

"Being Fair"

A Sermon delivered at UU Fellowship Chautauqua NY by David R. Weissbard 7.17.11

Reading: [Campolo]

I am curious how many of you heard Tony Campolo preach in the Amphitheater last Sunday? I ask because there is a significant overlap between his sermon and mine. The second of his three points, his theological discourse, differs significantly, but his central theme and mine are quite similar.

[justice in the prophets]

Some of you are aware that several years ago I devoted a sabbatical to the preparation of an as yet unpublished manuscript on the Ten Commandments. One of the interesting things about the Commandments is that there is no clear reference in them to the concept of justice even though justice came to be central in the religion of the Hebrew people. [Some do interpret the "Do Not Steal Commandment broadly to include justice.]

In the earliest days of the Hebrew religion, the emphasis was on cultic behavior - worshipping the right object and in the right way: what kind of sacrifices, when, where, and by whom. And then the commandments addressed ethical relations with family and neighbors. It took the prophets to extend the religious focus to the issues of social justice. Suddenly there was Isaiah (1:11):

What to me is the multitude of your sacrifices? says the Lord; I have had enough of your burnt offerings of rams and the fat of fed beasts...When you stretch out your hands I will hide my eyes from you; even though you make many prayers, I will not listen; your hands are full of blood. Wash yourselves; make yourselves clean; remove the evil of your doings from before my eyes; cease to do evil, learn to do good; seek justice, rescue the oppressed, defend the orphan, plead for the widow.

And Jeremiah (V:21):

Hear this, O foolish and senseless people, who have eyes and do not see, who have ears but do not hear.... your sins have deprived you of good for scoundrels are found among my people; they take over the goods of others, . . . They know no limits in deeds of wickedness; they do not judge with justice the cause of the orphan, to make it prosper and they do not defend the rights of the needy."

Ezekiel [XLV:9]:

Thus says the Lord God: Enough O princes of Israel! Put away violence and oppression, and do what is just and right.

Amos [V:7]:

Ah, you that turn justice to wormwood, and bring righteousness to the ground! . . . because you trample on the poor and take from them levies of grain, you have built your houses of hewn stone, but you shall not live in them; you have planted pleasant vineyards, but you shall not drink their wine, For I know how many are your transgressions, ...you who ...push aside the needy in the gate.... Hate evil and love good and establish justice in the gate... Let justice roll down like waters and righteousness like an everflowing stream...

Micah VI:8:

What does the lord require of you but to do justice and to love kindness and to walk humbly with your God.

When the Prophets came to the fore, the focus in Hebrew religion shifted from what you believed or did in religious ceremonies, to how you behaved in real life. Judaism took a decided swing in the direction of ethics - and they were not just personal but social ethics.

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The individual was responsible for how the community behaved -- not just for his or her own behavior -- and the ultimate measure of the humanity of a community has often been said to be how it cares for the weakest among its members.

The prophets did not go about proclaiming against injustice because people acted justly - it was precisely because of the common human experience of greed and injustice. It is a common theme throughout history for those with power to take from those who do not have it. Justice has been an issue throughout the history of our species, and it continues to be one today. It is not an issue that has been resolved, in spite of all the prophets and the martyrs.

[justice today]

When you go back and read the Platonic dialogues on the meaning of justice, and you see their similarity to some of the debates in our Congress, you realize how superficial the progress of our species in the last two and a half millennia has been. There have always been those who argued that justice reigned when the will of those in power was obeyed. Might has always, in the eyes of some, determined what is right. What we call our justice system is certainly based on that understanding. What does it mean when a stock broker can steal millions of dollars, and be punished by detention in a locked country club for a number of months, while a poor black kid who steals an ice cream bar can be sentenced to hard time? What does it mean when possession of a form of a drug commonly used in the ghetto is punished more harshly than the possession of a form of that same drug more commonly used by white folk? Big crime by people in power is much less threatening to the social structure than is petty crime by the poor. Our justice system is often not very just, unless justice is taken to mean supporting the status quo.

It can be demonstrated that justice has a lot to do with who you know. Aristotle realized that if all people were friends with one another, there would be no need for the idea of justice, because it would be inherent. The problem is, we don't know everybody. Most of us treat people we perceive to be "like us" differently than we treat people we perceive to be "different." Most of the people who make the laws in our nation are not welfare moms, and in fact, few of the lawmakers know any welfare moms, thus it becomes easier for them to decide how to deal with welfare. They are inclined to assume that "those people" on welfare are just ripping off the system. That means, as some see it, that "making kids pay through hunger for their mothers' presumed immorality and laziness, is more 'just' than 'our' being forced to give up a portion of our inherited or earned wealth to provide for their sustenance. We didn't ask them to be born; they are not our problem." Earlier this month, Senator Orrin Hatch insisted that poor and middle class people are not doing enough to share the economic burden that the wealthy are not sharing at all. Centuries after the prophets, we are still very proficient at providing ourselves with justifications for ignoring those who are in need.

[what is just?]

Mortimer Adler suggested that justice deals with the tension between liberty on the one hand, and equality on the other. At one extreme, we want the freedom to acquire everything we can imagine, without interference. At the other extreme is the assertion that everyone should be equal. The problem is that people are not all the same, and therefore do not possess equal talents, nor do they inherit equal advantages in terms of power and influence and the opportunities these present, which are often more important than talent.

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Libertarians insist that the only thing government has a right to do is to be sure that people have equal opportunities. Egalitarians insist that government programs should even out the differences in what people have.

There are those who argue that justice means that those who are productive contributors to the economy, or possess the wealth that suggests that someone in their family was productive at some time in the past, should have benefits that are proportional to that contribution. To take from them to provide for the less fortunate is, by that definition, unjust.

Our religious heritage suggests that justice means that everyone, on the basis of being alive, should be entitled to receive from the community at least enough to provide for adequate shelter, clothing, nourishment, education, and health care. It is clear that this is an ideal that we don't begin to approach in modern America.

I remember an interview on health care on public radio in which a welfare mom insisted that she should have the right to take her child to any specialist she wanted, any time she wanted. The rich had that right, so should she. Her position made me a little uneasy.

Does justice mean everyone is entitled to everything they want, or does it mean they are entitled to what they need? And who is to decide what someone needs?

The Harvard philosopher John Rawls suggests that justice would exist if we had a state of affairs in which we would be willing to change roles with anyone else. It isn't so important that everyone be treated the same, he says, as that they are being treated fairly. I am reminded of the old parental trick when it comes to dividing something between two kids: one gets to divide the candy bar in the knowledge that the other gets to choose his or her piece first. It's amazing what precision that can lead to! The greater your ability to envision yourself in the other person's position, the greater the likelihood that you will see to it that they are treated fairly.

[what is our role?]

The Markan gospel tells us that when asked by a scribe what was the first commandment, Jesus answered, "Hear, O Israel, the Lord our God, the Lord is one; you shall love the Lord your God with all your heart, and with all your soul, and with all your mind and with all your strength." And then he went on to say, "And the second is this, You shall love your neighbor as yourself." And, we are told, the scribe was satisfied. In the version of this encounter in Luke, the scribe, now a lawyer, asked Jesus what was needed for eternal life, and when Jesus asked what was written in the law, answered "You shall love the Lord your God with all your heart and with all your soul, etc, and included loving your neighbor as yourself, but went on to provide the context for the good Samaritan story by asking, "But who is my neighbor?" Jesus then, with the story, suggested that even outcasts like the Samaritans were capable of viewing strangers as neighbors.

There are those who take a privatistic approach to religion who believe that if everyone were to simply act lovingly toward those with whom they personally come in contact, the world would be ok. It would probably be better, but personal fairness is not sufficient, because we know from history that some will hear that call better than others.

Governments have most often been used by those in power to protect that which they have. It is fairly recent in human history that some governments have begun to see a responsibility to act in defense of the powerless. That change has come about because of people who believed it was their charge to see the doing of justice not only as a personal

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but as a community responsibility. The advances that have been made have been due to that commitment.

I confess that I am troubled by a conservative critique which suggests:

The real root of the movement for redemptive egalitarianism is the phenomenon of liberal guilt - the feeling on the part of relatively wealthy and well-educated people that they must atone for their superior privileges by demonstrating their commitment to promote "social justice" for the less advantaged. This phenomenon is distinct from charity in the proper sense, precisely in the fact that it calls for no genuine sacrifice on the part of the would-be benefactor.

That critic insists that liberals want the schools that working-class kids go to be integrated; that the jobs they (we) want made open to minorities are beneath the level of the jobs they (we) occupy; and that the demands for higher taxation to provide for the poor usually start at a level above the one occupied by the person calling for those taxes.

We need to wrestle with the accuracy of those charges, to examine our commitment to justice, and the extent to which our call for sacrifice on behalf of justice begins at our home, rather than at our neighbor's. Too often, the critic is on the mark.

[the role of the community]

The theologian, Sharon Welch, in her book, **A Feminist Ethic of Risk**, insists that:

[I]njustice can be eliminated, but human conflicts and natural limitations cannot be removed. The conflicts of social life and the limitations of nature cannot be controlled or transcended. They can, however, be survived and endured. It is possible for there to be a dance with life, a creative response to its intrinsic limits and challenges....

[Welch continues] An appropriate symbol for the process of celebrating life, enduring limits, and resisting injustice, is not the Kingdom of God; it is the beloved community. The Kingdom of God implies conquest, control and final victory over the elements of nature as well as over the structures of injustice. The "beloved community" names the matrix within which life is celebrated, love is worshipped, and partial victories over injustice lay the groundwork for further acts of criticism and courageous defiance.

The act of creating a just world has individual components, but I believe it also demands community action - the commitment of the "beloved community" to which Sharon Welch refers. The problem is that our commitment to justice gets shaky when our success is not immediate, and/or when its impact reaches our door. The role of the beloved community is to encourage us to test our own commitment, and to challenge us to meet its obligations.

I share the belief Dostoevsky put in the mouth of his character Ivan, that we must have justice, "And not justice in some remote infinite time and space, but here on earth, and that I could see it myself." The problem is, I see little of it.

I was brought up on the fantasy that our ancestors can to the new world to create a classless society, unlike that which they knew in the Old World, and that they had succeeded. That is the American myth. It was never true.

[the distribution of wealth]

[Fair 5]

In researching for this sermon I came upon a recent study which I found fascinating. Some social scientists polled people in various groups in America – rich and poor, liberal and conservative, Democrats and Republicans. They asked these people how they thought wealth should be distributed. It was interesting how few said wealth should be equally shared. There was actually a clear consensus across economic and political lines that even ideally there should be differences. The consensus defined the ideal in this way:

- The top fifth were entitled to about 32% of the wealth – more than the 20% which would have been an even share.
- The next fifth should have 20% of the wealth.
- The 3rd fifth was also entitled to 20%.
- The 4th fifth would ideally have about 16%.
- The bottom fifth would have about 11% -- just over half of an even share.

It is fascinating that this distribution nearly mirrors the reality in Sweden today.

The respondents were then asked to estimate the reality in America. I won't go into those numbers, but they all missed the mark – radically.

The reality is that in today's America:

- the wealthiest 20% of the people actually own 93% of the wealth. [In truth, the richest 1% alone own 43%! The next 19% own 50%!]
- The next 20% own about 6.8%.
- The bottom 60% together own less than 1% of the wealth.

To envision this, if we had 100 Americans in this Hall and it had just 100 seats, the 1 richest person would have 43 seats and the poorest 60 would have 1 seat to share. [Let me be clear that the studies do vary a little, some would give the bottom 60% as much as 5% of the total wealth, but the essential message is consistent across the studies.]

It is in this context that you should consider the current struggle about the debt ceiling. The Republicans have been insisting on major reductions in programs that serve the poor AND that there be no increase in taxes on the wealthiest among us. The President is agreeing to cuts in the services to the poor, but says there need to be at least token reductions in the tax breaks given to the wealthy. I am increasingly concerned that opposition to President Obama from the Republicans is a modern version of Br'er Rabbit's "Please don't throw me in that briar patch." He has served the wealthiest very well.

The level of the debate becomes more understandable when you realize that 44% of the members of Congress are millionaires! The median wealth of members of the Senate is \$2.27 million. The median wealth of the House of Representatives is a more modest \$622,254. [It is interesting to note that 5 representatives have no net worth – that is, they owe more than they have.] Few of our elected members of congress know anyone who is unemployed, except those who have so much wealth they do not need to work.

Every time someone on the political left raises real numbers like these, the defenders of the status quo scream out "Class Warfare!" "Socialism!" "Communism!" On the other hand, Warren Buffet acknowledged in the New York Times (11/26/2006) "*There's class warfare, all right, but it's my class, the rich class, that's making war, and we're winning.*" -

In what Paul Krugman calls "the New Gilded Age," beginning in 1980, there were big gains at the very top. The tax policies of the Reagan administration magnified income

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redistribution. Between 1980 and 2004, real wages in manufacturing fell 1%, while real income of the richest one percent rose 135%. Robert Creamer points out:

In 1980 the average CEO made 42 times more than the average worker. Today he (or sometimes she) makes 262 times as much as the average worker.

New numbers just came out showing that CEO pay last year skyrocketed by a whopping 23%. The new top earning CEO is Gregory Maffei of Liberty Media Corporation who was compensated \$87,493,565 for his services. That's about \$42,064 per hour.

Of course that's nothing compared to hedge fund manager John Paulson. According the Wall Street Journal he made \$5 billion last year. That's \$2.4 million dollars an hour -- or \$40,064 per minute.

As a people, we tend to live in denial of the reality of the wealth disparity in our nation and our media, owned by the wealthiest, do not, of course direct attention to the disparity.

Last week, The American Prospect published a report by Harold Myerson in which he asserted:

Whenever liberals note that the rich are getting richer while everyone else is either treading water or sinking, or that profits are up while wages are down, or, worse yet, that profits are up because wages are down, those liberals are invariably accused by conservatives of fomenting class warfare.

Well, goodness knows, we at the Prospect would never stoop so low. We would, however, refer our readers to the July 11 "Eye on the Market" report by J.P. Morgan Chase Chief Investment Officer Michael Cembalest, which demonstrates conclusively that, well, profits are up because wages are down. ("Eye on the Market" is a newsletter that Chase circulates to its large investors.)

The subject of the July 11 report is corporate profits, in particular, the pre-tax profit margins of the S&P 500, the 500 largest publicly-traded companies based in the U.S. Those profit margins, you'll be glad to know, are close to record highs, nearing 13 percent of company revenues - their highest levels since the mid-1960s. . . . Cembalest looked at the rise in profit margins "from peak to peak" - that is, from their highpoint in 2000, just before the dot-com bust, to their highpoint in 2007, just before the financial crisis. . . . Why did they increase from 2000 to 2007? "There are a lot of moving parts in the margin equation," Cembalest notes, but "reductions in wages and benefits explain the majority of the net improvement in margins. This trend has continued; as we have shown several times over the last two years, U.S. labor compensation is now at a 50-year low relative to both company sales and U.S. GDP."

According to Cembalest's calculations, the reduction in wages and benefits as a percentage of company revenue is responsible for about 75 percent of the increase in those companies' profit margins.

In truth, if more people realized how stacked the deck is, we might face revolution, and unfortunately history says that revolutions generally hurt those they are intended to benefit.

My favorite columnist, the Harvard Divinity School trained Chris Hedges wrote on the 4th of July:

[Fair 7]

When most Americans face the nightmare before us, when they realize the irreversible devastation unleashed on the ecosystem and the economic misery from which they cannot escape, violence will have a broad and terrifying appeal. Those of us who demand a return to the rule of law and remain steadfast to nonviolence will find ourselves cast aside—the useful idiots Lenin so despised. . . . “Wait until October,” Ralph Nader said when we spoke this weekend. “That’s when the budget cuts will hit home. It is one thing to have the governors of Ohio, Wisconsin and Florida and the legislators saying we will cut this and that. We don’t know what will actually happen when the guillotines are put in place. You may have a different kind of surge of public resistance and protest.

“There will be more and more people in the streets, homeless and hungry,” he said of the looming cuts. “Babies will be sick. Everything will be overloaded from the free food to the clinics. You never know where the spark will come from.

[what to do?]

The question I want to raise is, “Is there any way we can, in good conscience, refer to our society as a just one, a fair one?” And let me acknowledge that when we factor in the rest of the people in the world community, it only gets tragically worse.

And so, what we generally do is pull back into our cocoons. We turn on what is called “Reality TV” to flee from reality – or some turn to alcohol, or other drugs, or Fox News to escape the truth. I am thankful that I do not believe in a god who judges. Remember Jeremiah:

“Hear this, O foolish and senseless people, who have eyes and do not see, who have ears but do not hear.... your sins have deprived you of good for scoundrels are found among my people; they take over the goods of others, . . . They know no limits in deeds of wickedness; they do not judge with justice the cause of the orphan, to make it prosper and they do not defend the rights of the needy.”

Perhaps our current fiscal crisis is an indication that there is some justice and the American economic empire is in its last days. The stimulus and TARP did a good job of shoring up the wealth of the wealthy, which is probably what they were intended to do. Then look at the unemployed and the homeless or soon to be homeless who have hardly been touched by any government actions. The status quo has been protected for the powerful.

This is a difficult sermon because I have no easy solution to offer for achieving a happy ending. Tony Campolo relied on the Second Coming of Jesus to resolve the dilemma. That won’t work here.

Maybe some will say, it is better to delude ourselves; it is too depressing to face the truth. Let’s turn on “It’s a Wonderful Life” and be encouraged that the good prosper – just avoid MSNBC.

The belief with which I was raised in a Unitarian Universalist church, and to which I have dedicated my life, is that, indeed, only the truth can set us free. Facing the truth is not the end, but it is a necessary beginning. We cannot possibly change a reality we deny. I do, however, return to the concept that Sharon Welch raised of the “beloved community”:

[Fair 8]

An appropriate symbol for the process of celebrating life, enduring limits, and resisting injustice, is not the Kingdom of God; it is the beloved community. . . . The role of the beloved community is to challenge us to test our own commitment, and to challenge us to meet its obligations

I do not believe any of us will live to see complete justice in the world, but let us face the challenge of meeting the obligations of the “beloved community. Let us not fail to seek and do what we can to resist injustice and achieve the small gains that help build toward justice for all.

*“And then [in the words of Judy Chicago,] all will be rich and free and varied
And then the greed of some will give way to the needs of many
And then all will share equally in the Earth’s abundance
And then all will care for the sick and the weak and the old
And then all will nourish the young
And then all will cherish life’s creatures
And then all will live in harmony with each other and the Earth
And then everywhere will be called Eden once again”*

AMEN. So let it be.