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Book Review

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*Reviewed by Irwin N. Perr**

WHIPLASH—ITS MEDICAL-LEGAL ASPECTS, by Ben Bernstein. Published by the Legal Medicine Institute, Philadelphia, Pa.; 67 pp.; 1958.

This monograph allegedly is a scientific presentation of medical facts correlated with legal problems. Unfortunately, it is reflective of the quasi-scientific gibberish of too many medico-legal publications flooding the lawyers' desks. The word "quasi" is appropriate, as much of the data is presented "as if" it were so, and the resultant conclusions then follow some degree of logic (or illogic, depending on one's point of view). Certainly if the monograph reflected reality, personal injury lawyers would wallow in wealth, and a good segment of our population would be crippled, if not dead!

Much anatomic and physiologic data are presented in a simplified, methodical, and clearly selected manner. The simplicity of the presentation does not allow for the number of variables; the overall picture is one of distortion. For instance, it will please certain readers to note the stress on the statement that symptoms may appear years after the initial blow and that approximately fifty per cent of cases have a traumatic neurosis (page 2). The data of pages 5 and 6 are interesting exercises in numbers, but may leave much to be desired as far as relevance is concerned. On page 8, one encounters this wondrous statement: "The psychological aspect is particularly important in a neck injury, since it's much more of a threat to the well being, or personality, of the victim, than traumatic injuries to other portions of the body."

By page 10, the incidence of traumatic neurosis becomes "fifty to seventy per cent" (which puts it, of course, in a comfortable, compensable range). And we are faced with the problem of the frequent inability of the physician to handle these problems. Unfortunately, "if the treating physician doesn't understand whiplash type of injury, serious consequences may follow. If he fails to give the necessary assurance, reassurance and understanding to the client, severe and permanent emotional injury may result."

In more than one place, it is stated that a spinal cord once injured is permanently injured. This ignores such phenomena as reversible change following traumatic edema. Another interesting comment was the "frequent complaint" of palpation (sic!) of the heart (page 11). There is a veritable hodge-podge of disastrous results of head injuries, nerve injuries, and back in-

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juries in general. There is inadequate clarification of numerous statements. For instance, "in one series, twenty-two of twenty-five patients suffered serious cerebral hemorrhage as a result of minor trauma" (page 55). Certainly this does not refer to whiplash cases in general or head injuries in general. What it does refer to is unclear.

The numerous doubtful statements do not gain validity merely because of a positive affirmation or repetition. On the contrary, they reflect on this monograph as useful, scientific work, and therefore, this monograph cannot serve as an adequate basis for reasonable evaluation of a neck injury or as instructional aid for the lawyer in the personal injury field.

The last chapter deals with "medical" and "legal" causation. I gave this monograph to some surgeons to review. This was obviously a mistake, as I soon learned that I had almost precipitated several cases of "apoplexy." This, of course, would then raise one more question of causation.

To return to the problem at hand, the need for solid, non-partisan medicolegal presentation is once more affirmed, and a further analysis of the subject certainly would be helpful to lawyer and physician alike, but only if based upon scientific methodology and a non-dogmatic approach.

Certainly the author has made an effort to obtain information on the subject and to present it in a concise and useful manner. There is much valid information, and attorneys may find the presentation on anatomy of some help. The basic criticism that I have is one of approach; I do not feel that there can be one science for plaintiff's attorneys and another for defendant's attorneys. Scientific facts in themselves cannot be the subject of an adversary presentation; as such they are no longer scientific. An adversary approach should be limited to the courtroom setting where it is appropriate, though, as is common knowledge, the protection offered to the individual by adversary proceedings is often counteracted by the tendency to bias and exaggeration which are not truly relevant to the issue at hand.

I realize that many attorneys disagree with the viewpoints expressed here. However, a judicial decision based on interpretation of scientific data can rise no higher than the framework of knowledge on which it is based.