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Albert Harno

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TRUTH AND JUSTICE*

By Albert Harno**

The quest for truth and the quest for justice are prime motivations in the law. Truth is the foundation, justice the superstructure. Neither is ever quite attainable, but the quest for them must be a constant one, lest the structure fall. We have come a long way in our search, but we are humbly aware that we still have far to go. We are convinced today (or are we?) that trial by battle and the ordeal were worthless machinery for the attainment of justice. How clear are we that the methods and procedures now employed in the settlement of legal disputes are adequate vehicles for justice?

The quest for truth involves what the lawyer calls "getting the facts." The facts must be had before a court can make a decision in a controversy, and often, as many good lawyers have discovered, when the facts underlying a dispute are found, the dispute is resolved without litigation. But the essential facts are often elusive and witnesses hard to find or obscure in their testimony. It is here, in getting at the facts and so arriving at the truth of a situation, that the man of science can often make a valuable contribution.

In a cruder age, when the procedures we now employ in the law had their beginnings, the scientist had not yet put in his appearance, and so it is that there still is a want of awareness of his potential services to the law. Scientific crime detection is just in its infancy. We still are far from a full realization of the contributions available to criminal law administration from the psychiatrist and the criminologist. An explosion occurs and people are killed and property destroyed. The observations of one chemical engineer based on his investigations of the situation may be more reliable on the causes of the explosion than the testimony of a dozen eye-witnesses.

This, indeed, is a scientific age and the law must ever make increasing use of the scientist in the settlement of disputes. But even so we must not underestimate the place occupied in this scene by the men trained in the law. The scientist can give us great impetus in our search for facts—in our quest for truth—but it remains for the lawyer to assemble the facts applicable to a concrete controversy and it remains for a judicial tribunal to appraise these facts and to declare the legal result.

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