result.³

It is in tribute to the thought-provoking teaching and writing of Professor Seney that we dedicate our volume.

3. Seney, *The Sibyl at Cumae—Our Criminal Law's Moral Obsolescence*, 17 WAYNE L. REV. 777, 783-85 (1971) (footnotes omitted).