

Lawyers for seven victims and their families of a shooting rampage at a San Francisco office building that left eight people dead and six wounded have asked a judge to let them sue the maker of the gun used in the shootings. The victims' lawyers argue that the gun used in the shootings, which could fire 32 to 50 bullets without reloading, was made for mass murder. Dennis Hennigan, a lawyer for the Center to Prevent Handgun Violence, stated that when the manufacturer sold this gun to the general public "it was foreseeable that it would be used ... by a madman to kill as many people as possible." Ernest Getts, a lawyer for the manufacturer of the gun, stressed that the two pistols acquired by the killer in the San Francisco shooting rampage were legally manufactured and sold. Ralph Robinson, a lawyer for the Company that made the pistol's magazine, pointed out that California courts have ruled consistently that responsibility for wrongful acts should lie with the people who commit those acts.

Is it fair to hold the gun manufacturer in this case liable for compensating the victims and their families of the shooting rampage? If so, why? If not, why not? (reported in the New York Times, 2/19/95)

MODERATOR'S ANSWER: It is fair to hold the gun manufacturer liable. Decisions about where the law should place liability involve weighing of harms and benefits. In the case of the manufacturer in this case it seems clear that the possible harms associated with the gun's use by the general public substantially outweigh the benefits. In this case the manufacturer rejects all responsibility for the mass killings in San Francisco. This, however, is not a persuasive position given that in this case there are serious questions about the killer's sanity.

Intercollegiate Ethics Bowl, 1995

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