

Uncomfortable Questions  
Rev. Dave Hunter  
Unitarian Universalists of Gettysburg  
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This morning I would like to discuss several questions of values, questions of ethics, questions of social policy. Some of these questions may make some of you uncomfortable – at least they make me uncomfortable – or you may ponder them with intellectual detachment. I hope they will provide food for thought, at least for coffee hour, maybe even beyond.

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Listening to National Public Radio, to our local station in Philadelphia, WHYY, I hear, from time to time, the slogan of the Bill & Melinda Gates Foundation: “All lives have equal value.” This sounds quite a bit like the first of our seven UU principles, which affirms “the inherent worth and dignity of every person.” But we don’t claim that we all have equal worth or equal dignity. Comparisons just miss the point, and the phrase “equal value” implies comparison, with everyone tied for first.

Equal value would appear to be different from “equal before the law” or “equal in the eyes of God” or deserving of an equal opportunity in life. So the question is, *do* all lives have equal value?

Try this thought experiment. Imagine an isolated village, with a population of 100, threatened by a deadly epidemic. The village’s doctor has enough vaccine for 50, and there’s no way to get additional vaccine in time to save those who are not vaccinated. If you divide the doses in half, they’re totally ineffective. How should the village decide who will get the vaccine? Consider the possibilities:

- pick 50 people at random
- have an auction, the 50 highest bidders get vaccinated
- choose by age, the 50 youngest are chosen – or maybe the 50 oldest
- vaccinate the 50 people most useful to the village – how do you determine that?
- choose 47 healthy women of child-bearing age, plus three young men with good genes
- choose the first 50 on an alphabetical list of villagers
- ask for 50 volunteers to forego the vaccine, and then vaccinate them because of their greater altruism

- vaccinate no one.

I'm sure you could come up with many more ideas. It would seem to me that of the various possibilities I've come up with, only two satisfy the premise that all people are of equal value – either picking 50 people randomly, which gives everyone an equal chance of being picked, or vaccinating no one, which gives everyone an equal outcome.

So, would I agree with Bill and Melinda Gates that all lives have equal value? Just as I agree with other UUs that all lives have inherent worth and dignity, I would agree that all lives have value. But *equal* value? I don't think so. Abraham Lincoln and, say, Donald Trump? I'll let you answer that one.

Or consider this situation. Two babies are in a house, in separate rooms. One baby is healthy and developing typically. The mother of the other baby had contracted the Zika virus, and that baby has a “tiny head” and is blind.<sup>1</sup> The house catches on fire. A person outside is aware of the two babies and wants to save them, but the fire is spreading so fast that she will have time to rescue only one of them. Which should she choose?

Let's look at a different hypothetical situation. You have the fire as before, but instead of two babies inside you have one healthy baby as before and one very old, very rare, very valuable Stradivarius violin, an irreplaceable instrument with the most beautiful tone (if played by the right person, who wouldn't be me). Should she rescue the baby, rescue the violin, decide that it's too dangerous for her and rescue neither, or take time to decide what the right thing to do is and discover either that the baby is already dead or that the violin is already consumed by the flames?<sup>2</sup>

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<sup>1</sup> Babies with microcephaly have unusually small heads. In roughly 15 percent of cases, a small head is just a small head, and there is no effect on the infant, according to Dr. Constantine Stratakis, a pediatric geneticist and a scientific director at the National Institute of Child Health and Human Development. But in the remainder of cases, the infant's brain may not have developed properly during pregnancy or may have stopped growing in the first years of life. These children may develop a range of problems, like developmental delays, intellectual deficits or hearing loss. See “Short Answers to Hard Questions About Zika Virus,” <http://www.nytimes.com/interactive/2016/health/what-is-zika-virus.html>, New York Times, updated March 18, 2016; NPR, All Things Considered, May 11, 2016; editorial, “Stealing from Ebola to Fight Zika, New York Times, May 20, 2016, p. A22.

<sup>2</sup> See generally David Edmonds, *Would You Kill the Fat Man? The Trolley Problem and What Your Answer Tells Us about Right and Wrong* (2014).

Moving on to the next question.

What about polygamy? If same-sex marriage is OK, why not three-person – or four- or five-person – marriage? This was the argument against same-sex marriage that Chief Justice John Roberts made in his dissent in the Supreme Court case that recognized a right to same-sex marriage.<sup>3</sup> Now, I can think of numerous reasons why multi-person marriage is a bad idea. Two-person marriage is difficult enough. Imagine a four-person marriage. Seventeen different relationships would be involved – you can count them<sup>4</sup> – not counting the children or the in-laws. There could be inequality of power problems, domestic abuse. What if one person wants out? How would it work for the children?<sup>5</sup> But those who opposed same-sex marriage came up with numerous arguments for why same-sex marriage would not work well.

Here's where I come out on this, at least for now. If three or more consenting adults want to live together, I see no reason to criminalize their arrangement. But also I see no reason for the state to recognize it as marriage and grant all the benefits that attach to marriage.<sup>6</sup> Certainly religious groups have no duty to bless such an arrangement. On the other hand, if some denomination wanted to perform what they might call weddings for a group of people entering into such an arrangement, that's their business. I would be totally opposed to Unitarian Universalists doing this.

But suppose, in the decades ahead, three and four person marriage-like arrangements were to become common and as successful as traditional marriages, then the Chief Justice's argument would begin to have some weight. The younger people among us may be around to see that day.

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I'm pretty sure that there are quite a few people in this room who know the history of the United States better than I do. But my understanding is that a bunch of people from England and elsewhere in Europe came across the ocean and conquered the land that belonged to the Native Americans, then bought Florida from Spain and the Louisiana territory from France – Spain and France having taken those lands away from the Native Americans – then waged war against

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<sup>3</sup> *Obergefell v. Hodges*, 135 S.Ct. 2071, 576 U.S. \_\_\_\_ (2015).

<sup>4</sup> A/B, A/C, A/D, B/C, B/D, C/D; A/BC, A/BD, A/CD, B/CD; A/BCD, B/ACD, C/ABD, D/ABC; AB/CD, AC/BD, AD/BC.

<sup>5</sup> See James Ryerson, review of Elizabeth Brake, ed., *After Marriage: Rethinking Marital Relationships*, and of Deborah L. Rhode, *Adultery: Infidelity and the Law*, New York Times Book Review, April 10, 2016, p. 31.

<sup>6</sup> My position is that of Peter de Marnette's essay in Brake's book and of Rhode in hers.

Mexico to add the Southwest to our boundaries, bought Alaska from Russia after Russia had taken it from the Native Alaskans, waged war against Spain to gain various overseas colonies, and somehow acquired Hawaii. And don't forget, don't ever forget, that we brought enslaved people here from Africa to make our nation prosperous.<sup>7</sup>

In four years, in 2020, it will be the 400th anniversary of the landing of the Mayflower in Massachusetts. Some of my ancestors were on that ship. At next month's General Assembly in Columbus, Ohio, delegates will vote on a resolution encouraging UUs to "enter a time of education, careful reflection, and healing, . . . with special attention . . . to the suffering, indignity, and loss that native peoples have suffered since the early 1600s."<sup>8</sup>

The question is, do those of us who are the descendants of those involved in this massive appropriation – or misappropriation – of land have a duty to go back to where our ancestors came from? Indeed, do all of us who are not the descendants of Native Americans have the duty to go back to where we came from?

That's a ridiculous question, isn't it? It's not going to happen. The history of the world has been one of invasions and migrations. You can't put things back the way they were in – what year would you choose? But that certainly doesn't justify future invasions, and it doesn't mean that we shouldn't try to undo recent ones.

What we should try to do now is to create a world in which everyone, no matter where they live or where their ancestors came from, where everyone has the chance, the realistic chance, to have food, shelter, clothing, medical care, education, employment, freedom of speech, the right to a meaningful vote, freedom of religion, freedom from crime. You can add to the list. We have a long ways to go to achieve all that, even here in the United States.

And what about refugees from war in Syria, Iraq, Yemen, Afghanistan – do we have a duty to take them in? Yes, I should think so. We have two duties here. One is to do what we can to restore peace to these lands, preferably peace with justice and democracy, but without peace it's very hard to make progress on anything else. The other duty is to take in refugees.

Consider this. The population of Detroit today is about 700,000. When I was growing up in suburban Detroit in the 1950s the city's population was very close to two million. That suggests to me the Detroit has room for at least a million refugees, and Detroit isn't the only major city to have lost population in recent decades. Now I realize that there's a certain lack of

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<sup>7</sup> See, e.g., Eric Foner, "Separate, Equal and Far Away," New York Times Book Review, May 1, 2016, p. 18.

<sup>8</sup> UU World, Summer 2016, p. S7.

realism in this proposal, but how hard could it be to absorb a million refugees across our 50 states?<sup>9</sup>

We – or most of us – were born here. We are citizens of the United States; we have a legal right to be here. But do we have a stronger *moral* claim to live here than a Syrian family whose house has been bombed, whose hospitals and schools are now ruins?

More generally, what moral duty do we reasonably comfortable Americans have to help the impoverished people living in Africa, in India, and many other places? Most of us could trim, say, \$5000 from our annual budget without going hungry or having to sleep in the street. Imagine what good my \$5000 – or yours – could do, for example, in Mali.<sup>10</sup>

On the other hand, look at Venezuela. The economic collapse of Venezuela has been much in the news this week. They have a whole lot of oil down there, but they were unprepared for the collapse in the price of oil. Groceries and gasoline are in short supply; electrical power is available less than half the time; hospitals lack medicines and supplies. The road to recovery is unclear.<sup>11</sup>

Nigeria, likewise, is rich in oil, but oil wealth has not brought prosperity for the people, and Boko Haram is a constant terrorist threat.<sup>12</sup>

If we could just solve the problems in Venezuela and Nigeria by sending them money – how easy that would be.

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<sup>9</sup> See the Daily Show, May 18, 2016, interview with Prime Minister Trudeau on Canada’s response to the refugee crisis.

<sup>10</sup> See Peter Singer, *The Most Good You Can Do: How Effective Altruism Is Changing Ideas About Living Ethically* (Yale U.P.), reviewed by John Gray, *New York Review of Books*, May 21, 2015, p. 38; David Brooks, “A Question of Moral Radicalism,” *New York Times*, February 5, 2016, p. A25).

<sup>11</sup> See Nicholas Casey, “Venezuela’s Hospitals Fail As Its Economy Collapses: Bloody Halls and Dying Patients Portend Nation on Brink of Political Crisis,” *New York Times*, May 16, 2016, p. A1; “Venezuela’s Downward Spiral,” editorial, *New York Times*, May 17, 2016, p. A20.

<sup>12</sup> See Dionne Searcey, “Captives of Boko Haram Return Home to Scorn,” *New York Times*, May 19, 2016, p. A1; <http://www.africanews.com/2016/05/17/boko-haram-wreak-estimated-9bn-damage-in-nigeria/>; <http://allafrica.com/stories/201602030426.html>.

Unitarian Universalist congregations have covenanted together to affirm and promote democracy, not only in our congregations, but in society at large. This affirmation would seem to follow quite naturally from our affirmation of the inherent worth and dignity of every person and from our commitment to justice, equity, and compassion in human relations. Nevertheless – I really don’t want to ask this question, but I feel I must – could we be wrong about democracy? Is it time to look for a better way? Winston Churchill famously said, democracy is the worst form of government – except for all the others. Not an overwhelming endorsement, but would he still be that sympathetic to democracy today, in the United States?

My career as a lawyer was devoted to extending democracy to those who had been excluded. Raising doubts about democracy does not come naturally to me. What’s behind my new ambivalence?

First, global warming. I am no scientist, but global warming certainly appears to be a threat to human civilization as we have known it and possibly a threat to the survival of humanity. We are not without hope. Some steps have been taken. We are making progress both with respect to technological solutions and to structural solutions. But will it turn out to be too little, too late?

Global warming is a gradually increasing problem. It won’t become a really serious threat until sometime way off in the future.<sup>13</sup> Will today’s voters act to solve a future problem when there would appear to be so many more immediately serious problems confronting us? Will today’s voters in the United States react responsibly when they can tell themselves that the situation in India is so hopeless that what we do doesn’t make any difference anyway? Will voters respond when so many of our nation’s leaders or would-be leaders are assuring them that it’s all just a hoax anyway?<sup>14</sup>

A year ago I might have stopped there, but this is a presidential election year, and we have a new problem. I won’t mention any names, but how could it happen that someone with no apparent qualifications for higher office and many obvious disqualifications – someone who many consider has fascist leanings – that such a person continues to move closer and closer to the White House?

I can think of a few answers.

First, our method of selecting political party nominees for President is crazy. Can you think of another nation that has such a long process? I cannot. Does that long process attract and

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<sup>13</sup> Actually, if the future isn’t here already it’s very close. In one place in India, for example, the temperature recently reached 123.8 F, the hottest on record. New York Times, May 21, 2016, p. A1.

<sup>14</sup> “The Key Players in Climate Change,” New York Times website, April 21, 2016.

lead to the nomination of those most qualified? I doubt it.<sup>15</sup> When a church is looking for a new minister, when a university is looking for a new president, a search committee is formed. While I wouldn't exclude popular participation from the nominating process, wouldn't something like a search committee help? The final choice would remain with the people. In addition, I would abolish the electoral college and provide public financing, but there's no time this morning to get into all that.

Second, we need a better educated electorate – that would help with global warming, too. There would appear to be those in this nation who think it's better to have an undereducated citizenry.<sup>16</sup>

Third, millions of people in the U.S. need jobs or better jobs and better wages. They are dissatisfied with how life has treated them and they look back to a time when things were better for people like them. At the same time that many are in need of work, there is much work that needs to be done but isn't getting done: work to head off or mitigate global warming or to respond to the effects of global warming, work to repair an infrastructure that has been starved for decades, work to improve education, work to provide better medical care for all Americans, work to provide child care for working parents, work to help those in impoverished nations around the world have a brighter future. Think of all the jobs – the good jobs – that could be created to get this done.<sup>17</sup>

Fourth, I think the Nation's churches could be doing a better job. What was the message of the Old Testament prophets? What was the message of Jesus? Love your neighbor; take care of the oppressed, the poor, the widow, the orphan; feed the hungry. Somehow that basic message of the Bible hasn't gotten through to millions of our citizens. The churches need to do a better job.

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<sup>15</sup> See Jonathan Martin & Dalia Sussman, "G.O.P. Voters Say Trump Deserves Party's Backing, Both Front-Runners Are Broadly Disliked, a New Poll Shows," *New York Times*, May 20, 2016, p. A1, and Norman Ornstein & Alan Abramowitz, "Stop the Polling Insanity," *New York Times*, May 20, 2016, p. A23.

<sup>16</sup> Charles Blow reminded us recently that "facts don't necessarily have the power to change our minds. . . . Like an underpowered antibiotic, facts could actually make misinformation even stronger." "Trump's Asymmetric Warfare," *New York Times*, May 16, 2016, p. A21, quoting a summary by Joe Keohane in the *Boston Globe* in 2010 of research by political scientists at the University of Michigan. It is my hope that those with more and better education are less susceptible to this tendency.

<sup>17</sup> See, e.g., Eduardo Porter, "Inaction Holds Down the Pace of Growth," *New York Times*, May 18, 2016, p. B1.

If we could do these four things – reform the presidential nomination process, get serious about education, put America back to work, to constructive work, and inspire the Nation’s churches to fulfill their mission – if we could do these four things, I would not be worried about who our next President would be.

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One more question: Would the earth be a better place if humanity had never existed?

Would that be a good question for colleges to ask prospective applicants? If it would, I’m glad all of that is behind me.

Just consider how beautiful, what a wonderful place, the earth would be if we humans hadn’t been around to mess things up. No pollution, no global warming. Many, many species that have gone extinct would still be around. How happy Mother Earth would be. What a great place to live the earth would be.

What a great place to live the earth would be – for whom, exactly? For the rabbit, who could be dinner today for the fox? For the young fox cub who could be dinner for the owl? For the salmon swimming up the river who could be lunch for the bear?

But imagine how beautiful the earth would be, without us. Yes, we can imagine that, but who are we imagining is enjoying, appreciating that beauty? The tall, ancient sequoias in California are magnificent, but who would care?

Can a world without Beethoven, without Shakespeare, without Picasso, really be better than a world with them? And who knows what the future will bring?