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What is Life Worth
Rev. Linda Simmons

It is an interesting notion, what is life worth. The question itself brings up so many other questions like: who decides, is this worth universal, is this worth something inherent or is worth increased as we live or by how we live? Are all lives equally worthy? How can we know? Does it matter? Or is the question not if all life has worth but that we treat all life as if it has worth?

These are all questions attorney and mediator Kenneth Feinberg found himself face to face after 9/11. Feinberg was appointed Special Master of the U.S. government's September 11th Victim Compensation Fund.

The 9/11 fund was different than other funds Feinberg had been called to administer or has administered since. The September 11th Victim Compensation Fund was a \$7 billion fund to compensate 5,562 family members of the fallen. The fund was created by an Act of Congress after 9/11 to compensate the victims of the attack (or their families) in exchange for their agreement not to sue the airline corporations involved.

The payment for death claims averaged \$2,083,000 for families, while compensation for injury claims averaged \$400,000.¹ There had never before been an act of congress declaring such large-scale distribution of tax payer money.

Feinberg and his team had complete discretion on how to distribute the 7 billion dollars. They used a 3-tiered method² to do so:

First, they calculated the *economic loss* suffered by the death or physical injury of a 9/11 victim (if the income lost was greater, the pay out would be greater). Second, the statute required calculation of the *noneconomic loss*, the pain and suffering of the 9/11 victim and the resulting emotional distress inflicted on surviving family members. Third, any life insurance or other compensatory policies were deducted from the total.

Attaching a monetary amount to a life's worth, which this fund was required to do, brings up other moral and philosophical issues. If the dollars stand, at least partially, for the inherent worth of a human being, how can one person's worth outweigh another's? And yet that is exactly what these calculations required Feinberg to do, to determine the worth of each person. It was a process that would change his life.

¹ Aaron Smith, "The 9/11 Fund: Putting a Price on Life" *CNN Money*, September 7, 2011, http://money.cnn.com/2011/09/06/news/economy/911_compensation_fund.

² Kenneth R. Feinberg, What is Life Worth? (New York: Public Affairs, 2005), 35.

If we were all die at this very moment, if a rogue wave were to wash us all away except you, and you were required to pay benefits to our families, how would you distribute them? How would you decide the monetary value of one life over another? Would you too look at our earning potential over our lifetimes and pay out a dividend? Or would you argue for weighing in on what we gave to our society? How much we cared for each other? How much we had given to make the world around us a better place? Can these things be measured? Should we try? These and many other questions became relevant to Feinburg in the days to follow.

Statisticians use a formula to weigh the value of life called the vsl which is a calculation based on how much risk we accept in living our own lives. An example used is that we don't drive armored vehicles, we buy cheaper and less safe modes of transportation, we balance self protection with an ease of living our lives and this is supposed to be a guide to how much we value our lives. The more risk we accept, the less we supposedly value our lives.

After reading this I pondered that it is not only the ways in which we protect our lives that determine how much we value life. It can be the way in which we risk our lives to care for others, to bring our children to safety across a dangerous sea in an unsafe boat, it can be sitting beside someone with a communicable disease out of love, it can be standing for the rights of a people who many disagree should be stood for and risking job or physical security to do so. That shows how much we value our lives too. It can be standing in front of bullets flying from a window so that someone you love who is suddenly and inconceivably at risk of death will not die.

The value of life is not only seen in how we protect our own lives but sometimes in how we risk our lives to safeguard the value of another's life. Should this mean that the formula of what our own lives is worth should yield a smaller figure if there is some risk in our lives that we offer for others?

Or should it yield a larger figure because we recognize life, our own and others, as interconnected, as interdependent, as intricately linked? These and other questions came to the forefront in Feinburg's work with 9/11 victims. Some of the stories I will tell you now were gleaned from his book *What is Life Worth?* But most come from his visit to The Meeting House when he spoke here in 2015 as a guest of Shirat Ha' Yam.³

Here are some of the stories he shared with us that have stayed with me since:

Feinburg told us that the 9/11 fund was not about justice, it was about mercy. Mercy from Latin means "price paid." Perhaps mercy is what we receive for living a life, any life, for carrying love and mortality side by side, for going on.

³ Kenneth Feinburg, "What is Life Worth?" Shirat Ha Yam, August 28, 15.

Mercy is the price we extend to each other for knowing that there is so much beauty and so much pain in a life. It seems to be at the root of empathy, an understanding that we do not choose all that we receive, the good or the bad.

That sometimes our gifts, our very lives, while we have survived things our friends and family and so many others have not, come not from our will but from a mercy that cannot be named with ease, cannot be codified or put under a microscope. Mercy can one day save a life.

The 9/11 Fund, according to Feinburg, was about the distribution of mercy, the gifts we offered for the suffering of others. It was recognition that we could not go on together without mercy extended from one hand to another.

Interviews were not a requirement of the receiving money from the 9/11 fund. All of those who had lost someone in the towers would receive a minimum payment of \$250,000 whether they showed up for the interview or not. Most showed up for the interview however. They needed to talk.

They would bring Feinburg mementos of their lost loved ones: videos of a bat mitzvah, photographs, report cards, essays. He said his office would fill with these things that they would insist he hold on to for a while.

They wanted to let him know that a real person, a beloved person, a person who made a difference in other's lives lived and was snatched from them. They wanted him to know that she or he lived, and she or he was good, worthy of life, worthy of love, valuable.⁴

The least amount given was \$ 400 for a broken finger, the greatest amount 8 billion for a woman who was in an elevator with many others that was on one of the higher floors when the plane hit and began free falling to the ground. It stopped just below the 2nd floor and when those inside were able to pry open the door hoping to jump out, unaware that the elevator had filled with plane fuel, fire consumed the elevator. The woman who received 8 million dollars was the only survivor. She was burned over most of her body.

There were only two people who refused the money outright. One was a priest who had lost his brother. He couldn't face it all. Feinburg tried to convince him that he could establish a fund in his brother's name for victims of hunger or abuse. The priest did not follow through on the application.

Another woman who lived in Brooklyn in a 4 story walk up that Feinburg went to visit to try and convince to take the money. She could not face it either. She had lost her son. She never returned the application.

⁴ Feinburg, What is Life Worth?, 96.

Feinburg learned a lot about grief during his work, what he should and should not say. For instance saying, "I know how you are feeling" was an early lesson for him when someone responding fiercely and quickly, "You can never know what I am feeling."

He learned to listen, and from this listening he came to some profound conclusions, namely that all life has equal worth.⁵ I will return to this in a minute.

What all of this brought up for me was the question, who decides what life is worth? If one were to come to this planet from another and ask, what do you think life is worth here, they would not use any scientific instruments or books to guide them.

They would look at daily life, how we eat, grow our food, dispose of our waste, care for our children and elders, what our health care and educational policies are. How we protect our streets and who is protected on them. They would look at who fills our jails and why.

They would reflect that our right to carry arms supersedes any rationality about who should carry arms and what kind of arms should be carried. What does this say about what life is worth?

What is life worth to us? If you had to write the formula, what would be in it?

Feinburg changed his mind after his involvement in the distribution of 9/11 funds. He writes, "After Sept. 11, I confronted the challenge of placing a value on human life by calculating different amounts of compensation for each and every victim.

The law required that I give more money to the stockbroker, the bond trader and the banker than to the waiter, the policeman, the fireman and the soldier at the Pentagon. This is what happens every day in courtrooms throughout our nation. Our system of justice has always been based upon this idea — that compensation for death should be directly related to the financial circumstances of each victim.

"But as I met with the 9/11 families and wrestled with issues surrounding the valuation of lives lost, I began to question this basic premise of our legal system. When people said to me, "Mr. Feinberg, my husband was a fireman and died a hero at the World Trade Center. Why are you giving me less money than the banker who represented Enron? Why are you demeaning the memory of my husband?"⁶

I think what this woman was also saying was, *Because my husband risked his life for others safety and well being, does that make his life less valuable than one making 50 times as much who did not take those risks?*

⁵ Feinburg, 107.

⁶ Kenneth Feinburg, "What is the Value of a Human Life?" *NPR* May 25, 2008, <http://www.npr.org/templates/story/story.php?storyId=90760725>.

Feinburg goes on, "In the case of Sept. 11, if there is a next time, and Congress again decides to award public compensation, I hope the law will declare that all life should be treated the same. Courtrooms, judges, lawyers and juries are not the answer when it comes to public compensation.

"I have resolved my personal conflict and have learned a valuable lesson at the same time. I believe that public compensation should avoid financial distinctions which only fuel the hurt and grief of the survivors. I believe all lives should be treated the same."⁷

This harkens back to our first principle, all lives are inherently worthy and have dignity. I agree with Doug Muder in his article, "I Don't "Believe In" the Seven Principles: I Don't Think of Them as Beliefs at All."⁸ Our first principle is not a belief, it is a vision, a vision of a world in which all are valued equally, in which we live as if all deserve to be safe, loved, clothed, sheltered, educated, equally protected by the law and enjoy access to medical care.

Just as when Thomas Jefferson and others penned the Declaration of Independence saying that all were created equal in a world they were clear did not reflect equality, in a world rife with inequalities and injustice, he was insisting that this truth must be built, sustained, and supported in order for life to be worthy of living at all.⁹ The Declaration of Independence was a call for what could be if we dared to live as if we were all created equally. It calls us forth still.

And so it is with our first principle. The world we occupy is not one in which all people are treated inherently worthy but we are the champions of the cause, we are the Unitarian Universalists.

It is time to say clearly, If you are not treating all others as inherently worthy , as inherently equal, then you are violating a human principle so deep, so part of what it means to be American, that you must be held publically accountable.

After 9/11 Feinburg told us that some became more religious, some turned away from God forever, some lived with more fierceness insisting that those who did this to them would not win, others withdrew into silence. The one thing that I hope all people felt was the mercy that we capable of, that which was given, spent, offered as love, compassion, tenderness exist within and between us always. We can all upon it.

The inherent worth and dignity of all people is worthy of living a life. What do we have to change, what do we have to ask the world to change in order for this to become visible my dear friends?

⁷ Ibid.

⁸ Doug Muder, "I Don't "Believe In" the Seven Principles: I Don't Think of Them as Beliefs at All" *UU World*, Summer 2014 <http://www.uuworld.org/articles/i-dont-believe-seven-principles>.

⁹ Ibid.

May the worth of each of our lives bring hope and justice to the people whose lives we touch and beyond.

Amen.