

1967

Book Reviews

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Recommended Citation

(1967) "Book Reviews," *South Carolina Law Review*. Vol. 19 : Iss. 2 , Article 9.

Available at: <https://scholarcommons.sc.edu/sclr/vol19/iss2/9>

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BOOK REVIEWS

UNSAFE AT ANY SPEED: THE DESIGNED-IN DANGERS OF THE AMERICAN AUTOMOBILE by Ralph Nader (Grossman Publishers, 1965. Pp. 365. \$5.95).

Ralph Nader is a Washington, D. C., attorney whose necessarily involuntary client is every one of us. He has written an exhaustive and completely convincing brief on the facts of today's death-dealing automobiles and on the law as it should be developed in order to save countless lives.

On the facts Mr. Nader is superb. He has not done merely the usual reporter's job of learning enough facts to write an exposé; instead, he has set out over a period of years to become the nation's leading lay expert on the dangers of today's automobiles—and clearly has succeeded. Every major hazard from the backwards ramming steering column to the pedestrian-spearing tail fin is documented through engineering test data, where applicable, and through a recounting of actual accidents. The portion of the book that has received the most publicity deals with defects in design and in production which have in themselves caused accidents. However, Nader stresses that an even more common cause of death and serious injury is the failure of Detroit to make any serious effort to lessen, or at least not to magnify, the effects of accidents that it cannot currently prevent. Deadly knobs and edges within the car, doors that fly open when an occupant is thrown against them, steering columns that in an otherwise minor front-end collision will thrust at the driver, sharp front-end protuberances that maximize injuries when a pedestrian is hit—on and on runs the ghastly catalog. Mr. Nader cites expert opinion—where common sense does not suffice—to show that all of these dangers can be economically avoided—sometimes, of course, even through a saving of money otherwise spent on garish ornamentation.

A large part of the book is concerned with the arguments and rationalizations that industry spokesmen have offered in an attempt to explain away their virtually unique failure to make significant progress in safety through technological innovation over the last few decades. These excuses are almost pathetic in their speciousness and the author labors the obvious in demolishing them. Perhaps the most prevalent excuse is the notion that the fault lies with the consumer who must somehow demand a

safer car before any moral duty on the part of the manufacturer can arise. In answer, Mr. Nader shows that the industry has never made any determined effort to make and market a safer car to which the consumer could turn. Further, the book describes at length the industry's efforts to distract public attention from the need for safer cars and to control and silence any research efforts aimed at delineating possible safety improvements. Some of the industry's ways of avoiding the basic issue would be the stuff of high comic satire except that they are the outrageous truth. For example, General Motors concentrates most of its crash research efforts on telling highway designers how to build safer highways.¹

What legal remedies should be applied to foster safer cars? It is obvious that the threat of liability under established tort principles is insufficiently great to deter the manufacture of unsafe cars. The reasons are not hard to find. Many more injuries and deaths are caused by needlessly dangerous design than by defects in production, and it is difficult to prove negligence or even a design defect when all automobile manufacturers are doing just about the same thing. Contributory negligence and the prevalent doctrine that products need only be safe for their intended use, which does not include collisions,² present further obstacles. Even where the accident was in fact caused by legally cognizable negligence, the relevant evidence may be destroyed in the accident or simply not discovered for lack of proper inspection. The result is that automobile manufacturers who strive to achieve a perfect safety record for employees in their plants—to avoid accidents they would have to pay for—largely ignore safety in the design of their automobiles. On the other hand, where the accident itself—and not just the resulting injury—was proximately caused by negligence in design or manufacture, the plaintiff, of course, need look no further than *MacPherson v. Buick Motor Co.*³ to establish his case. Also, where the manufacturer has failed to give reasonably effective warning of the dangers which may be encountered under given

1. R. NADER, UNSAFE AT ANY SPEED 179 (1965).

2. See *Evans v. General Motors Corp.*, 359 F.2d 822 (7th Cir. 1966), cert. denied, 385 U.S. ____ (1966). Cf. *General Motors Corp. v. Muncy*, 367 F.2d 493 (5th Cir. 1966); *Gossett v. Chrysler Corp.*, 359 F.2d 84 (6th Cir. 1966); *Hatch v. Ford Motor Corp.*, 163 Cal. App. 2d 393, 329 P.2d 605 (1958).

3. 217 N.Y. 382, 111 N.E. 1050 (1916).

conditions, and this leads to an accident, the plaintiff should often be able to prevail.⁴

Nevertheless, this book dramatizes an obvious need for legislation to set standards of safety in automobile design and manufacture. Largely because of Mr. Nader's efforts to mobilize public opinion, Congress last summer gave the Secretary of Commerce, acting through the newly established National Traffic Safety Bureau, power to set minimum standards of safe design and manufacture of automobiles.⁵ Such standards are being formulated with all possible speed.⁶ When strict standards have been in existence long enough that a large proportion of the cars on the highways will have been manufactured subject to them, we will doubtless see a dramatic reversal of the present inexorable increase in the highway death and injury toll. Many will then wonder how unsafe automobiles could have been tolerated for so long. An even more interesting subject for speculation is this: how much longer might safety in automobiles have been slighted but for Mr. Nader's efforts?

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4. See generally Dillard & Hart, *Product Liability and the Duty to Warn*, 41 VA. L. REV. 145 (1955). A possible example of such a case is General Motors' failure to warn its Corvair owners that the large front-rear differential in tire pressures "recommended" in the owner's manual is essential to safe handling. See R. NADER, *UNSAFE AT ANY SPEED* 1-41 (1965).

5. See 15 U.S.C. §§ 1381-1425 (Supp. 1966).

6. The wide-ranging subject matter of the initial regulations, issued January 31, 1967 as required by 15 U.S.C. § 1392(h) (Supp. 1966), is conveniently summarized at 35 U.S.L.W. 2455 (1967).