Palsgraf v. Long Island Railroad Company 248 N.Y. 339, 162 N.E. 99 (1928)

Cardozo, Ch. J. Plaintiff was standing on a platform of defendantís railroad after buying a ticket to go to Rockaway Beach. A train stopped at the station, bound for another place. Two men ran forward to catch it. One of the men reached the platform of the car without mishap, though the train was already moving. The other man, carrying a package, jumped aboard the car, but seemed unsteady as if about to fall. A guard on the car, who had held the door open, reached forward to help him in, and another guard on the platform pushed him from behind. In this act, the package was dislodged, and fell upon the rails. It was a package of small size, about fifteen inches long, and was covered by newspaper. In fact it contained fireworks, but there was nothing in its appearance to give notice of its contents. The fireworks when they fell exploded. The shock of the explosion threw down some scales at the other end of the platform, many feet away. The scales struck the plaintiff, causing injuries for which she sues.

The conduct of the defendant's guard, if a wrong in its relation to the holder of the package, was not a wrong in relation to the plaintiff, standing far away. Relatively to her it was not negligence at all. Nothing in the situation gave notice that the falling package had in it the potency of peril to persons thus removed. Negligence is not actionable unless it involves the invasion of a legally protected interest, the violation of a right. . . .

...

The argument for the plaintiff is built upon the shifting meanings of such words as "wrong" and "wrongful," and shares their instability. What the plaintiff must show is a wrong to herself, i.e., a violation of her own right, and not merely a wrong to some one else, nor

conduct “wrongful” because unsocial, but not “a wrong” to any one. . . . If no hazard was apparent to the eye of ordinary vigilance, an act innocent and harmless, at least to outward seeming, with reference to her, did not take to itself the quality of a tort because it happened to be a wrong, though apparently not one involving the risk of bodily insecurity, with reference to some one else. . . .

Negligence, like risk, is thus a term of relation. Negligence in the abstract, apart from things related, is surely not a tort, if indeed it is understandable at all. . . .One who seeks redress at law does not make out a cause of action by showing without more that there has been damage to his person. If the harm is not willful, he must show that the act as to him has possibilities of danger so many and apparent as to entitle him to be protected against the doing of it though the harm was unintended. . . .

Andrews, J. (dissenting). The result we shall reach [in this case] depends upon our theory as to the nature of negligence. Is it a relative concept--the breach of some duty owing to a particular person or to particular persons? Or where there is an act which unreasonably threatens the safety of others, is the doer liable for all its proximate consequences, even where they result in injury to one who would generally be thought to outside the radius of danger? . . .

...

. . . Where there is an unreasonable act, and some right that may be affected there is negligence whether damage does or does not result. . . .Should we drive down Broadway at a reckless speed, we are negligent whether we strike an approaching car or miss by an inch. The act is itself wrongful. It is a wrong not only to those who happen to be within the radius of danger but to all who might have been there--a wrong to the public at large. . . .

...

. . . Every one owes to the world at large the duty of refraining from those acts that may unreasonably threaten the safety of others. Such an act occurs. Not only is he wronged to whom harm might reasonably be expected to result, but he also who is in fact injured, even if he be outside what would generally be thought the danger zone. . . .

...

...[W]hen injuries ...result from our unlawful act we are liable for the consequences. It does not matter that they are unusual, unexpected, unforeseen and unforeseeable. But there is one limitation. The damages must be so connected with the negligence that the latter may be said to be the proximate cause of the former. . . .

...

[In defining proximate cause, there are some hints that may help us. The proximate cause, involved as it may be with many other causes, must be, at least, something without which the event would not happen. The court must ask itself whether there was a natural and continuous sequence between cause and effect. Was the one a substantial factor in producing the other? Was there adirect connection between them, without too many intervening causes? Is the effect of cause on result not too attenuated? Is the cause likely, in the usual judgment of mankind, to produce the result? Or by the exercise of prudent foresight could the result be foreseen?. . .

...

. . . The act upon which the [current] defendant's liability rests is knocking an apparently harmless package onto the platform. The act was negligent. For its proximate consequences the defendant is liable. If its contents were broken, to the owner; if it fell upon and crushed a passenger's foot, then to him. If it exploded and

injured one in the immediate vicinity, to him also. . . . We are told by the appellant in his brief “it cannot be denied that the explosion was the direct cause of the plaintiff’s injuries. So it was a substantial factor in producing the result--there was a natural and continuous sequence--direct connection. The only intervening cause was that instead of blowing her to the ground the concussion smashed the weighing machine, which in turn fell upon her. There was no remoteness in time, little in space. . . .

Under these circumstances I cannot say as a matter of law that the plaintiff’s injuries were not the proximate result of the negligence. . . .