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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in the pre-social state of human existence, a condition in which man was wolf (nay worse than a wolf) to another man. In this natural state political affairs, everyone had a right to everything. To overcome this calamitous state of human affairs, it was necessary, according to Hobbes, for m to renounce all personal freedoms and to delegate the plenitude of politi power to an absolute ruler.

Only after the social contract stipulating this renunciation and delegat was concluded did natural law in any decent sense come into existence. T supreme principle of this natural law is the preservation of one's body a its members. It is characteristic of Hobbes' iusnaturalism that it is oriented to the idea of justice but rather to the idea of personal secur Since ultimately his natural law enjoins faithful observance of the laws enac by the ruler and since justice is conceived by him to be based on what ruler commands, the Hobbesian natural law conception comes very close what some Continental legal philosophers brand as "legal positivism" ("*Rec positivismus*"), or, more specifically, as "axiological legal positivism", what Anglo-American jurisprudents would rather view as a cynical versio the legalistic doctrine of justice; for in our legal tradition the phrase "l positivism" does not normally carry any opprobrium.

Nevertheless, it is possible to take a sympathetic view of Hobbes' l and political thought. In the light of human experience, past and contempor it can be argued that what he says about man in general is quite true; would be far better off in the management of our social and political af if we kept this truth in sight and acted accordingly. Hobbes may have dr some wrong conclusions from his quite tenable premisses, but he defin deserves credit for highlighting the dismal side of the human estate. What the shortcomings of his thought, it cannot be denied that he is a key fi in the development of British legal and political philosophy from Duns Sc and Occam onwards.

The present book by Friedrich Otto Wolf, a brilliant German legal political philosopher, reflects the increasing Continental interest in Hob It attempts a re-interpretation of his political philosophy by tracing analysing central concepts of his system. Professor Wolf attempts a clari tion of the concepts and method peculiar to Hobbes by reference to background in the history of ideas. His analysis results in a thesis w mediates between the traditional interpretation of Hobbes as a builder system of political thought on mechanistic philosophy and the view that thought is completely independent of his general philosophy. It is rath philosophical reconstruction of a political attitude and outlook restin direct confrontation with the political realities of the relevant time.

The author finds that the cardinal distinction made by Hobbes bet "natural" and "artificial" is comparable with the Greek distinction bet "*physis*" and "*nomos*" and with the mediaeval Christian distinction bet "the order of the world" and "the will of God". The distinction which H makes emerges from his polemics against Aristotle's doctrine of man political animal. He arrives at a concept of human nature in which element of purposiveness giving rise to obligation is completely rem Because an idea which such a concept imports cannot operate as a sour obligation, it becomes necessary to find this elsewhere. Hobbes finds the State as an "artificial body" buttressed by the absolute power o Sovereign. The author rightly shows that certain liberal interpretatio Hobbesian political philosophy are unwarranted: certainly, Hobbes does some limits on the power of the Sovereign, but those limits break whenever that frail "artificial body", the State itself, is endangered existence.

In the contemporary state of political affairs characterised by civil unrest, alienation of men from their political institutions, and the struggle between incompatible political ideas and interests, Hobbes' political and legal thought has become topical and arresting as an antidote for fashionable ideas of anarchistic leaning. The sober, learned, and penetrating treatment of this thought in the present book is thus well timed and deserves attention by those jurisprudents who are dealing with problems of justice in the contemporary setting. The book helps us to appreciate that Hobbes' grim view of human reality and his characteristic concern with ethically negative aspects of human life did not spring from a cynical twist of mind but rather from a worried soul preoccupied with the atrocities which man proves capable of when enacted law dysfunctions and loses its authority.

ILMAR TAMMELO*

Querelle de la Science Normative, by Georges Kalinowski. Librarie Générale de Droit et de Jurisprudence, R. Pichon et R. Durand-Auzias, Paris, 1969, pp. 160 + iii.

Although directed to the problem of the nature of normative disciplines in general, this book, written by an eminent French legal and moral philosopher, is also of considerable jurisprudential interest. It is particularly concerned with the problem of the nature of legal disciplines; much of it is devoted to the examination of the relevant theories propounded by jurisprudents including Hans Kelsen, Leon Petrazhitski, and Carlos Cossio. In the course of his exposition, the author displays impressive classical learning and wide awareness of the pertinent contemporary literature. His selection of authors representing different points of view in the dispute about normative science is most fortunate, because through their standpoints the most significant aspects of the controversy are brought to sharp focus. The author, who is a pioneer in the field of legal logic, argues with neatness and cogency, as may be expected from a mind versed in the principles and methods of stringent reasoning.

For lawyers, the dispute about normative science appears as one about the scientific status of legal studies and the products of the lawyer's work. Accordingly, it may be asked: Is the study of law the study of a science? Are the conclusions at which a lawyer arrives in solving a legal problem scientific conclusions? In the Anglo-Saxon world of law, these questions seem to be somewhat idle. For we are wont to call what our law students study "law" and not "legal science" (as it is called on the Continent), and we are concerned with the *rationality* of the products of the lawyer's work rather than with their *scientific character*. However, we are acquiring a concept of science accommodating not only natural sciences but also social sciences and humanities at large; thus we may concede that one way of putting the problem of the rationality of legal studies and the lawyer's work is asking whether it is a scientific activity.

The author distinguishes three principal concepts of normative science: (1) a science which consists in norms or which supplies norm, (2) a science which studies norms, (3) a science which provides a foundation of norms. The first conception is the oldest; it belongs to a philosophic tradition dating back to classical antiquity and has among its recent illustrious exponents

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