When Should Government Intervene?

This is not to blaspheme, BUT, it has long been observed that when a person prospers that prosperity is due to the hard work and good judgment of the person. When bad things happen it is an act of God.

Lawyers argue that when a building fails in a high wind or is flooded that it was not the failure of their client the architect or engineer but rather that the storm exceeded the 100 year intensity that the design was supposed to be adequate to withstand. Thus the extraordinary event was an act of God and thus their client should not have liability.

In Florida hurricanes happen more often than every 100 years. When should the buildings be able to withstand the wind or placed where they will not be flooded?

Should the Government intervene by passing building codes and land use regulations to cause people to avoid the expected harm? Should the government be liable for a failure to do such regulation?

Are there events - disasters for which provision of government aid is the right thing to do? How much aid? To whom should the aid be given?

Let’s look at examples and try to consider who ought to get what from whom. Some disasters include:
1. Violent storms such as hurricanes or tornados.
2. Floods such as the ones in the Mississippi watershed this last year.
3. Plague or pandemic.
4. Fires such as afflicted California, Colorado, Oregon and Washington this last year.

Damage was done to buildings, farm land, the ability of people to earn a livelihood, health or life of individuals. Are some more deserving of government aid than others?

If the damage is to a school or government property such as a road or bridge is that special?

Should the government limit benefits to those who have followed rules. What limits should be set with those rules? Building codes? Land use such as prohibiting construction in a flood zone or a forest? Buying insurance? Acting in a way to preserve health (such as wearing a mask during a pandemic)? Getting vaccinated?

In the United States there is a legal doctrine that property should not be taken by the government for public use without compensation. When the government requires that restaurants be closed to avoid pandemic infection, should the loss of income to the restaurant and its employees be paid by the government? Suppose the site where a house was flooded is likely to flood again. If the house owner is told not to rebuild should the house owner be compensated? Does it matter that there had been no flood in the preceding 100 years?

If a fire which gets out of control burns property who is liable? If the one who started the fire is a well funded corporation (PG & E) it may have to pay for damage. If the fire starter does not have assets, then should the government pay?
The present procedure is to have a declaration of emergency declared with some discretion by a government official to allow the flow of tax payer funds for some sort of relief. This does not seem to be a fair or sensible way to manage losses. If lots of people are badly hurt does that mean it is more proper to provide tax payer funds to assist them whereas similar damage to fewer people results in no help? Is this just buying votes?

Should tax payer funds only be handed out when the harm was caused by “an act of God”? Which “act of God” should qualify? What about the impe- nious starter of the out of control fire? Does an opportunity to receive funds exist independent from the cause but only reflect the need? Is there some concept of damage to society which it is unacceptable to leave without assistance?

What if the damage resulted from a failure of the government to act adequately? For instance, flood walls were constructed in New Orleans which did not do well in the face of Hurricane Katrina. Levies were built along the Mississippi River which failed. Some of those levies deflected flood waters to other lands which but for the levies would not have been damaged. Who should be compensated for what? By Whom?

All of this raises the issue of what should we do collectively as “government”. When should we do whatever it is we should do? When this is applied to the Covid 19 pandemic what should be done and who should get special consideration? If medical care for a group has been inadequate historically (Native Americans for instance or people living in poverty) should there be a different standard? If people are very vulnerable to harm should there be a special standard?