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FOREWORD

The gestation of this symposium has been a long and rather curious one. The seed was first planted about five years ago, when a correspondent wrote:¹

I've been on grand jury duty for the past month. . . .

After Manhattan's monthly quota of felonious rapes, sodomies, and extortions of homosexuals I am even less certain than before that the public (as represented by juries) can be trusted with sexual "crimes." If my co-jurors are any indication, there is always a bloc that votes what I can only call the anti-sex ticket and demands that society be revenged for conduct that can be called criminal only in its degree of repugnance. Yet if the word "filthy" has any meaning whatever I would certainly apply it to the grilling of little girls, in the precision the "law" demands, before an amphitheater of strange men (our one woman fled). If the original experience was not traumatic enough, this can surely be guaranteed to scar them. Thus is justice served. I hope you will some day devote a volume to this unhappy topic.

This suggestion struck an immediately responsive chord. The proposed theme seemed to be significant and timely,² and one quite amenable to the cross-disciplinary sort of treatment that this journal frequently employs. Nevertheless, since the appearance of an issue devoted to a somewhat cognate subject was imminent,³ it was thought wise to postpone the planning and publication of a symposium on sex offenses until a more propitious time.

In the intervening years, as various symposia touching directly or indirectly on this theme appeared,⁴ the dedication of an issue to sex offenses was repeatedly deferred. Recently, however, owing primarily to the interest generated by the latest American Law Institute proposals,⁵ it was concluded that the season was ripe for the full-scale, integrated discussion that had earlier been envisaged. How sound this decision was and how successfully it has been implemented here the reader himself may judge.

¹ Letter from Eric Larrabee to the Editor, July 8, 1955.

² The first Model Penal Code formulations concerning sex offenses had just been promulgated, after much thought and discussion, by the American Law Institute. MODEL PENAL CODE art. 207 (Tent. Draft. No. 4, 1955).

³ *Obscenity and the Arts*, 20 LAW & CONTEMP. PROB. 531-688 (1955).

⁴ See, e.g., *Narcotics*, 22 *id.* at 1-154 (1957); *Sentencing*, 23 *id.* at 399-582 (1958); *Crime and Correction*, 23 *id.* at 583-783 (1958).

⁵ MODEL PENAL CODE art. 207 (Tent. Draft No. 9, 1959).

This symposium has hopefully been designed critically and comprehensively to examine the social control of unconventional sex practices. To this end, our contributors have sought to survey and analyze the crazy quilt of laws governing sex offenses in this country, with an eye both to delineating the course of their historical development and to assaying their essential validity from an anthropological, an ethical, a sociological, a psychiatric, and a biological point of view. Since legislative and judicial as well as popular attitudes in this area seem to reflect a profound anxiety concerning children and adolescents, who are regarded as especially susceptible to sexual victimization, this facet of the subject has been intensively elaborated.

The theories spun out and the techniques devised by any one society for coping with a particular problem may or may not be readily translatable to another society, either in whole or in part. This in itself, however, is not the sole measure of their utility. Comparative study of the different approaches that have been taken to it has long been recognized as a most effective means of opening new perspectives on a problem and affording valuable insights and guides to its solution. With this in mind, two of our contributors have specifically addressed themselves to a description and appraisal of British and Scandinavian experience in this area. In light of our close cultural and ideological ties to these countries, these inquiries would seem to have even greater than usual relevance and merit.

The over-all thrust of this symposium parallels and largely reinforces that of the American Law Institute's Model Penal Code. Accordingly, no dramatic new departures should be expected. The justification of this issue lies rather in the hope that by more widely disseminating, explaining, and popularizing the notions that underlie currently debated reforms, it will hasten their general acceptance and thus conduce a sounder, more rational, and more humane resolution of this most troubling social problem. If it succeeds in this endeavor, even in small measure, this symposium will have amply served its purpose.

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