

# LAW AND CONTEMPORARY PROBLEMS

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## FOREWORD

A social problem usually divides the interested public into two camps: those who insist upon action and those who believe that, left alone, the problem will solve itself. But the problem posed by the heavy toll which the automobile accident exacts each year is an exception to this generalization. If there have been any enlisted in the latter group, they are no longer heard from. Without dissent comes the demand for action, a demand which, very naturally and very properly, has been focused chiefly upon preventive measures. But, increasingly, thought is being given to the consequences of the accident which is not prevented, and it is with that phase of the broader problem that this symposium is concerned.

Monetary compensation may heal an injury to property; it will only mitigate the suffering which ensues from bodily injury—and sudden death. Yet it constitutes the sole remedy which society, through the law, can apply, and, not infrequently, as Miss Corstvet's article attests, its importance to the victim or his family is extreme. Under what circumstances and to what extent this remedy should be available, how this determination should be made, and how compensation can be assured when compensation is merited, are questions which are not easy of solution. To their consideration the lawyer can bring a special competence, but they demand the attention of all persons concerned by the automobile accident problem.

This symposium, after an introductory article depicting the problem in terms of human costs, presents two articles which describe certain of the effects of the automobile accident upon the rules of tort law and upon practices in tort litigation. The succeeding articles deal with three types of measures designed to assure that whatever remedy the law prescribes will not be defeated by the financial irresponsibility of the person on whom liability is imposed.

The first of these measures—the financial responsibility law—has been widely enacted in varying forms throughout the United States and Canada. Massachusetts and Great Britain have invoked the second—compulsory liability insurance, although, as applied to commercial vehicles, the requirement is by no means uncommon. As yet untried, the third measure—the automobile accident compensation plan—is nonetheless provoking widespread discussion and debate. Still other approaches to the problem may in time be developed, but certainly familiarity with these three is prerequisite to further inquiry.

D. F. C.