

plish the fundamental purposes and objects of this class of law. In order to do this successfully, we need to realize and fully appreciate what is the fundamental purpose and object of such laws in order not further to impair them by amendment or judicial construction. . . .

Mr. Duxbury added:

. . . There are many provisions of existing compensation laws that are based on or controlled by common-law theories or existing statutory rules to the serious impairment of what ought to be the object of such laws.

Mr. Duxbury then declared that the object of the compensation law is "*the economic rehabilitation of the employee.*"^{1b}

The "economic rehabilitation" of the employee presupposes his physical restoration, without which economic rehabilitation is not feasible. It also presupposes adequate maintenance during disability.

Long before 1930, other administrators had told this association that workmen's compensation was or should be a rehabilitation system, because it is not possible to pay anyone for the loss of life or limb. For instance, what are your eyes worth? I would not take a million dollars for mine.

In 1950, attention is again being directed to rehabilitation as the goal of workmen's compensation—the word is used in its broad meaning as contrasting with indemnity. Success in rehabilitation is necessarily the culmination of the performance of the workmen's compensation system as a whole. The progress made between 1930 and 1950 has been mainly in clarifying the possible achievements. That has been done by some shining examples of performance. But, as a whole, the present workmen's compensation situation is far from satisfactory. Indeed, in some states ground has been lost, instead of gained, with the passing of time since the enacting of the laws. Such a loss, where it has occurred, has not been altogether in the field of the relative value of monetary payments; retrogression has been caused by haphazard complication of the law, and a drift into legalism. An immediate task is that of closing the gap between the head and the tail of the procession.

On the whole, there has, of course, been much progress. The effort to adjust the scale of payment has been incessant, although inadequate. As to the coverage of persons and employments, there have been many small advances and a few bold ones, but much remains to be done. In recent years the advance in occupational disease coverage has been notable, especially the trend toward the full coverage of diseases, a distinctively North American development. Part of the present task is the clearing away of the petty restrictions put into the occupational disease laws of some states by alarmists. Progress in furnishing injured workers full medical care has been steady, but piecemeal rather than by leaps and bounds. The time for patience with some of these lags is running out. Instead of having to consume our time and strength mopping up obvious defects, we should start exploring new frontiers of development. The 30 years spent in the wilderness by the Israelites on their way from Egypt to the Promised Land has been matched by the confusion in the experimental period of workmen's compensation in this country. It is time to cross our own "Jordan." The accumulated experience has demonstrated that adequate protection of the injured workers is not only desirable but practical. The record, if forcefully called to the attention of legislatures, should accelerate progress in attending to plain defects in the laws. The time is propitious for bold instead of timid advances.