Facts Matter, As a Matter of Fact

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A quarter-century before he was the second President of the United States, John Adams, then the most prominent of Boston's lawyers, agreed to represent some of the British soldiers accused of firing into a crowd of citizens in the Boston Massacre; in his closing argument to the jury, he said this: "Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passions, they cannot alter the state of facts and evidence."

Trial lawyers work with facts; they are the building blocks of cases, just as for the doctor facts are the building blocks of diagnosis and treatment and for the businessman they are the building blocks of practice and, hopefully, profit. Anyone running any kind of enterprise, whether it's driving to the store for a gallon of milk or sending a spaceship to Mars, knows that facts matter. I could sit down right now, my point is made.

Yet not all facts matter equally. If I asked you where you were at 7 pm on the evening of Tuesday, October 25 of last year, you probably could not tell me, unless there were some reason to remember that date. That fact doesn't matter. Unless I also tell you that a witness has told the police that a person matching your description driving a car matching the description of your car, robbed a convenience store at 7 PM on October 25. Suddenly the fact that didn't matter before now matters a great deal.

My wife Jacqueline loves to watch the forensic cop shows on TV. I have less enthusiasm because I lived them in real life. The highest profile murder case I handled through trial was the shooting of a man named Pete Lempesis in downtown Charleston. He was a minor politician, a magistrate, and the owner of a dry cleaning business which had stayed in the same downtown Charleston neighborhood in which Pete had grown up as that neighborhood changed its ethnic identity from Greek to African American. He was coming out of his business at the close of day, about to get into his car, when he was shot in an apparent robbery. It shocked the community, and the mayor went on TV vowing to spare no effort to find the killer. The mayor's former law partner was the prosecutor.

A month later, they charged a young African-American from the neighborhood with the murder, and I and another lawyer were assigned to defend him. Among other things, we read the forensics report on the autopsy of the deceased. Two of the facts of that report I filed away mentally: the powder pattern showed that the gunshot wound was distant, that is that the gun had been at least an arm's length away from the victim's body when fired. And the bullet had entered the chest about 48 inches from the bottom of the feet and traveled in a 30 degree downward direction. Those facts didn't matter at that point.

But then by the time the case came to trial, the prosecution had a witness.

A man who was in jail for an unrelated serious crime, trying to bargain for a lighter sentence, told the police he had witnessed the Lempesis murder. At trial, he told how my client, whom he knew, had held the gun at his waist level as he fired into the victim from about six feet away. My client was about five foot two. We recalled the medical examiner, and asked him to do a calculation based on trigonometry as to what height the gun would have had to be fired from to create a downward path of 30 degrees. It turned out to be twelve feet in the air. The jury foreman was a local contractor and evidently understood this argument because it took the jury less than fifteen minutes to acquit.

John Adams was not entirely right. Facts can be stubborn things, but skillful lawyers, advocates, debaters, politicians can sometimes place facts creatively in context to persuade people of particular conclusions. I did not change the facts of the medical examiner's study, but when the supposed eyewitness account was completely inconsistent with those facts, it was my job to point this out.

In the Freedom Forums and in the Colonial History series at the Meeting House, we have been reminding ourselves of the foundations of this country. John Adams was a great Enlightenment mind. His entire very extensive and eclectic personal library is at the Boston Public Library, and a visit to it gives you an idea of the breadth of this man's reading. We claim him as the first Unitarian President, and the claim is fair, but his mind was not confined by any sect or persuasion.

A few minutes ago I read part of Adams' preface to his 1787 book defending the new Constitution. At the end of that quote, Adams made clear that the project was an Enlightenment one. "it will for ever be acknowledged that these governments were contrived merely by the use of reason and the senses."

Merely by the use of reason and the senses. How does that square with Adams' assertion that facts are stubborn things? Six years before Adams wrote those words, Immanuel Kant had synthesized two competing philosophical approaches to the question of how we know anything. The rationalists had claimed that we know anything because we have the inherent faculty of reason and that correspond to the order which is out there in the world. The empiricists, on the other hand, claimed that we couldn't know anything except what we could perceive with our five senses.

Kant said both schools were partly right. The mind has categories which seem to be inherent in it, like time, space and causation. We can perceive lots of things through our senses, but we can only know them, sort of, when we filter what comes in through our senses through the categories of our understanding. Even then, we can never know the thing outside us as it is in itself, which is called the noumenon. We can only know it as it appears to us, the phenomenon.

When Adams says that the US government was contrived by the use of reason and the senses, I hear him endorsing this Kantian point of view, which has in it a bit of skepticism about our ability to really know anything.

Pundit David Brooks wrote a column in the New York Times this week in which he said the biggest picture of what is going on in the world right now is that

the Enlightenment is under attack. He said,
"The Enlightenment included thinkers like John Locke and Immanuel Kant who argued that people should stop deferring blindly to authority for how to live. Instead, they should think things through from the ground up, *respect facts* and skeptically re-examine their own assumptions and convictions."

"Enlightenment thinkers turned their skeptical ideas into skeptical institutions, notably the U.S. Constitution. America's founders didn't trust the people or themselves, so they built a system of rules, providing checks and balances to pit interest against interest."[1]

Brooks goes on to note that the Enlightenment project gave us the modern world, but is has its weaknesses:
"First, Enlightenment figures perpetually tell themselves that religion is dead (it isn't) and that race is dead (it isn't), and so they are always surprised by events. Second, it is thin on meaning. It treats people as bland rational egoists and tends to produce governments run by soulless technocrats. Third, Enlightenment governance fails from time to time."

Now when I read these words, some things fell into place for me. We are an Enlightenment religion. Both the Unitarians and the Universalists arose in America as reactions to Calvinism, and both conceived of themselves as grounded in reason. If the present divide is, as Brooks says, between Enlightenment and anti-Enlightenment values, UUs rather naturally side with the Enlightenment ones.

The Enlightenment bequeathed to us not only liberal religion and not only a theory of democracy, but also the great enterprise for discovery of truth known as science. It's impossible to describe all the ways that science has made a difference in our world, mostly but not entirely for the better.

Now it is basic to science that it studies what is really there, and that the evidence, the facts, are what is supreme, not our ideas or theories about them. You learn by doing experiments and then honestly reporting the data so that other scientists can run them and confirm or question your results. They should be uniform. An object in free-fall near the surface of the earth will accelerate at a rate of 9.8 meters per second per second whether it is in Cape Cod or Cape Town. So science can tell us what's happening in the world.

But one of the most interesting uses of science is to tell us what's happening with our understanding of the world, not what's out there but what's in here. In last week's New Yorker, the writer Elizabeth Kolbert wrote an article called "That's What You Think", a review of three recent psychology books about the vexing question of why people believe things that aren't true.

One study at Stanford involved suicide notes. The student subjects were shown suicide notes in pairs and told that one of them was from a real suicide and the other one was from a random individual. Each subject studied twenty-five

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[1]"The Enlightenment Project" David Brooks, New York Times, February 28, 2017 (emphasis supplied)

pairs of notes. In the first phase of the study, half of the students were told that they had a real knack for this because they had correctly identified the real note 24 out of 25 times. The other half were told that they had only picked out the correct one half the time.

In fact, this was a lie, both sets of students had done abut the same. In the second phase, the experimenter revealed that fact, and then went on to ask the students how many they though they had actually picked correctly, and how many an average student would pick. What was amazing was that the students who had been first told that they were pretty good at spotting the genuine note, even after the deception was revealed, continued to have a high opinion of their ability to pick out the genuine one.

Once people have formed an opinion, they don't tend to revise it in light of subsequent information. This is sometimes called a confirmation bias. The authors of the books under review preferred to call it a myside bias, for it is easy to see it in operation in someone else, and almost impossible to realize you yourself are doing it.

Jesus was not an scientist or an Enlightenment figure, but he had a little something to say on this type of myopia: (Matthew 7:3) "Why do you see the speck in your neighbor's eye, but do not notice the log in your own eye?"

Philip Fernbach and Steven Sloman, two of the scientists whom Elizabeth Kolbert cites in her New Yorker article, published an essay in the New York Times titled "Why We Believe Obvious Untruths."

They start out pointing out that this is not just a recent problem: "collective delusion is not new, nor is it the sole province of the political right. Plenty of liberals believe, counter to scientific consensus, that G.M.O.s are poisonous, and that vaccines cause autism."

We get into putting down other people, thinking them fools when they don't agree with us, but this is arrogant, sterile and short-sighted. "Here is the humbler truth: On their own, individuals are not well equipped to separate fact from fiction, and they never will be. Ignorance is our natural state; it is a product of the way the mind works."

Let's go back to Darwin. Evolutionary theory will seek to explain every trait in terms of its advantage in helping the species survive. These scientists try to understand the workings of our mind in evolutionary terms.

Enlightenment thinkers like John Adams and Immanuel Kant thought of the problem of knowledge as an individual thing: how can we each know what's out there in the world. Reason and the senses give the individual mind access to reality.

The evolutionary theorist sees it in terms of a social mind.
"What really sets human beings apart is not our individual mental capacity. The secret to our success is our ability to jointly pursue complex goals by dividing cognitive labor. Hunting, trade, agriculture, manufacturing — all of our world-altering innovations — were made possible by this ability. Chimpanzees can surpass young children on numerical and spatial reasoning tasks, but they cannot come close on tasks that require collaborating with another individual to achieve a

goal. Each of us knows only a little bit, but together we can achieve remarkable feats."

In other words, "Knowledge isn't in my head or in your head. It's shared."

They go on to say that because knowledge is a collective enterprise, most of us individually think we know a lot of things that we don't actually know, because we can usually find someone who does. Each of us uses a toilet several times a day, but who here can actually describe how a toilet works?

The authors conclude "The key point here is not that people are irrational; it's that this irrationality comes from a very rational place. People fail to distinguish what they know from what others know because it is often impossible to draw sharp boundaries between what knowledge resides in our heads and what resides elsewhere."

And in the current issue of UU World, there is a wise essay called "Awkward Conversations" by UU minister and songwriter Meg Barnhouse. It is about the difficulty of talking to people of a different political persuasion, but the part of the article which stood out for me was that she grounded herself in the third UU principle, and I had never really paid that principle much attention: "We covenant to affirm and promote the acceptance of one another and encouragement to spiritual growth in our congregations." Meg notes that "acceptance of one another means acceptance of the people who have different ideas from ours."

Or see different facts.

One of the glories of getting to know people in a congregational setting is that your realize how differently people can see the world. And that is not surprising when you think for a moment about how the brain gets wired. We are not computers, put together at a factory. Every Dell Inspiron 2250 leaving the factory has the same wiring. Every baby born has slightly different wiring, and then the brain wires itself depending on the person's life experiences. Your wiring grows to be different from mine, and the amazing think is not that we sometimes have trouble communicating, but that we can make any sense at all when we talk to one another.

The world is full of facts, my friends. Facts are dull and lifeless and 99% of them don't matter to most of us most of the time. When they do matter, they can make all the difference in the world. Even then what matters is less the facts themselves than what our minds do with them. And we all handle facts in such a way to build on the meaning that we have made out of previous facts; we all notice, perceive and accept the facts that support our world view and ignore or reject those which don't.

Let's put our factual disagreements in perspective. John Adams wrote a letter in 1815 in which he asserted that the church he had belonged to all his life, which we now know as United First Parish in Quincy, had been Unitarian since the 1750s. 250 years without a creed, that is, 250 years of acceptance of one another despite a lack of agreement on the facts which, in most other churches, would matter the most, questions like whether there is a God, what she looks like, whether Jesus of Nazareth was her only-begotten son, what are her plans for the world and for our own lives, whether there is such a thing as free will, whether

history's outcome is already written in stone, whether love will prevail, whether this ragtag collection of songs and stories and images and loves that we call our individual minds or souls will vanish into thin air with our last mortal breath. If we can agree to disagree for so long on such fundamental questions, if we can accept each other as humanist, theist, Christian, Muslim, pagan, Jew – is there really any matter of fact which can divide us? Amen.

Reading: John Adams, preface to *Defense of the Constitutions of Government of the United States of America* (1787):

It was the general opinion of ancient nations, that the divinity alone was adequate to the important office of giving laws to men. ... The United States of America have exhibited, perhaps, the first example of governments erected on the simple principles of nature: and if men are now sufficiently enlightened to disabuse themselves of artifice, imposture, hypocrisy, and superstition, they will consider this event as an æra in their history. Although the detail of the formation of the American governments is at present little known or regarded either in Europe or America, it may hereafter become an object of curiosity. It will never be pretended that any persons employed in that service had any interviews with the gods, or were in any degree under the inspiration of heaven, any more than those at work upon ships or houses, or labouring in merchandize or agriculture: it will for ever be acknowledged that these governments were contrived merely by the use of reason and the senses.