

Personal tragedies shouldn't drive policy

I can't imagine losing a child. The despair, the hopelessness, the bottomless abyss of sorrow are all too awful to contemplate.

Sadly, our community has been struck with not one but two such losses. As reported in *The Gazette* last week, a toddler got into prescription medication in a childproof bottle. Another story was a follow-up of a child's drowning in a culvert. The interviews with the grieving mothers tear your heart out. What can we possibly say to them?

People who have suffered a loss of that magnitude deserve our utmost sympathy. They deserve our kindness. They deserve our support. But when it comes to turning their grief into law, we must tread more carefully. Personal tragedies make bad policy.

Putting a locking cabinet in every new home, as one mother wants, seems like a good idea. So does putting more fences and gratings on culverts, as the other mom proposes. The life of a child is priceless, so if these changes save even one life, aren't they worth it? What's a few more bucks on a six-figure home? Who cares about a few more line items on a multi-million dollar city budget? Who in his right mind could possibly object?

I'd like to suggest we all could. Good law is built on thoughtful deliberation, evidence and principle, in areas where heart and head are one. Where heart alone predominates, the results are overwhelmingly unlikely to serve the common good.

First, resources can be spent in multiple ways. That's what economists call opportunity cost. A dollar spent on gum is a dollar taken away from your 401(k). Money spent on locking cabinets for new homes is money taken away from the wages of those who build them or added to the price charged to those who buy them. Either way, the possible benefits come with real costs.

City funds spent on fences and culverts are funds taken away from taxpayers who'd rather have spent it in other ways. Or maybe those funds could instead be spent on law enforcement or fire protection, which might save even more lives. How exactly can we make those trade-offs? Letting tragedy drive policy avoids these vital questions.



OPINION
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There are moral dimensions, too. We don't have locking cabinets in new homes right now because new home builders don't want to put them in. Builders don't want to put them in because buyers don't want to pay for them. Why is it OK, in the face of a terrible tragedy, to impose a different arrangement? Yes, we have standards for homes, but those are reached through a deliberate, reasoned process, soundly grounded in common law and principle. Those principles matter, even when our passions tempt us to discard them. That's when they matter most.

The same week *The Gazette* was reporting those two stories, my son fell two stories. He broke his foot kiteboarding. It's a bad break; witnesses say he fell about 20 feet. He had surgery a couple of days ago, and is expected to be on crutches for three to six months. Not exactly the way he had planned to start college in the fall.

Kiteboarding is an "extreme" sport. By any standards, it is risky. In fact, his injury could have been worse. Much, much worse.

Nor is kiteboarding, to my knowledge, regulated in any way. Mandatory padding, licensing and instruction would probably have saved my son from a horrific injury. If signed into law tomorrow, they might even save lives.

But I cannot bring myself to call for anything like that. My son had been kiteboarding for several years. He was completely up front with me about his interest in it. I saw how much he enjoyed it, and I judged it an acceptable risk. Now we must accept the consequences. Sometimes, things just happen, things we have to live with.

And yet, I wonder. A broken bone is nothing compared to the broken souls of those two brave women. Had I lost my son, would I be lobbying for a ban on extreme sports? Overcome by grief, and desperate for a legacy that would give meaning to my child's all-too-short life, would I take up the cause?

I honestly don't know. I do know, more than anything, I never want to find out.

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