To sacrifice man's progress for the sake of stagnation and wild animals

by Margaret Sanchez

(Originally published as "Altruism robs individuals of their power." Reprinted by permission of the author and the *Battle Creek Enquirer*, Battle Creek, Michigan.)

It was a cold and snowy night as I lay in bed reading a newspaper column that stated "the price of progress is too great for those who love wild places."

All of a sudden, I recalled my 7-year-old running home one day last summer from camp to tell me quite solemnly that the counselor had warned them not to harm any insects, not even mosquitoes. I sank deeper into my goose-down cover.

This was altruism at its most vicious level...

These were calls to sacrifice: the call to sacrifice man's progress for the sake of stagnation and wild animals. This was altruism at its most vicious level, for this did not even involve the sacrifice of some for the benefit of others, but for the benefit of the non-human.

It is this anti-progress, anti-technological mentality that forms the core of the environmentalist movement. But can man live without progress and technology?

To answer this, one first must ask what is the nature of man? Man is a rational being who must use his reason to survive, unlike animals or plants. Man is the only being who can adapt his surroundings to fit his needs, and to do this he must use reason. He cannot wait for things to happen to him. He must think and solve problems and create values.

However, to do this, he must have rights. Rights protect him from the initiation of force by other men. These rights are life, liberty, property and the pursuit of happiness. Without property rights, there can be no other rights.

He must be able to dispose of the products of his effort if he is to live. The products of his effort or values involve thinking, working and producing, and these are all actions that involve purposeful motion.

Therefore, man's life is a constant movement forward, a constant improvement of his surroundings and, therefore, of his life.

Philosopher and novelist Ayn Rand wrote, "From the most primitive cultures to the most advanced civilizations, man has had to manufacture things; his well-being depends on his success at production."

What the environmentalists want, using their euphemism for stagnation, is "sustainable development." In fact, it would not be sustainable, for man and life cannot stand still. It would mean moving backwards into another dark age.

Rand wrote this about environmentalism: "The immediate goal is obvious: the destruction of the remnants of capitalism in today's mixed economy, and the establishment of a global dictatorship. This goal does not have to be inferred—many speeches and books on the subject state explicitly that the ecological crusade is a means to that end."

What we need is not more socialism in the guise of environmentalism, but capitalism—the only political system that has recognized the individual's right to his own life.

What we need is not altruism and its sacrifices, but individualism—the only morality that recognizes that, for man to live, he must be allowed to pursue his rational self-interest.

It is time to change the ideas dominating today. It is time to stop demanding the sacrifice of some for the benefit of others.

It is time to allow the individual to lead his own life in pursuit of his own happiness.

It is time to view the individual as an end in himself, and not the means to the ends of others.

(Margaret Sanchez is from Kalamazoo, Michigan, and is co-owner of a business in Battle Creek.)

Judy Gedge
Attorney at Law
The Businessman's Lawyer
18 North Main Street
West Hartford, CT 06107
Tel: 860 521 2811 Fax: 860 521 6448

(Continued from page 1)

Bad Philosophy Vs. Business: Egalitarianism and Envy Fuel Need for Tort Reform

Mississippi (and the rest of the country) is not immune from the virus now infecting the courts of Alabama and many other states. Before we examine those cases, let's define our terms.

Historically, "punitive damages" were used as a type of retaliation, issued to make an example of, and penalize, the alleged wrongdoer. However, as recently noted in *Forbes* magazine, "[This] kind of punishment used to be reserved primarily for makers of products and for reckless actions that killed or maimed people. Now courts and juries 'punish' companies that involve not a scratch." [1]

A tort is a claim that someone caused harm by breaking a law or social policy. (Editors note: definition, from *The Scribner-Bantam English Dictionary, 1991*: "*in law, any wrong, injury, or damage, not including breach of contract, for which a civil suit can be brought.*") Now, as the *Forbes* article notes, "*A tort is also nearly any behavior a judge and jury don't like.*" (Italics mine.) In the same article, Ellis Horvitz, an Encino, California, appellate lawyer, is quoted as saying, "Fraud, for example, is a traditional tort. What's new, and this is happening in many states, is that *plaintiffs' lawyers are demonizing corporate defendants and persuading unsophisticated jurors that reasonable and legitimate business practices are fraudulent and should be punished.*" [2]

On top of the costs incurred by businesses in defending these tort claims can be added a tax by the name of tort liability, collected and disbursed through litigation. As Peter Huber describes in his brilliant work, *Liability: The Legal Revolution and Its Consequences:* "The tort tax is a recent innovation...unlike better known taxes, this one was never put to a legislative or a public referendum...dabated...or approved....And although the tax ostensibly is collected for the public benefit, lawyers and other middlemen pocket more than half the take." [3]

Huber also goes on to say, "The tax directly costs American individuals, businesses, municipalities, and other government bodies at least $80 billion a year, a figure that equals the total profits of the country's top 200 corporations." [4]

Huber correctly identifies the nature of the fairly recent phenomenon of tort law, which out of thin air proclaimed new rights to sue. He says, "...the revolution [lawyers and judges] made could never have taken place had it not had a component of *idealism* as well. Tort law, it is widely and passionately believed, is a public-spirited undertaking designed for the protection of the ordinary consumer and worker, the hapless accident victim, the 'little guy.' Tort law as we know it is a peculiarly American institution. No other country in the world administers anything remotely like it." [5]

Since a tort can now be defined in the most capricious manner, how does a business know in advance what is within the law and what is not, i.e., what is *objective* law? How does a business even know that a law, once defined, may not be ignored, subverted, or twisted by the whims of a jury or judge? Obviously, they *cannot* know. Businesses are victims of subjective, legal positivism in motion: torts now come and go in a steady, active flux, ever changing, keeping businesses either second-guessing every move and product, or simply giving up. (Alabama, because of the tort environment, is currently witnessing a mass exodus of many businesses, including ten insurance providers.) Political pull now takes the place of objectivity (as witnessed by the millions of dollars trial lawyers are pouring into political races) and juror ignorance, gullibility, and envy take the place of justice. Arbitrary punitive damages, often in the millions of dollars, can be yanked forcibly from the businessman's hat for almost any and every reason today, while the former standard of objective, clearly defined laws has been replaced by the feelings of the jury. [6] Let us look at an example of this that recently took place in Mississippi.

On January 25, 1995, a jury, in Laurel, Mississippi, located in Jones County, awarded $500,000 in compensatory damages against Jackson-based Trustmark Bank, and Ross & Yerger, Inc., the state's oldest insurance agency, over a dispute involving Collateral Protection Insurance. The same jury awarded the largest punitive damage award in the history of Mississippi, a whopping $38,000,000 against

Houston Objectivism Society Newsletter
You don't have to live in Houston to read the HOS Newsletter. Analysis of current events, book reviews, interviews and reports on intellectual activism make each issue worth reading, whether you live in London or Los Angeles. Subscription/membership is $15 per year. Free sample issue. Write:
HOS • Box 112 • Bellaire, TX 77402