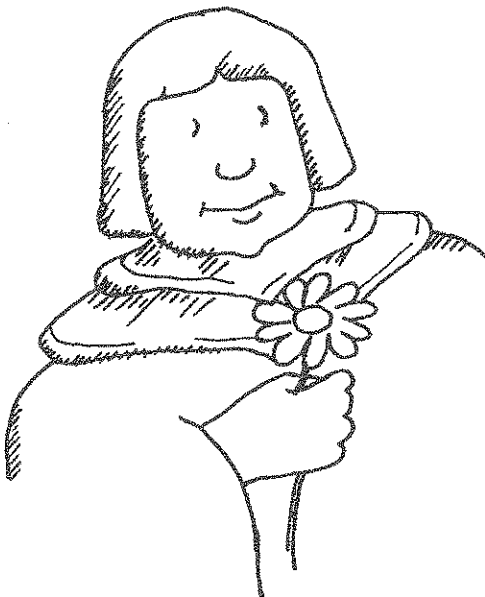

THE LAND OF THREE CENTS

... *a fable*

By Steve Richkind
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Sometimes I think that law school has caused me to suffer emotional harm. Like the time when our Torts class was studying the concept of proximate cause and my mind started to stray from the words of the professor's lecture. I began daydreaming.

In my mind I could see a young monk bending over in the sunshine, stooping to pick a daisy. The monk was taking a break from his duties as scrivener, leaving volumes of translation in the monastery, endless work which was sometimes a drudgery, sometimes his salvation.



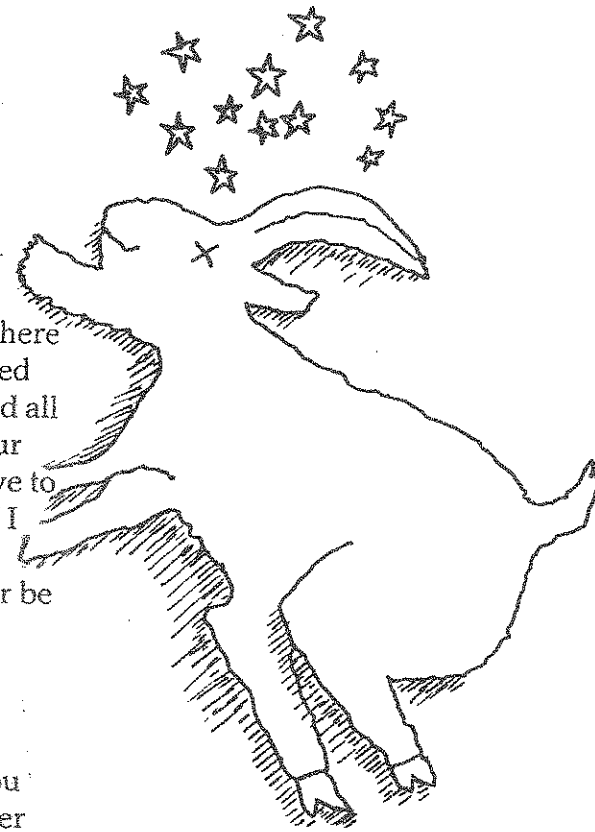
Father Francis came to the garden. "What is it my son? What is it that you are thinking about?"

"I dreamt of a place where I could buy anything I wanted for just three cents. We could all live happily for the rest of our lives. Father, I feel that I have to go to search for this place. If I don't know whether such a place truly exists, I can never be happy."

Father Francis looked pensively into the garden, closing his eyes to pray for a moment. "Well, then go if you must," he said. "But remember if you get into trouble, go within and pray for help. Someone will be there to save you."

With these words the monk left the monastery into the sunshine of a new day.

Meanwhile, in the Land of Three Cents, a brick fell from the roof of a tall building and struck a goat on its head, killing it. The animal's owner screamed in horror upon seeing the death of his goat. "Someone must pay for this!" he shouted.



The owner of the dead goat grabbed the owner of the house by the collar and dragged him through the streets to stand before the King. By the time they reached the King, quite a mob had gathered to attend the tribunal.

"Houseowner," said the King solemnly, "you stand accused of killing this man's goat by owning a house which was in a negligent state of disrepair. The goat is dead; now *you* must die. What do you have to say for yourself?"

"But Your Majesty – it wasn't *my* fault. It was the fault of the general contractor who built my house. If the house was properly built, this never could have happened."

The King thought for a moment and realized that there was some truth in what the houseowner was saying. The King turned to the mob and said, "Bring me the builder!" The mob thundered out to search for the builder, and soon returned, throwing him down at the King's feet.

"Builder, you stand accused of negligently building a house which caused a brick to fall and kill a man's goat. The goat is dead; now *you* must die. What do you have to say for yourself?"

"But Your Majesty – it wasn't *my* fault. It was the fault of the subcontractor, the mason who laid the bricks. If he hadn't laid the bricks negligently, this never could have happened."

The King thought for a moment and then turned to the mob and said, "Bring me the mason!"

The mob thundered out again to search for the culprit, and soon returned with the mason, throwing him down at the King's feet.

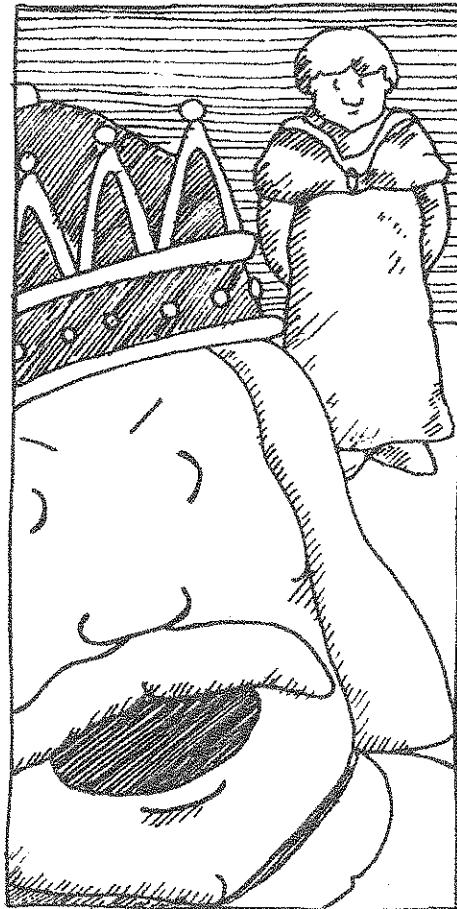
"Mason," said the King solemnly, "you stand accused of negligently laying the bricks on a house, one of which fell down and killed a man's goat. This being the cause-in-fact for the

death of the goat, you must now die! What do you have to say for yourself?"

"But Your Majesty – it wasn't *my* fault. It was the fault of my boy who mixed the cement. He mixed so much water in the cement that it was loose and runny. If the cement had been mixed properly the brick would have never fallen. Your Majesty, it is my boy who is to blame."

"Bring me the boy!" the King shouted. Soon the boy was standing before the King.

"Boy," said the King, "why did you mix so much water in the cement? It made it runny and caused a brick to fall down and kill a man's goat."



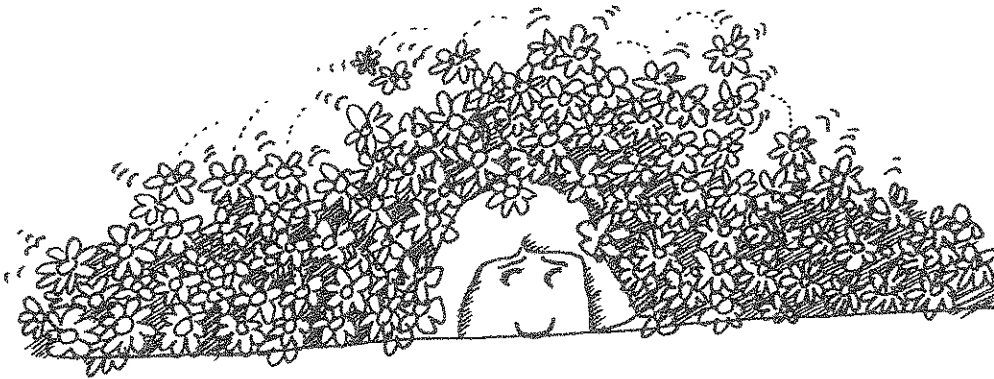
"Your Majesty," said the boy, "I told the shepherdder that I needed just the right size sheep so I could use the skin to make the water bag, but he sold me a sheep that was too big!"

"Well, boy," said the King, "it really wasn't *your* fault; it was the fault of the shepherd that sold you the wrong size sheepskin." Then the King turned to the mob and shouted, "Bring me the shepherd!"

The mob thundered out once again, seized the shepherd and threw him down at the King's feet.

"Shepherd," said the King accusingly, "with full knowledge and awareness of the size of the sheepskin the waterboy needed to mix the proper proportions of water to cement, you sold him the wrong size sheep. You were aware of the purpose for this sheep. You should have reasonably foreseen that selling the boy such a large sheep would cause the cement to be runny, and that a brick when laid with such runny cement might someday fall and cause *some* injury. Now a goat is dead. Someone must die to pay for this. What do you have to say for yourself?"

"Your Majesty," said the shepherd sadly. "It really wasn't my fault. I had the right sheep all picked out when your General came doing his war maneuvers. He and his soldiers caused chaos and the sheep went running everywhere. So I had to grab whatever sheep I could catch, and it happened to



be the wrong one. It's really your General's fault! If he hadn't wreaked such havoc with his military maneuvers, this never would have happened."

The King turned to his General, standing by his side, and asked, "Is this true?"

The General smiled and looked squarely into the King's eyes. In hushed tones he said, "Yes, Your Majesty, I'm afraid it is true. It's really all my fault. But you can't very well hang me – I'm your General! If you hang me, then who will protect your kingdom?"

"You're right, General, we can't hang you. So what am I going to do?"

"Your Majesty, I suggest we go out and find an innocent man and hang him instead. That's the only way we will be able to appease the mob."

"Excellent suggestion, General." The King then turned to the mob and shouted, "Bring me a *perfect stranger!*"

The mob thundered out to hunt for a stranger.

Meanwhile, the young monk who had been tripping through the sunshine picking daisies spotted the Land of Three Cents and his heart rejoiced. "Oh, thank you, Lord!"

Suddenly, from out of nowhere came the mob. Someone shouted, "Look there! A perfect stranger! Seize that man!"

As they dragged him through the streets, the young monk remembered the words of Father Francis reminding him to pray, so he did.

The next morning, as the young monk stood on the hangman's platform with his hands tied behind him and a noose around his neck, the King stood before the mob declaring to all the world that justice shall finally be done for the killing of the goat. Suddenly, from over the hill rode a man on a donkey shouting, "Stop! Stop the hanging! Hang me instead!" It was Father Francis.

Soon Father Francis stood on the hangman's platform and

slipped the noose off the young monk's neck and around his own. The young monk grabbed it back and said, "No, hang *me!*"

"No, hang *me!*"

"No, hang *me!*"

The young monk and Father Francis stood on the hangman's platform struggling with each other for the rope. The King said, "Hey, wait a minute! Why do you guys want to be hung so badly?"

"Because," said Father Francis, "the next person to die here is going to go straight to heaven!"

The King's eyes opened wide in astonishment. Then, in a moment of glory, the King cried out, "No, hang *me!*" And he put the noose around his own neck and hanged himself.

* * * * *

"Mr. Richkind," said my Torts professor, "haven't you been paying attention? I asked you a question."

"I'm sorry," I replied. "Could you repeat the question?"

"I want you to tell me what the holding was in *Palsgraf.*"

"Liability does not extend to plaintiffs injured outside the 'zone of danger,'" I replied.

"Very good," said the professor. "I just wanted to see if you were listening."

Steven M. Richkind is a second year law student at the University of Oregon Law School who hopes to eventually practice in the area of civil litigation. He is currently clerking for the Springfield, Oregon firm of Thorp, Dennett, Purdy, P.C.