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Ken Lay And All Human Beings Deserve A Measure Of Sympathy

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Is sympathy for criminals misdirected?

Two recent articles in The Capital Times expressed surprise and concern that a progressive business ethics professor such as myself divulged sympathy for Ken Lay, the former Enron CEO and subject of my book "Behaving Badly: Ethical Lessons From Enron."

Under Lay's leadership, or lack thereof, the world's largest energy company imploded. During six weeks in late 2001, more than 20,000 jobs, millions in employee pension funds, and \$60 billion in market value suddenly evaporated. Six months later, Arthur Andersen, Enron's auditor, experienced a similar fate.

Lay deserved the jury's guilty verdict -- and sympathy. As a practicing Buddhist, I believe that all human beings deserve sympathy, including Ken Lay.

A decade ago, I was informed by doctors that six months of chemotherapy had failed and I would soon die of cancer. A few months later, the cancer went away. I celebrated by attending a seven-day silent meditation retreat with 100 other people among the rolling hills of northern California. All went well for the first five minutes, then a woman wearing very expensive jewelry placed her gaudy meditation pillow next to mine.

What was such a conspicuous consumer doing at a meditation retreat? And why did she have to sit next to me? Other degrading remarks flooded out of my mind's trash can. I struggled to focus on my next breath rather than her ostentatious appearance. My inner torment continued until the next day, when I heard her sobbing. Yes, she too was suffering. Suffering knows no class, gender, ethnic, religious, or racial boundaries. It is a common human experience.

Do some people suffer more than others? Of course. Those who suffer the most deserve our greatest sympathy, be the suffering imposed on us by others -- the situation of Enron's employees and pensioners -- or self-imposed -- the situation of Ken Lay, Jeff Skilling, Andy Fastow, and the other Enron criminals.

In a fair and just world, Lay and Skilling would admit their wrongdoing, financially reimburse employees, pensioners and stockholders, and spend the rest of their lives in jail for the tremendous damage they caused others.

In addition, the millions of stockholders who made money on Enron's escalating stock between 1997 and 2001, the years Enron executives were falsely reporting financial results, would also contribute to the Enron victim reimbursement fund.

Instead, following Enron's notorious collapse, Lay denied his guilt and experienced a living hell until his heart imploded. Skilling, for his part, suffered through depression and suicidal thoughts.

* As a practicing Catholic and Unitarian, who has studied theology with a Jewish Rabbi, Confucian scholar and evangelical Christian minister, I believe in life after life. Lay entered the spiritual realm on a full-time basis under the worst conditions, filled with anger and resentment. Dying on his bathroom floor did not provide time for any last-minute pastoral counseling.

An apropos Confucian saying is: "He who knows he has enough is rich." This is true about money, as well as food, status, and love, spiritual goods as well as material goods. Lay never had enough. As such, he continues to have my sympathy.

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