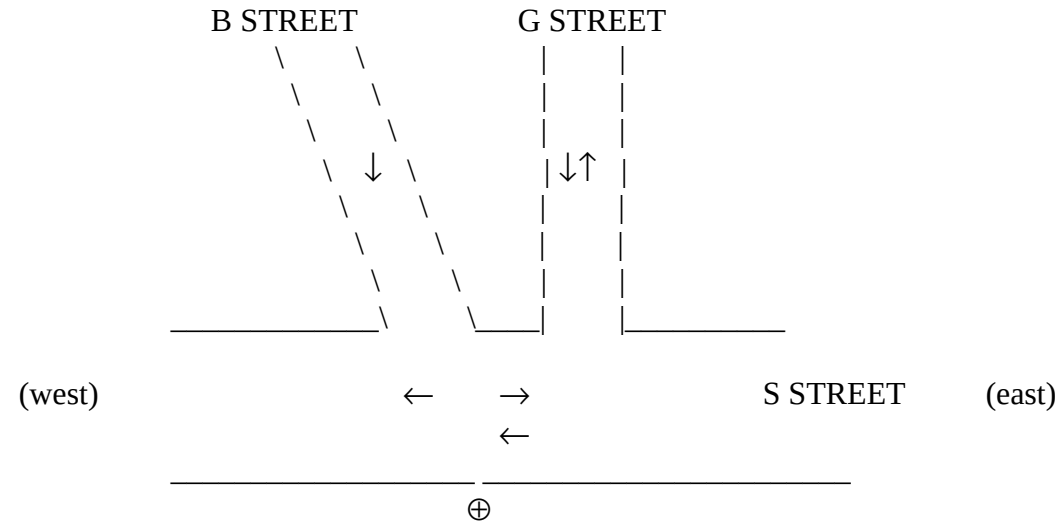
Where Three Roads Meet: At the Intersection of Law and Lawlessness

My title may be a bit obscure, and it does contain a literary reference (which will be disclosed shortly). But it also refers to a simple fact. My house faces an intersection where three roads meet. It has a front porch and during the summer I spend an inordinate amount of time sitting there in my rocking chair watching the traffic. I've spent a while trying to figure out why this is so appealing to me, and how I can formulate arguments to use against my wife who repeatedly asks me to go on vacations with her to exotic places rather than just stay at home.

Here's what I see when I sit on my front porch. (I use abbreviations to prevent tourists from flocking to my house.)



My house sits directly in front of the spot on S where it shifts from being a two-way to a one-way street, and as a result I've witnessed many a near-accident from my front porch. When a driver is heading west on S, and continues to go west rather than turn right into G, he or she will have to bear left and occupy what amounts to the left lane. The trouble begins when a driver on B (a one-way street) goes through the intersection and continues east on S, or a car on G makes a left onto S, and arrives in front of my house simultaneously with one heading west on S. These

drivers have to veer left in order to avoid the approaching car. At that moment the traditional and legally established pattern of driving on the right is momentarily suspended. It's as if the two cars have been transported to England.

Although in the thirteen years I've been rocking on my front porch I've witnessed no accidents, I've seen plenty of near-misses. I've heard many a horn blow in fury, and watched countless drivers mouth inaudible angry curses.

I regret to say that my reaction to a near-miss is sometimes disappointment, and so I've long wondered whether I've spent so many hours on my front porch in the hope of actually seeing an accident. I'm probably not alone in being perversely compelled by scenes of violent catastrophe, mangled metal, torn flesh, and so on. I don't know why this is the case. Perhaps the old Roman Lucretius got it right when he said, "what a joy it is, when out at sea the stormwinds are lashing the waters, to gaze from the shore at the heavy stress some other man is enduring! Not that anyone's afflictions are in themselves a source of delight; but to realize from what troubles you yourself are free is joy indeed."

Maybe Lucretius was on to something, but I don't think this is the best explanation for the allure of my front porch. Instead, what I look forward to most is the baffled expression on drivers' faces when they have suddenly reversed lanes and are driving on the left rather than the right side of the road. As the familiarity of law gives way to improvisation, they are, for a single perplexing moment, suspended in a world they do not quite recognize.

I didn't understand why this was all so interesting until I read an article about a traffic engineer from the Netherlands named Hans Monderman. (*New York Times*, 1/22/2005). Mr. Monderman is responsible for the design of a busy intersection in his town of Freisland. In it there are no lights, signs, or cross-walks. There are not even any divisions between road and

sidewalk. Instead all is “shared space,” a concept that is taking hold in traffic design throughout Europe. (Google it.) While the Freisland intersection may seem to invite chaos and catastrophe, in fact the number of accidents there has decreased and the traffic flow has improved. The explanation is simple. Drivers, realizing that they are operating in a region bereft of visible regulation, know that they must pay close attention in order to survive. In a typical intersection, where green light means go, the driver drops her guard and just goes assuming that, since she’s obeying the law, all will be well. By contrast, where there are no lights or signs, vigilance is required.

As I mentioned, in thirteen years of dedicated traffic watching, I’ve never witnessed an accident. Arriving in front of my house, a place where three roads meet, drivers realize something’s weird, and so they become more careful. They’re perplexed and often unhappy, but they do slow down.

Within the concept of “shared space” is buried a deeper thought. By removing regulations and thereby making the intersection more dangerous, by forcing drivers to assess their own level of risk by actually looking at what’s around them, the intersection actually becomes safer. The principle at work here is “risk-equilibrium.” When you feel safe, you’re more at risk, precisely because your guard is down. This is why most accidents occur in or near one’s own home. By contrast, when you feel yourself to be at risk, you respond appropriately by being more careful and you thereby reduce the risk.

Another story reinforces this principle. Even as the use of bicycle helmets went up sharply between 1991 and 2001, the number of head injuries increased by 10 percent. There are several possible explanations of this startling fact, but one nails down the idea of risk equilibrium perfectly. When cyclists are comfortably ensconsed within their helmets they feel a greater sense

of security and so they make take more risks, and thus have more accidents. One expert in risk analysis, Mayer Hillman, a senior fellow emeritus at the Policy Studies Institute in London, drew the following conclusion from these data: "You would be well advised to wear a helmet provided you could persuade yourself it is of little use" (*New York Times*, 7/29/2001).

Risk equilibrium is a troubling idea. If we're safest when we feel ourselves to be at risk, then we ought to fend off feelings of security. But beware success in doing so! For if you manage to make yourself feel insecure, and thus make yourself more safe, do not congratulate yourself and thereby feel more secure. For once you do that you put yourself at greater risk. All told, this adds up to a rather grim view about the prospects for human happiness.

Now we come to the literary allusion in my title. It refers to Sophocles' play, *Oedipus the King.* A quick summary: an oracle had predicted that Oedipus was destined to kill his father and marry his mother. To escape this fate, Oedipus left his hometown of Corinth. While travelling, he was attacked by a man he did not recognize at a place where three roads met. He retaliated and killed the man. When Oedipus later entered the city of Thebes, whose king (Laius) had just been killed, he was given the chance to compete for the empty throne. Because he successfully answered the riddle of the sphinx—what walks on four legs in the morning, two legs in the afternoon, and three at night? (Answer: a man)—he became the new king and married the queen.

Many years later, when the play opens, Thebes is in the midst of a plague. Because he is a good king and a confident problem-solver, Oedipus sends an envoy to the Delphic Oracle in order to determine the cause of the plague. The answer: Thebes is cursed because Laius' murderer is still in town. Oedipus becomes a detective determined to discover the murderer and save his city. He interrogates three witnesses. From the first, his wife Jocasta, he learns that years ago Laius was killed at a place where three roads meet. From this information Oedipus begins to

realize that he himself must be the murderer of Laius. Nonetheless he courageously pushes forward in his investigation. From the second witness, he learns that he was adopted. Polybus, King of Corinth, was not his biological father. This new fact is deeply troubling, because it implies that Oedipus' attempt to escape the curse by leaving what he took to be his parents' home may have been in vain. Finally, a third witness informs Oedipus that years ago he was abandoned by his real parents, Laius and Jocasta, who also were trying to evade the prophesy that their son would commit unspeakable crimes against them. The three lines of evidence form a horrifying syllogism: I killed Laius; Polybus was not my real father; Laius was. Therefore, I killed my father and married my mother. At the end of the play, Oedipus, a man who had every reason to feel secure that he was doing a fine job as king and husband, realizes that he never had a clue.

A chorus of town elders has been witnessing this sequence of events, and this is the lesson they draw from the tragedy of Oedipus: "count no mortal happy till he has passed the final limit of his life secure from pain." In other words, no matter how well life is now going for you, as long as you're alive, it can all turn bad in a flash. Until you're is dead your fate is up for grabs. Therefore, the chorus advises, be wary, vigilant and aware that even the most apparently well-designed lives can fall apart in the blink of an eye. At the heart of tragedy, then, lies an understanding of risk equilibrium.

Back to the porch: when the weather is nice, and I'm out there rocking away, a neighbor will often amble by and I'll invite him up for a beer. Perhaps as we sit there we're like an audience at the theater. We watch the intersection in front of us as if it were a stage on which a catastrophe might unfold at any moment. Or maybe the spectacle before us is actually a bit more hopeful than that. In front of my house, in the absence of law and so at a moment of maximum

insecurity, drivers spontaneously organize themselves. Like a self-maintaining organism, they adapt to the shift in the environment. Remember: I've witnessed no accidents where the three roads meet. Maybe there's even something beautiful happening at the intersection of G, B, and S streets. Or maybe watching the drama in front of us makes us realize how unusual it is and therefore we appreciate what's missing from the scene. If the whole world were bereft of street signs and traffic lights, off the visible rule of law, there'd be violent chaos and it would be ugly. Perhaps the very brevity of the moment, when the two drivers are perplexed but respond appropriately to avoid collision makes us appreciate it. It's an exception that proves the rule.

I don't know the answers to these questions. But today, more than ever, they're terribly important to ask. For we live in the age of terrorism and we need desperately need our political leaders to set the proper tone for the rest of us. Remember the days when the Bush administration was roundly criticized for raising the terrorist threat alert from "yellow" to "high" or "orange?" The critics maintained that such moves were fear-mongering, and only occurred when it was politically convenient for the administration. Maybe the critics were right. But in a more general sense they might also be wrong. When it first assumed office in 2001, the Bush administration simply wasn't scared enough, and we paid the price. Maybe we're better off if we are terrified on a regular basis. For only then will we be safe. Of course, we'll also feel insecure and be unhappy.

When warm weather beckons I'll be back in my chair, manning my post. Who knows, maybe old Lucretius had it right after all. I'll be safely on shore, watching the events out there at sea transpiring without me. Or maybe I'm at the theater watching a play. Or maybe my wife is right and I should get off the porch and take a vacation once in a while. But travelling makes me anxious. Maybe that's exactly the reason I should go.