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Book Review: Insurance and Public Policy

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Book Review: Insurance and Public Policy

BOOK REVIEWS

INSURANCE AND PUBLIC POLICY. By Spencer L. Kimball.¹ Madison, Wisconsin: The University of Wisconsin Press, 1960. Pp. 340. \$6.00. Documented editor, \$7.50.

"Insurance and Public Policy" is the fine fruit of a scholarly study of primary legal-source materials of the state of Wisconsin from 1835 to 1959 concerned with the insurance enterprise. The materials studied by the author include statutes having a bearing on insurance law, all insurance bills introduced but not enacted, legislative journal references, including the governors' messages, all legislative committee reports, all insurance cases decided by the Wisconsin Supreme Court or federal court system which are based upon Wisconsin litigation, all attorney generals' opinions upon insurance questions, and all the material on insurance accumulated by the Wisconsin legislative reference library. The reader discovers quite early why Wisconsin was chosen. Wisconsin's insurance history was influenced by both the rural and urban, the manufacturing and agrarian, thereby typifying the central and midwestern states. These factors, coupled with the early socialism of the Progressive Party in Wisconsin, has furnished an excellent backdrop upon which the author depicts the social, economic and legal interplay of the insurance business which results in a constant changing public policy affecting this industry. The author describes in great detail the insurance principle and enterprise, moving from a position near the periphery of the nineteenth century life ministering primarily to the needs of economic man, into the twentieth century, becoming the main instruments of underwriting and guaranteeing security for the members of a welfare-minded society. He pictures for us the constant ebb and flow of the development of public policy which brings the regulation of the insurance industry into conformance with the demands of the times.

From a very early date the industry was regarded as a business affected with the public interest. The once meager governmental regulation of the town and county mutual insurance programs, part of the mere subsistence economy of pioneer days, has been expanded to cope with the great capital mobilization of modern day interstate underwritings.

Professor Kimball's analysis and explanation of conflicts and struggle of state control and regulation of insurance is always objective. Yet, the reader may ask himself if the ordinary processes of evolution are such that the social and judicial recognition of insurance as interstate commerce does not portend federal regulation of the industry to satisfy the public policy needs of the latter part of the twentieth century.

The book is available with or without documentation. The fully documented edition includes forty-five pages of notes invaluable to the researcher. Those lawyers whose work is closely allied with the legislative, administrative and judicial control of the insurance industry will find this work an excellent source of material from

¹ Professor of Law, University of Michigan.

which they may learn in depth and breadth the historical and social source and significance of many of today's legal decisions and regulatory practices.

Hamlet J. Barry, Jr.*

FELIX FRANKFURTER REMINISCES. By Dr. Harlan B. Phillips.¹ New York: Reynal and Co., 1960. Pp. 310. \$5.00.

In 1953 Professor Phillips began a series of recordings with Mr. Justice Frankfurter. These tape-recorded interviews, stimulated by the provocative questions of Professor Phillips, evoked from the Justice some very revealing and human comments on the events in his life up to the time he was appointed to the Supreme Court bench in 1939. It had been intended originally to postpone publication for a number of years. The Justice, however, was persuaded to allow publication now when some of his incisive descriptions would be much more in point.

Mr. Frankfurter has given us in this book some very interesting conversation, which tells us something of his life, his opinions, and his considered reflections on the men whose lives touched his.

Born in Vienna he came to New York with his parents at the age of twelve. He completed City College and then went on to Har-

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