

in those other books of logic which are especially written for legal scholars and for philosophers of law. The point may be raised why there are no exercises in the book. But it should be remembered that it is not so much a book for learning logic as an outline of the most basic aspects of legal reasoning in order to give a more extensive and detailed treatment of logic in the service of law. May I add that it is to be hoped that this book is soon followed by another book on logic for legal discourse which is especially devoted to learning purposes and which is written by an author with abilities like Tammelo.

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Automobile Insurance . . . For Whose Benefit?, State of New York Insurance Department, New York, 1970, xii and 164 pp.

This is a Report prepared by the New York State Insurance Department at the request of Governor Rockefeller, and subsequently used as the basis for a Bill which was recommended by the Governor to the State Legislature. Since then the Bill has twice been rejected by the Legislature, but the Report is by no means dead. It has in fact aroused widespread interest in the United States where proposals are now coming thick and fast for fundamental alterations to the tort system of compensating road accident victims.

The Report is written in simple layman's language (which bears comparison with the Woodhouse Report in many ways) and clearly gives the impression of having been intended (quite literally) for the eye of the man in the street (the premium payer and the potential accident victim) in the hope that public pressure would force action by the Legislature. The Report contains little original material in making the now all too familiar attacks on tort law as a method of compensating accident victims, but it does support all its arguments from the fruits of previous independent research. Reference here is made to the huge numbers of victims who receive no damages, or less than they have lost, the delays in payments, the unpredictability of the system, the maldistribution of benefits 'with no discernible regard for priorities, let alone intelligent or human priorities' (p. 25), the lack of co-ordination in benefits stemming from the collateral benefits rule, its operation as a hindrance to rehabilitation and its incredible costliness and inefficiency in operation. This part of the Report concludes by condemning the 'futility of palliatives' and demanding a completely new system.

The Report then goes on to specify what it regards as criteria for a good system. The most important of these are that it should provide compensation for all victims (pp. 62-63); that benefits should be generous in payment of economic losses, and that the system should be efficient and as cheap to operate as it can reasonably be made (pp. 63-65).

The next part of the Report contains a blueprint for a new system. First tort liability arising out of road accidents should be abolished. Secondly, every vehicle owner should be compelled to buy a first-party insurance policy (and not a third-party policy). This policy would provide unlimited benefits for net economic loss for the insured, anyone injured in the insured's own car, and anyone else injured by the insured's car on a no-fault basis, but excluding anyone injured in another car (who will of course be covered by the other car owner's insurance policy). The benefits payable would include

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all medical expenses, income loss, and other out-of-pocket expenses, and the benefits would be payable periodically as the losses accrue.

The cost of the scheme would thus largely be borne by car owners insuring themselves and their passengers. But some element of internal subsidization would exist by giving insurers subrogation rights in special cases, e.g. against commercial vehicle owners and also against drunken drivers who would be strictly liable to the insurer who has paid the accident victim the policy benefits. Many forms of optional benefits could also be available as extras to the standard policy at an increased premium. Such a scheme would actually reduce premiums. The essence of the whole scheme, of course, is that damages for pain and suffering are eliminated and that the savings generated by this and other factors enable all road accident victims to be fully compensated for their economic losses.

Notwithstanding the massive documentation now available in the studies recently issued by the American Department of Transportation to support every criticism of the tort system contained in the Stewart Report, opposition by vested interests has so far prevented its enactment. The opposition of course comes from the combined forces of the Bar and the insurance companies (though the latter are by no means all opposed to some forms of reform). Very recently the American academics (who have so far made all the running) have come up with new proposals which may make continued rejection of the Stewart plan harder to justify.¹ Under these proposals every motorist would have the choice of either (1) remaining under the existing regime, i.e. paying liability insurance premiums and reserving the chance of obtaining damages for pain and suffering as well as remaining liable in tort to other victims; or (2) opting into the new scheme, and thus obtaining assured benefits on a no-fault basis for all medical expenses and economic loss, and ceasing to be liable to others for tort caused injuries. Complications, of course, arise from the possibility of an accident between motorists in the two classes, but these are not insuperable.

With this ferment of interest in road accident compensation law in North America, and with New Zealand in the process of enacting the Woodhouse Report, one naturally asks: when is something going to be done in Australia?

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Hobbes' neue Wissenschaft, by F. O. Wolf, Stuttgart, Friedrich Fromman Verlag (Günther Holzboog), 1969, 206 pp. (D.M.36).

Thomas Hobbes has counted with many as an arch-villain in legal and political philosophy. In his philosophical doctrines he follows Epikurus, from whose thought he draws nominalism, sensualism, and the theory of a savage lawless primordial situation of humanity as well as the idea of the social contract. For him the moral world is a tangle of drives having biological character, into which only an autocrat ruler can bring order. Thukidides' criticism of the Athenian democracy and elevation of the Spartan aristocracy exercised a fascination on Hobbes and led him to the glorification of absolutism.

In contrast to mediaeval classics of natural law thought, Hobbes has a very low opinion of human nature, which he regards as one of unbridled egotism generating the unrestrained pursuit of self-interest. That kind of human nature must have given rise to the war of everyone against everyone

¹ See Keeton and O'Connell, 71 *Columbia Law Rev.* 241 (1971) and Calabresi, *id.*, 267.

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