

---

## BOOK REVIEWS

---

ALTERNATIVE COMPENSATION MECHANISM FOR DAMAGES—THE NORDIC COUNTRIES. By the Danish Section of the International Association for Insurance Law, University of Copenhagen 2001. Pp. 5,372.

*Reviewed by Stephen Sugarman\**

The Nordic countries have an elaborate system of social insurance that well covers the income loss and medical care needs of most personal injury victims. The general rule in those nations is that tortfeasors are liable only for losses not replaced by social insurance (and the social insurance scheme typically has no right of reimbursement against the tortfeasor). Hence, the role of tort law in personal injury cases is fairly modest, primarily providing compensation for (a) income loss beyond that replaced by social security and (b) non-pecuniary losses such as pain and suffering (the latter being provided at monetary levels well below those awarded in similar cases in the US).

Despite this already limited role for tort law in the personal injury field, the Nordic countries have also been active in adopting several alternative compensation mechanisms designed further to supplant tort. These tailored schemes provide special supplementary forms of no-fault insurance protection for certain classes of injuries. For such injuries, the goal is to afford victims an even more generous assured package of benefits (through a combination of social insurance and the special compensation scheme) and thereby to eliminate (or else substantially reduce even further) the use of tort.

This volume contains a common report of the main Nordic nations (Denmark, Finland, Norway and Sweden) plus similarly structured national reports that were prepared in response to a common questionnaire. Most importantly, they provide up to date accounts of the schemes covering patient injuries and pharmaceutical injuries, solutions to which the Nordic nations have been pioneers. Also included are discussions of Nordic programs covering industrial injuries, victims of crimes, and environmental damage (the latter of which is largely concerned, not with personal injuries, but with the clean-up of contamination).

---

\* Agnes Roddy Robb Professor of Law, University of California, Berkeley (Boalt Hall).

This report was published in April 2001 in preparation for the XIth World Congress of the International Association for Insurance Law, held in New York, in October 2002. Professor Bo van Eyben of Copenhagen University led the team of experts from the four participating nations and wrote the introduction and the common report.