

# Editor's Note

This book represents the final word and wisdom of a great thinker. It is the summary of what a scholar and philosopher has to say to the world at the end of his life. It is a *summary*—much of it, in one way or another, he had stated in earlier works but here, in his farewell message, he wanted to give his words the ultimate formulation, unencumbered by what he impatiently referred to as “academic ballast.” He wanted to write a book without footnotes and extensive bibliography, addressing the world at large, the general (albeit well-educated) reader, who, so Ehrenzweig felt, did not care where a certain quotation came from. Accordingly, Ehrenzweig uses quotations and paraphrases freely without usually stating the source, although stating the author—grudgingly, as it were, by providing only the family names even for such common names as Davis, Robinson, Cohen, Alexander. He seems to be saying to his reader: “Author X said it and it does not matter where; trust me for quoting or paraphrasing him correctly; let’s not get bogged down with ‘documentation,’ but get on with the show and continue our discussion without scholarly interruptions. This is my last book, let me have my way.”

Ehrenzweig’s wish was respected when his manuscript was edited, although first names were supplied by the devoted detective work of Thomas H. Reynolds of the University of California Law School Library, by Professor Friedrich Kessler of the Law School, and by myself. The reader interested in documentation nevertheless can find much of it in Ehrenzweig’s earlier work, *Psychoanalytic Jurisprudence*, published by the same publisher in 1971, to which Ehrenzweig frequently refers, using his initials (AAE). In some instances (such as Michael Tigar, the former editor of the *California Law Review*, and Dr. Dorothea Mayer-Maly of the University of Salzburg, Austria),

Ehrenzweig quoted what they told him in conversation or wrote in personal letters.

The manuscript was left in unfinished form. There were penciled emendations of many kinds, some in German shorthand, some in abbreviated form, some illegible, some doubtful concerning their placement, some incomplete or in the form of reminders for later elaboration, some scribbled in the margins with guidelines that seemed to lead to places where they could hardly belong. Mrs. Maria Rosenthal, his long-time associate in the Law School office, familiar with his ways and hand-writing, miraculously deciphered much that could not have been interpreted by anybody else; three retypings were needed to put the manuscript in shape for the printer. The most serious problem was posed by the organization. Ehrenzweig had altered the structure of the manuscript at least twice, changing the numbering and placement of pages, sections, and subtitles, but only in sketched form and inconsistently, so that the final arrangement had to be conjectural. Professor Edgar Bodenheimer of the University of California School of Law at Davis saw the manuscript in this form and made some valuable corrections.

A few hours before her death, Mrs. Erica Ehrenzweig handed me the manuscript saying it had been her late husband's wish that I put it into publishable form; I had edited his *Negligence without Fault* in 1951, and his "*Full Aid*" for the *Traffic Victim* in 1954. Thus this book, in addition to being Professor Albert Ehrenzweig's farewell to the world, is also my farewell to a revered friend.

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Max Knight