

Harvard University
The Program in Ethics and the Professions
Annual Report 1992-93

HARVARD UNIVERSITY

The Program in Ethics and the Professions

79 J.F.K. Street

Cambridge, Massachusetts 02138

Dennis F. Thompson
Director

(617) 495-1336
Fax (617) 496-9053

To: President Neil Rudenstine
From: Dennis Thompson
Subject: Annual Report of The Program in Ethics and the Professions
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At the dinner marking the end of the year, the Fellows presented, as you saw, a parody of the Program seminar and themselves. The subject of this mock seminar was the question of whether terrorism is a profession, and if so what its professional ethics should be. The dialogue was so astute that I must state for the record that the characters in this skit, in particular the one called "Director," were fictitious, and furthermore that the Program does not now, and never has, considered terrorism a profession.

While we have not yet gone that far, we have over the past seven years broadened our conception of ethics in the professions, both with respect to what should count as a profession and what should count as an ethical issue. You have already seen the major accounts of these intellectual developments in *Ethics at Harvard*, and in the draft proposal for the theme of ethics in the forthcoming campaign. In this report, I describe further developments during 1992-93.

Since one of the aims of the Program is to stimulate teaching and research on ethical issues throughout the university, this report also refers to ethics-related activities in the several faculties. The Program stands at the center of what is now an active and exciting community of students, teachers, and scholars who are dedicated to the rigorous study of ethical issues in public life. From the beginning, we hoped that the Program would not substitute for school-based programs but would help develop and support them, as well as encouraging cooperation among them. It should be a source of satisfaction to all of us that the study of practical and professional ethics has become a truly university-wide enterprise, with each of the faculties creating its own programs and courses, and developing its own group of faculty specializing in ethics. In the spirit of university-wide collaboration that you have so wisely promoted, individuals and programs within each of the Schools are already collaborating with each other in many different ways, as well as with those of us in the central Program.

The Current Fellows

Looking back over previous annual reports, I find that I often write about how diverse are the background, interests, and experience of each class of Fellows, and how difficult it seems at the beginning of each year to find common ground for communication. In both these respects, the Fellows of '93 made earlier groups seem models of consensus. The methodological, philosophical, and political differences were greater than ever before, and as a result so were the difficulties in sustaining constructive discussions among the fellows. The tensions in the seminar never completely disappeared, but the Fellows discovered how to turn them to intellectual advantage. All of them this year commented that some unfamiliar approach, concept, or literature that they would not otherwise have encountered made a significant contribution to their research. In their own individual reports (attached as Appendix IV) several Fellows mention specific examples of influences that affected their research in this way. The work that they produced during the year itself manifests a range and relevance that one would not be likely to find in any disciplinary or profession-based program. (In the unlikely event that you find your time limited, I urge you to turn immediately to the Fellows' reports, which along with those of the Graduate Fellows, are the most interesting parts of this report.)

The seminar benefitted greatly from the participation of two other members of the Harvard community: Lynn Peterson, a member of the Faculty Committee of the Program and Director of the Division of Medical Ethics; and Dan Steiner, former General Counsel of the university and currently a Scholar-in-Residence at the Kennedy School and in the Program. In addition, we were joined again by Arthur Applbaum, Director of the Graduate Fellowships in the Program, Associate Professor in the Kennedy School, and former Fellow; and Alan Wertheimer, a visiting professor in the Kennedy School and also a former Fellow in the Program. Among Wertheimer's legacies is the Lexicon of Fellows, which you heard presented at the final dinner and which is reproduced in Appendix VI.

Another striking feature of this year's class, also evident in their reports, is the extensive contributions that they made to the intellectual life of the University. Nearly all of the fellows took part in activities in various other programs in the university. Given the interests of this group, we expected them to participate in seminars, rounds, and research in the Medical School, particularly in the Division of Medical Ethics and the affiliated hospitals. Many did, even more consistently and helpfully than we expected. Less expected was the range of other programs in which the Fellows took a serious interest: the Center for European Studies, the Human Rights Program in the Law School, the joint MIT-Harvard Program on Political Development, the Committee on the Study of Religion, the Afro-American Studies Department, the W.E.B. du Bois Institute, the Kennedy School's Institute of Politics, and various activities in the School of Public Health, and the School of Education. Not only did the Fellows evidently benefit from these experiences, but (as Harvard faculty associated with these other activities told me) the Fellows made important contributions to the intellectual life of the programs. This is one of the important benefits that initially we hoped that the Ethics Program could bring to Harvard, and the experience this year clearly fulfilled our hopes in this regard.

Next year the Fellows return to — or, in two cases, move to new — positions to continue their work in practical and professional ethics. All of them will play important roles in influencing other faculty — teaching new courses on ethics, directing programs or projects that introduce the study of ethical issues into the curriculum, and in other ways contributing to the advancement of the study of practical and professional ethics.

Larry Blum returns to the University of Massachusetts, Boston, where he will teach new courses on multicultural and antiracist education under the auspices of both the Education program and Philosophy Department there. We are pleased that Norman Daniels, fresh from his stint on the ethics working group of the White House Health Care Task Force, will continue to work with some of the members of our Division of Medical Ethics, even as he returns to chair the Department of Philosophy at Tufts. Rebecca Dresser, "renewed and rejuvenated" by her experiences here and newly engaged in a variety of collaborative projects, returns to her position as a professor in the law school and at the Center for Biomedical Ethics in the medical school at Case Western Reserve University. In a move that takes him from Georgetown to Rutgers as professor of philosophy, Jorge Garcia will pursue his work on virtue theory, African-American perspectives in medical ethics, the concept of racism, and ethical relativism. Elizabeth Kiss will continue her involvement with human rights groups in Eastern Europe as she returns to Princeton to teach political theory. Alan Rosenthal, resuming his position as Professor of Political Science and Director of the Eagleton Institute of Politics at Rutgers, is now making ethics the principal subject in the many presentations and workshops he runs for state legislators throughout the country. The year was a period of transition for Susan Wolf, who moves from her position as an Associate at the Hastings Center to a full-time teaching appointment as Associate Professor of Law and Medicine at the University of Minnesota in the Law School and the University's Center for Biomedical Ethics.

The New Fellows

At an average age of 36½ next year's class is noticeably younger than this year's group, but, I hasten to add, not necessarily more youthful in spirit. The new Fellows continue to maintain the high intellectual standards of the Program, and already have impressive professional records, as the biographical descriptions in Appendix I confirm. While last year's class tilted somewhat toward medicine (partly because of the applicant pool and partly because of a faculty committee decision), next year's class is somewhat more evenly balanced. Two are lawyers (one of whom also has a doctorate in religious studies), two are philosophers (one with roots in the continental tradition, the other more Anglo-American in orientation), one Fellow is in medicine (for the first time in nursing), and one is a political scientist (with interests in public policy and business). Like last year, three of the Fellows are women, and one is African-American.

We received many more applications this year: 83 compared to 60 last year. The applications came from faculty at 46 different U.S. colleges and universities and eleven foreign countries (Australia, Canada, China, England, Greece, India, Indonesia, Israel, Philippines, Russia, and Switzerland). The applicants ranged in age from 26 to 63, with an average age of 42. Twenty-nine women applied (35 per cent of the total). More applicants

came from Philosophy (25 per cent) than any other field. Other fields with substantial representation were: Medicine (16 per cent), Law (16 per cent), Government (14 per cent), Business (11 per cent), and Religion (9 per cent). The quality of the top quarter of the applicant pool seemed to the Committee to be stronger than ever before.

The Graduate Fellows

Our new Graduate Program, now in its third year, offers one-year fellowships to outstanding Harvard graduate students who are writing their dissertations on ethics-related topics and to students in the professional schools who are working on comparable research projects. The Fellows meet weekly in their own seminar, led by Arthur Applbaum, and participate generally in the intellectual life of the Program. Supported in part by the American Express Fund, the Fellowships are intended to encourage younger scholars to dedicate their careers to the teaching of practical ethics in professional schools, such as law, medicine, business, and government, as well as in faculties of arts and sciences.

Two of this year's Graduate Fellows have been awarded fellowships in professional ethics elsewhere in the university for the coming year. Deborah Hellman, a lawyer, will join the Program on the Legal Profession at the Law School as one of their first Keck Fellows, and Karl Lauterbach, a German physician and doctoral student in health policy, will become a Fellow in Medical Ethics at the Medical School. Joseph Reisert, a political theorist, will continue his doctoral work developing an account of political friendship; and Remco Oostendorp, a Dutch economist, will continue his dissertation on Adam Smith's moral philosophy. For the reports of the Graduate Fellows, see Appendix V.

Four students were named as Graduate Fellows for 1993-94 (see Appendix II). The new group is intellectually outstanding and, as has been the case since the start of the program, multinational. One fellow, a German economist who has received several awards for public service while living in Cambridge, is completing a dissertation on intra-family gender discrimination in the third world. A Czech political theorist will study (separately) both the ethics of international relations and the problem of nihilism. Another political theorist is writing a dissertation on religious pluralism in India. The fourth Fellow, a philosopher writing on Hegel's theory of poverty, is also a certified accountant and actuary, and has written numerous cases in ethics at the Business School.

Faculty and Curricular Development at Harvard

The activities in the other faculties, most of which involve the Program directly or indirectly, are now a major part of the ethics effort at Harvard. I try to participate in some of these activities in each of the Schools. This year, for example, I spoke at Grand Rounds in the Division of Medical Ethics' Clinical Lecture series, took part in the Law School's conference on the role of corporate general counsels, participated in reviews of faculty in the Business School, and served on the Committee on Social Analysis and Moral Reasoning for the Core Curriculum in FAS. So much is going on now in ethics in so many places in the university that I can barely stay informed about it, let alone participate in much of it. I report only a few highlights.

The Business School

For the first time in recent history, the Business School has promoted to tenure a faculty member specializing in ethics. Joe Badaracco, a Faculty Associate of the Program who spent 1989-90 participating in the Fellows Seminar, becomes Professor of Business Administration on July 1. With the help of his two junior colleagues, Lynn Sharp Paine and Greg Dees (former Fellows in the Program) and Senior Research Fellow Mary Gentile, Badaracco is providing strong leadership for the ethics research and teaching at the School. Of the larger professional schools, the Business School and the Law School are the only ones to have promoted to tenure a faculty member specializing in ethics.

The course offerings in ethics in the School have expanded dramatically. As recently as 1990, the School offered only one section of one elective course. The School now offers, in addition to the required module for the first-year MBA students, seven sections of four different courses in business ethics: "The Business World: Moral and Social Inquiry through Fiction," "Managing for Organizational Integrity," "Moral Dilemmas in Management," and "Profits, Markets, and Values." One of the admirable features of this curriculum is that it covers all three of what are generally regarded as the major aspects of business ethics—the ethics of the individual manager, the organization, and the market. Happily, these also correspond to the research interests, respectively, of Badaracco, Paine, and Dees. Ethics is also prominent now in executive education programs, as Badaracco teaches an elective in the Program for Management Development (for middle managers) and Paine teaches a similar course in the Advanced Management Program.

Other curricular developments include the preparation of ethics-related cases for several of the central courses in the MBA program: Finance, Competition and Strategy, and Financial Reporting and Managerial Accounting. The second edition of the School's catalog of cases on business ethics, edited by Mary Gentile and published this year, now lists 136 case studies, along with other curricular materials including video tapes.

Several research seminars brought faculty from various areas together to discuss ethical issues. The Ethics faculty joined forces with the General Management faculty to sponsor three seminars on topics of common interest. In an effort to foster inter-school collaboration, Business School faculty collaborated with Divinity School faculty in a lunchtime seminar series, which addressed topics such as the moral basis of power, intellectual property, and models of human nature.

These and other impressive achievements of the School's ethics initiative are described in *Can Ethics be Taught? Perspectives, Challenges and Approaches at Harvard Business School*, by Tom Piper, Mary Gentile and Sharon Parks, published this year. This estimable monograph provides a history of the School's activities in this area in a form that should be useful to faculty and administrators at other schools that are interested in developing programs in business ethics.

The Kennedy School

The Kennedy School's core course in political ethics has been overhauled, thanks to Arthur Applbaum, Fred Schauer, and Alan Wertheimer, and is now rigorous, focused, and successful. Students confront a demanding set of readings in contemporary political theory and political ethics, and develop the skills of moral reasoning through short, challenging written assignments that are due each class. In the first half of the course, students deepen their understanding of central political concepts such as liberty, equality, community, utility, and democracy. The second half of the course focuses on the moral responsibilities of public officials, especially when facing other officials or citizens who hold different political principles, or who interpret or apply political principles differently.

I am pleased to report that Applbaum was promoted to Associate Professor this year. The Fall 1992 issue of *Philosophy & Public Affairs* was dominated by contributions from him and another former Fellow teaching ethics at the School: Applbaum's "Democratic Legitimacy and Official Discretion," and Alan Wertheimer's "Two Questions about Surrogacy and Exploitation."

The School still does not have a full-time senior faculty member specializing in ethics. As a junior member, Applbaum is carrying the largest burden in this area. Alan Wertheimer's valuable contributions here during his two years as a visiting professor made the need seem less urgent, and other senior faculty, in particular Fred Schauer and Steve Kelman, have been willing to help. But the School is finding it increasingly difficult to staff even the required ethics course, and will soon have to consider making at least one more appointment in ethics, preferably at the senior level.

The Law School

The Program on the Legal Profession, newly invigorated by its newly tenured Director, David Wilkins (another former PEP Fellow), sponsored a variety of presentations and initiated several new ventures for both students and faculty. Most of these are supported by a \$275,000 grant from the Keck Foundation, intended to broaden ethics education at the Law School.

Among the presentations were: a debate on the ethics of civil litigation for first-year students featuring attorneys from Boston, Washington, and New York; a lecture by Johnnie L. Cochran, a prominent specialist in civil rights and personal injury law; and a discussion led by the Reverend Madison Sharkey on the ethical issues raised by the Los Angeles riot and its aftermath. A conference on the Role of the Corporate General Counsel brought together 22 general counsels from the northeast, and faculty members from the Law and Business schools and the Kennedy School for a discussion that bridged theory and practice, as well as the perspectives of business, government and law.

The Program also appointed its first Keck Fellows, scholars and practitioners at various stages of their careers who are to spend various periods of time at the School working on issues of ethics and professional responsibility. Visiting for two months this spring was Robert Granfield, author of *Making Elite Lawyers: Visions of Law at Harvard and Beyond*; he was working on several ethics-related projects, including articles on the question "Do

Law Students Abandon their Ideals?" and an empirical study of "Gender Differences in Law School." James Walker, former general counsel of Cigna Corporation, was in residence in the fall as a Keck Fellow writing a paper on the duties and responsibilities of corporate general counsels. As I noted earlier, Deborah Hellman, a Graduate Fellow in our Program this year, will become a Keck Fellow in the Law School's Program next year.

The Program is also assisting faculty who wish to introduce discussion of ethical issues in courses in which they are not normally raised. Wilkins and others in the Program worked closely with several faculty members this year, helping to prepare materials and giving guest lectures in their courses.

In addition to overseeing the Program here, Wilkins himself is spreading the ethics gospel at other institutions. He gave the Charles L. Ihlenfeld Public Service and Ethics Lecture at West Virginia University College, speaking on "Private Practice and Public Responsibility," and participated in a symposium at the Stanford Law School on legal education, where he presented a paper on "The Role of Legal Education in Shaping the Values of Black Corporate Lawyers."

The Medical School

The Division of Medical Ethics launched its new Fellowship Program this year under the direction of Bob Truog and Allan Brett (both former Fellows in PEP). The Program enlists physicians at an early point in their careers, encouraging and enabling them to make ethics the focus of their future teaching and research. The Fellows participate in a bimonthly seminar that covers the major issues in medical ethics, and present their research to the other Fellows as well their faculty mentors. The seminar also serves as one of the focal points of interaction for faculty in the Division. This year's Fellows are: Dr. Jeffrey Burns, a specialist in pediatric intensive care; Dr. Terri Fried, a specialist in geriatrics; and Dr. Carolyn Langer, a specialist in occupational medicine.

The most visible activity of the Division this year was the Conference on Health Care Reform, which featured some of the leading scholars in the country speaking on the ethical, political and economic issues of changes in the U.S. health care system. Organized by Ezekiel Emanuel (another former PEP Fellow), the timely conference attracted national attention, and continues to influence the debate on this subject at Harvard and throughout the country. In addition to the formal presentations, extensive discussion took place in the many small groups to which participants were invited, and which included a large number of medical students.

The Division continues to strengthen its research programs. Two new research assistants, and new computer facilities, provide greater capacity for conducting research and for preparing competitive grant applications. A "faculty journal club" has been established, which sponsors a lunchtime seminar at which faculty members present their work in progress, or lead a discussion on a current book or paper on medical ethics.

Lachlan Forrow, the Division's Coordinator for Teaching Programs and a former PEP Fellow, led further efforts to bolster the ethics component of a wide variety of courses and

clinical instruction in the School. In the Patient-Doctor course, required of all third-year M.D. students, nearly one third of the case material deals explicitly with ethical issues. The enrollment has risen in the basic ethics course (a second-year elective that fulfills a distribution requirement); it is now offered in both the fall and spring semesters. For all of the affiliated hospitals, the Division runs a clinical ethics lecture series, initiated by Linda Emanuel, another former PEP fellow. Among other Division activities that relate to ethics education are two studies on moral development of medical students: one by Dr. Benjamin Siegel, a visiting scholar from Boston City Hospital; and another by Dr. Edward Hundert, the HMS Associate Dean for Student Affairs. The Division also supported a series of measures to improve racial and ethnic sensitivity in medical education.

The year-long search to fill the new chair in medical ethics, established jointly by the School, MGH, and the Institute for Health Professions, identified many outstanding candidates, several of whom would make distinguished appointments. However, the search is currently in abeyance and the present committee may not be able to agree on a recommendation. The main reason is that members representing the Institute have a different conception of the position from that of the members from the School and MGH. Under the circumstances, it would be desirable, in my view, to define the position as an HMS chair only, or jointly only with the MGH.

The Faculty of Arts and Sciences

The major activity in FAS has been the development of new courses or parts of courses to strengthen the study of ethical issues in the undergraduate curriculum. This effort, supported by the American Express Fund for Curricular Development, is generally regarded as a success, exceeding the expectations of the donors as well as most of us. We have been gathering the materials and individual reports from the forty-four faculty members who received grants from the Fund during the past six years. Those materials will be made available to teachers and scholars at other institutions. (A partial list of the awards appears in our five-year report, *Ethics at Harvard*.)

The Program this year also co-sponsored with the Center for International Affairs the new Harvard Seminar on Ethics and International Affairs. According to the organizers, an important purpose of the seminar is "to bring together, biweekly, international relations devotees from philosophical, policy-oriented, and theoretical perspectives—in short, people who all too seldom talk to one another." Among the topics discussed this year: justice in international environmental policy; dispute resolution and the Israeli-Palestinian conflict; security in the post-cold War era, ethics and political realism; historical traditions of international ethics; and the morality of succession.

Other Schools

In the early years of the Program we gave priority to helping the larger schools develop ethics programs, and although we are likely to continue to devote the largest part of our time to these schools, we began this year to work with several of the other schools. The School of Public Health, with the appointment of Troy Brennan as the new Professor of Law and Public Health, is now well positioned to undertake new courses and research projects on ethical issues. Marc Roberts, a Faculty Associate of the Program, is teaching

the School's required course on ethics. Karl Lauterbach, a student in the School and a Graduate Fellow in our Program, will become a Fellow in Medical Ethics next year; among other assignments he will be working on curricular development in the School. With the arrival of Bryan Hehir, a new Faculty Associate in our Program, the Divinity School has taken an important step toward building its Center for the Study of Values in Public Life. Dean Ron Thiemann and I are continuing our discussions about his plans for this Center, which is an important element in the School's campaign. I also began discussions this year with Dean Jerry Murphy of the School of Education and two of his senior colleagues about the possibility of appointments in ethics there, as well as opportunities for collaboration with our Program.

Public Lectures

The series of public lectures that the Program sponsors each year with the support of a Fund established by Obert Tanner features distinguished scholars who present their recent work on issues in practical and professional ethics. The series makes another important contribution. By bringing together philosophers and scholars from other disciplines and professions for sustained discussions, it helps forge intellectual connections that reach across conventional intellectual and geographical boundaries. In the spirit of the changes you are encouraging at Harvard, the lecture series has provided one of our first truly university-wide forums for intellectual interchange. The series is well respected among academics, and the lectures attract overflow crowds from the university and the wider community.

Another sign of success of this series is that some of our most respected philosophers make a point of attending the dinner seminars held after each lecture. Jack Rawls and Tim Scanlon again attended virtually every one this year, and Amartya Sen, Christine Korsgaard, and Michael Sandel also participated. Equally distinguished faculty from the schools of medicine, law, business, government and divinity also attended. With the promise of this kind of company, you will not be surprised that invitations to these seminars are much sought after by graduate students, junior (and even other senior) faculty.

The first lecture of the year, by **Elizabeth Anderson**, Professor of Philosophy at Michigan, continued the theme of multiculturalism that several lectures introduced last year. Her talk, "Affirmative Action, Objectivity, and the Multicultural University," challenged the standard liberal justification of affirmative action, which in her view rests on "uneasy moral ground" because it assumes that we must compromise academic ideals of merit for the sake of correcting social injustices. She argued that affirmative action is, on the contrary, a prerequisite for fulfilling the academic mission of the university. The chief basis of her argument — the idea that merit should include a kind of personal knowledge to which members of oppressed groups have privileged access — met with some skepticism. But many of even those who disagreed with her thought that she presented the most thoughtful case for this position they had heard.

George Kateb, Professor of Politics at Princeton, presented a spirited and eloquent defense of "The Freedom of Worthless and Harmful Speech" in the tradition of the classical liberalism of John Stuart Mill. As his title suggests, Professor Kateb favors an "almost unlimited" scope for speech in society. It is not the value of what is said but the dignity of individuals who say it that should be the moral basis for free speech. His account of individual autonomy, further developed in his own recent writings, was appealing in its purity. Yet the "almost" in "almost unlimited" caused him some difficulty: he wished to prohibit some kinds of speech (such as child pornography), but some critics thought the grounds on which he would do so could justify a more extensive restriction on speech than he intended.

In December, **Sissela Bok**, formerly Professor of Philosophy at Brandeis and currently a Fellow in the Press, Politics and Public Policy Center at Harvard, urged us to "Search for a Common Ethics." Acknowledging that such a search is scorned by many, she nevertheless insisted that the unprecedented threats confronting all individuals and societies today make a common morality more necessary and more possible than ever before. She suggested that reflection on the various traditions, religions, and cultures in the world reveals a convergence on certain "minimalist values," such as constraints on specific forms of violence and dishonesty. Some members of the audience doubted that such values, even if widely shared, could resolve all the difficult choices in the world today, which involve conflicts among values. Yet even these critics applauded Professor Bok's willingness to engage with the larger problems of moral life.

Allen Buchanan, a professor of philosophy at Arizona, who is now a professor of medical and business ethics at Wisconsin, addressed the question: "Is There a Medical Profession [in the House]?" A well-founded surmise that he would answer the question negatively brought out large numbers of physicians. He argued that effective self-regulation is a necessary requirement of any profession, and that the medical profession, particularly in the way that it has dealt with conflicts of interest, has failed to meet this requirement. Most of the physicians present did not dispute that the medical profession should do a better job of regulating itself, and the discussion centered largely on whether Professor Buchanan had presented an adequate account of the moral basis for the medical profession, and of professions more generally.

In the most abstract lecture of the year, Professor **G. A. Cohen**, of All Souls College, Oxford, discussed the "Pareto Argument for Inequality." It turned out that his target was not so much Pareto as Rawls, a circumstance that made the occasion more lively than one might have expected. Professor Cohen argued that the Pareto Argument (which would justify inequality that makes some better off and none worse off) is self-contradictory. If the sources of inequality are morally arbitrary (as the Argument assumes), then there is no moral reason to accept the resulting inequality as just. Professor Rawls did not rush to embrace this conclusion, but he found Cohen's claims sufficiently challenging to continue the discussion over dinner. Although some of those present thought that more concrete examples might have helped to make clearer what was at stake in the dispute, no one denied that the evening was one of the philosophical highlights of the year.

In this series, we have generally followed the principle that the lectures should bring new people to campus, and we have therefore generally avoided inviting any of our own colleagues to speak. But last year we decided that following this principle too rigidly would deprive us of the opportunity to hear some of the most exciting work in the field. This year we again invited one Harvard faculty member to deliver a lecture: **Amartya Sen**, a university professor of Economics and Philosophy and a Senior Fellow in our Program, who spoke on "Economic Needs and Political Rights." He argued, contrary to conventional wisdom, that economic needs should not have priority over political rights. Even (or perhaps especially) in developing countries, the protections afforded by political democracy are necessary for satisfying — and indeed even defining — economic needs. The most controversial implication of his argument cast doubt on policies that restrict the right of citizens to have as many children as they wish. With his matchless talent for combining significant theoretical analysis and practical relevance, Professor Sen's talk and the discussion that followed wonderfully exemplified the aims of the lecture series as well as the Program itself.

Changes in the Roster

It is remarkable that until this year virtually all who joined the Program at the beginning or later as members of our Faculty Committee, Senior Fellows and Faculty Associates have remained with us. I might also note that no faculty member has ever declined an invitation to become associated with the Program. The appeal seems clearly to be the lively interdisciplinary exchanges that the Program makes possible, our friendly and highly competent staff, and the intellectual quality of the Fellows and the associated faculty themselves. I am reasonably confident that it is not the food and wine that maintains the loyalty of our faculty.

Some of the changes that are taking place are welcome. Martha Minow, professor of law and a member of the Faculty Committee since the beginning, will become Acting Director of the Program for next year. I was delighted that you asked her to serve, and that she was willing to do so. As you know, the rest of the Faculty Committee and the Deans involved with the Program were also consulted in advance, and enthusiastically approved the choice. During her own sabbatical two years ago, she moved her office to Taubman, and participated in the Fellows seminar. She will not be simply a caretaker director, as she is already in contact with the new Fellows, and is planning some new activities.

I am pleased to report that we have two new Faculty Associates in the Program: Christine Korsgaard, Professor of Philosophy; and J. Bryan Hehir, Professor of the Practice in Religion and Society. As a leading scholar in moral philosophy specializing in Kant, Korsgaard joined the Philosophy Department here two years ago; she has participated regularly and helpfully in our dinner seminars following the public lectures. Recently arrived from Georgetown and the Kennedy Institute of Ethics, Hehir brings expertise in both foreign policy and moral theology; he provides a connection with the Divinity School, which the Dean and I have been trying to establish for some time. (For brief biographical notes of the new Associates, see Appendix III).

One of our Faculty Associates, Kathleen Sullivan, is leaving Harvard to take a position at the Stanford Law School. We will miss her contributions to the intellectual life of the Program, but we wish her well, and expect to keep in touch with her.

We are all deeply saddened by the death of Judith Shklar, who had been a Senior Fellow in the Program from the beginning and a friend and mentor of many faculty and Fellows associated with the Program. As you know, she was a close friend and former (I should say: continuing) teacher of mine. Her advice and encouragement in the difficult early years of the Program were indispensable. I shall miss her more than I can say. Tributes to her, those presented at the Memorial Service including yours, as well as others written later, have been collected in a booklet, which has been made available to all those associated with the Program.

Activities Beyond Harvard

The Program takes seriously its responsibility to contribute to the discussion of ethical issues in forums beyond Harvard. The most important and enduring way in which we fulfill this responsibility is through our current and former Fellows and Graduate Fellows. They go forth bringing the ethical word to students and faculty at other colleges and universities, and raising ethical consciousness in public forums ranging from the White House and Congress to hospitals and professional associations. The reports of the Fellows this year provide an indication of the particularly impressive range of these outside activities (Appendix IV).

The Program continues to serve as a national clearing-house for information about teaching and research in practical and professional ethics. We respond to dozens of inquiries each month from colleges and universities throughout the country, seeking advice about syllabuses, case studies, faculty recruitment, and fund-raising. We referred many more requests for information about specific areas of ethics to faculty associated with the Program or scholars at other institutions. Among the many visitors from other Centers and programs with whom we met personally this year were representatives from: the Aarhus School of Business in Denmark, a new MPP Program at the National University of Singapore; and the *Ethics Almanack*, a publication of the University of Sydney.

The Program also plays an important role in the Association for Practical and Professional Ethics, a two-year-old national organization for teachers of applied ethics in institutions of higher education. I serve on the Association's Executive Committee, along with several others currently or formerly associated with the Program. The Association's second conference, held this year at the University of Maryland, included a keynote address by Sissela Bok and presentations by several former Fellows. We continue to work closely with David Smith at the Poynter Center (currently the headquarters for the Association), helping the organization fulfill its important mission, encouraging "interdisciplinary scholarship and teaching of high quality in practical and professional ethics by educators and practitioners."

Our series of Working Papers, manuscripts on practical and professional ethics produced by faculty or Fellows associated with the Program, is another way in which the Program seeks to reach audiences outside Harvard. It also gives the authors a wider range of reaction to their own research before final publication. The papers are distributed to several hundred scholars on our mailing list, as well as to others who write to request specific papers. Applbaum is the editor of the series. Five papers were issued in the first two years, and one more this year: Ken Winston, *Necessity and Choice in Political Ethics: Varieties of Dirty Hands*.

Although I generally devote by far the largest amount of my time to campus-based activities, I feel some obligation as Director to accept some of the many invitations the Program receives to speak and consult elsewhere. During the past year, I visited several of our sister institutions (at the Illinois Institute of Technology, University of Maryland, Indiana University, Princeton University, among others). I also served as the outside member of a panel reviewing eleven of the professional schools at the University of California, Berkeley, in the wake of the substantial budget reductions that the system faces.

In addition to these activities generally related to ethics in higher education, I continue to advise various government agencies and committees. I testified before the Joint Committee on the Organization of Congress, and the Senate Select Committee on Ethics on possible changes in standards and procedures for enforcing ethics rules in the Congress. One of the chief issues was a proposal, which I along with others made in 1980, that would establish an outside body to deal with ethical problems in Congress. The simple idea that one should not judge in one's own cause is finally gaining some acceptance among some members of the House and Senate. I also was a keynote speaker, along with Alan Rosenthal, at an Ethics Conference sponsored by the Connecticut state legislature in the State Capitol at Hartford. The legislators, under pressure, had resolved that such a conference be held each year, but they defeated an amendment that would have required their own attendance. As a result our audience was composed of more staff, journalists, and lobbyists than legislators.

The most pleasant trip beyond our campus this year was to a conference last fall in Asti, Italy, on the subject of public corruption. As one of only three speakers from outside Italy, I tried to put the problem in perspective, mainly by arguing that corruption is not such a good thing, and may be worth trying to eliminate. I was happy to see that, shortly after my visit, magistrates and citizens (no doubt having heard my lecture) rose up and began the most extensive anti-corruption campaign in Italy's history.

Problems and Prospects

Our major problems, you will not be surprised to read, concern financial resources and faculty appointments. Financially, we are not in any immediate danger. We are assured basic support for the next two years from the schools of Business, Government, Law, and Medicine, and from a wasting fund that Derek Bok set up. (I especially appreciate this support from the four schools since it comes at a time when they are also facing their own budgetary problems.) Eventually, we also expect that the Program will be the beneficiary

of a charitable remainder trust, which should cover a substantial portion of our core expenses. However, our current budget assumes only a level of activity that is the minimum necessary to sustain a separate program; at any significantly lower level, it would probably not make sense to maintain a separate central Program. Furthermore, at the current and projected level, we have no flexibility for undertaking any new ventures, such as increasing the number of Fellows or mounting short-term training sessions for faculty or practitioners, proposals for which we have had many requests.

Our financial needs therefore are of two kinds: basic support for the Program after Fiscal Year 1995 when the current agreement with the Schools and the wasting fund expires; and incremental support for activities that we do not now sponsor. In addition, since the health of the central Program depends on maintaining strong ethics programs in the Schools, we consider their needs to be an important part of the university-wide planning in this area. I am having further discussions with the Deans and others involved in this planning, to clarify our priorities in this area.

All of these needs are further described and their costs are estimated in the draft proposal for the Harvard campaign that we have submitted to you. I am pleased and proud, as is everyone associated with the Program, that you have designated ethics as one of the five themes of the campaign. We have begun our own planning for the campaign, and are working with faculty and development officers in the various schools. I also appreciated the opportunity to present our plans to the Executive Committee of the Committee on University Resources in New York in February. We received some valuable advice and were encouraged by the reactions of this important group.

Faculty appointments continue to be a concern. This problem is of course partly financial: to appoint more faculty in ethics we need more FTEs. One of the goals in the campaign will be to raise funds for chairs in ethics in the various schools. But the further difficulty is that there are not very many senior scholars of distinction working in practical and professional ethics. This is especially so in fields such as business ethics where the financial constraints are less severe. We should nevertheless continue to try make senior appointments, where the quality warrants our doing so. In the meantime, we should also continue to devote considerable time and other resources to recruiting and developing outstanding graduate students and junior faculty who could become leaders in the field in the future. This strategy, with which we have had some success in the past few years, will also require additional resources. But even more it calls for imagination and persistence in finding ways to overcome the resistance to treating practical ethics as a rigorous subject central to the study and practice of all of the professions.

If we can make some progress in solving these problems, the prospects for the Program and similar efforts at Harvard and elsewhere are bright. More and more young scholars of outstanding talent are choosing to devote themselves to teaching and research in practical and professional ethics. Even as this intellectual movement grows and spreads to other institutions, the intellectual quality of the people and the work they are producing remains high, probably higher than it has ever been.

Appendix I
Fellows in Ethics
1993-94

David Estlund is Assistant Professor of Philosophy at Brown University. He has taught political and moral philosophy there for two years, having spent the preceding five years teaching at the University of California, Irvine. He has received a fellowship from the American Council of Learned Societies, and has published articles in *The Philosophical Review*, and the *Journal of Philosophy*, among others. Most of his work is concerned with developing a normative theory of democracy according to which democratic procedures are justified by their tendency to correctly ascertain the common good. During the term of the Fellowship, he will consider the prospects for a conception of the common good that would, in principle, be acceptable to the full range of conscientious citizens.

Leslie Griffin is a Judicial Clerk for the United States Court of Appeals for the Ninth Circuit. She received her J.D. from Stanford Law School in 1992. Her Ph.D. is from Yale University's Department of Religious Studies, where she specialized in religious and philosophical ethics. After receiving her doctorate, she was an assistant professor at the University of Notre Dame. She is the author of numerous articles on religion and political ethics, the public role of churches, sexual ethics, and law and religion. She is writing a book on the problem of "dirty hands." During the Fellowship year she will study the implications of religious ethics for professional role morality, focusing on politicians, lawyers, judges and clergy.

Michael O. Hardimon is Associate Professor of Philosophy at MIT, where he has taught moral and social philosophy and the history of philosophy since 1987. He received his Ph.D. from the University of Chicago in 1985, his B.A. from Wesleyan University in 1979, and taught at Harvard until 1987. His article "The Project of Reconciliation: Hegel's Social Philosophy" recently appeared in the journal *Philosophy and Public Affairs*. His book *Hegel's Social Philosophy: The Project of Reconciliation* is forthcoming from Cambridge University Press. Hardimon regularly teaches a course at MIT in applied ethics that addresses such topics as punishment, affirmative action, and abortion. During the Fellowship year, he will work on the idea of ethical life as applied to the professions, and revise his course in applied ethics.

Timothy D. Lytton is Assistant Professor of Law at Capital University Law School, where he has taught tort law, philosophy of law, and mediation. He received his B.A. from Yale College in 1987 and his J.D. from Yale Law School in 1991. He has published articles on tort theory and Guatemalan refugees. He currently directs a project to establish a Center for Mediation at the University of Nicaragua Law School in Leon, Nicaragua. He has worked in housing, job training, rape crisis, and refugee relief services. During the Fellowship year he will be writing about the relation between theories of moral responsibility and tort liability.

Christine Mitchell, the ethicist at Children's Hospital in Boston for the past ten years, co-chairs the hospital's Ethics Advisory Committee and advises the Nursing Ethics Committee. She holds a degree in nursing from Boston University and a Master's degree with a major in ethics from Harvard. She has written numerous articles on nursing ethics and was Associate Producer of the Academy Award nominated documentary film *Code Gray*. She is past president of the American Society of Law, Medicine and Ethics, and lectures and consults nationally about the establishment of ethics committees and programs. Ms. Mitchell's research will focus on the experiences of families and other surrogate decisionmakers involved in decisions about life-sustaining treatment for critically ill incompetent patients.

Deborah A. Stone is the David R. Pokross Professor of Law and Social Policy at Brandeis University, where she has taught since 1986. She has also taught public management at Yale University, and political science at MIT. Her undergraduate degree is from the University of Michigan, and her Ph.D. from MIT. She has served on several national advisory commissions, including those of the National Institutes of Health, the Office of Technology Assessment (U.S. Congress), and the National Academy of Sciences. Her books include *The Disabled State* and *Policy Paradox and Political Reason*. Her project during the Fellowship year is a book exploring how the life and health insurance industry defined and implemented notions of fairness, membership, and distributive justice for the American welfare state.

Appendix II
Graduate Fellows in Ethics
1993-94

Jon Fullerton, Ph.D. candidate in government, whose dissertation concerns arguments for and against limited autonomy for ethnic and religious groups within a state, will be studying the challenge posed to India's secular democracy by such groups, and the possible solutions. He will also examine the importance of political and ethical theory for the study of comparative politics and the importance of comparative politics for political and ethical theories. Fullerton received his A.B. in Religion and Social Studies from Harvard College in 1989. He has taught the sophomore tutorial in Government and served as head teaching fellow for Judith Shklar's core course, *Political Obligation*. In addition, he has taught several courses in political theory and comparative politics. He was the recipient of a Mellon Dissertation Research Fellowship during the Spring and Summer of 1993.

Petr Lom, Ph.D. candidate in government, is working on a dissertation tracing the intellectual history of nihilism—the denial and repudiation of all objective standards in both politics and morality. His focus will be on the importance of love in ethical thought as an answer to the dilemma of ethical nihilism posed by Nietzsche and later existentialist writers. Concurrently, he intends to pursue his research interests in the ethics of international relations, exploring the limits and possibilities of global distributive justice and human rights intervention. He was born in Prague, in what is now the Czech Republic, and grew up in Canada where he received his B.A. from the University of Toronto in 1990.

Stephan Klasen, Ph.D. candidate in economics, will continue to explore gender discrimination in developing societies. Specifically, he will study economic theories of intra-household resource distribution and examine their normative implications. Klasen, a native of Trier, Germany, was educated at Harvard College where he graduated summa cum laude in Economics in 1991. He is Associate Head Tutor in the Economics Department in charge of the sophomore tutorial program and a research assistant to Professor Amartya Sen. He has taught several classes at Harvard including a philosophy of science class in the core curriculum and Sen's class on hunger in the modern world. While at Harvard, Klasen has been extensively involved in public service, and was a member of the steering committee of Phillips Brooks House. For his work directing a homeless shelter in Cambridge he was awarded the CommonWork Award of the City of Boston, the Stride Rite Public Service Prize, as well as a commendation by the Cambridge City Council.

Charles Nichols, Ph.D. candidate in philosophy, has been working on the problem of poverty in the political philosophy of Hegel. A teaching fellow for departmental tutorials, courses in moral philosophy and in Hegel's thought, and for John Rawls's course on political philosophy, he was awarded a Jacob Javits Fellowship for support of graduate studies at Harvard. Previously, Nichols was an actuary and financial consultant, qualifying as a Certified Public Accountant and a Fellow in the Society of Actuaries. For the last five years he has worked as a summer research associate at Harvard Business School, writing cases in business ethics for use in the M.B.A. program. Nichols graduated from Harvard College in 1980 with an A.B. magna cum laude in Philosophy.

Appendix III
New Faculty Associates

Christine M. Korsgaard, Professor of Philosophy, received her B.A. from the University of Illinois in 1974 and her Ph.D. at Harvard in 1981. She returned to Harvard in 1991, having held positions at Yale, the University of California at Santa Barbara, and the University of Chicago, and visiting positions at Berkeley and UCLA. She has published essays on the ethical theories of Kant, Aristotle, Hume, and contemporary discussions of the relationship between ethics and practical reason, in such journals as *Philosophy and Public Affairs*, *Ethics*, the *Journal of Philosophy*, and *Kant-Studien*. In 1992 she gave the Tanner Lectures on *The Sources of Normativity* at Cambridge University. She is a member of the American Philosophical Association, the North American Kant Society, the Hume Society, and the American Society for Political and Legal Philosophy.

J. Bryan Hehir is Professor of the Practice in Religion and Society at Harvard Divinity School and a Faculty Associate at the Harvard Center for International Affairs. He holds a Th.D. from Harvard Divinity School and an A.B. and Master of Divinity from St. John's Seminary. From 1973-1992 he divided his work in Washington between the U.S. Catholic Conference of Bishops and Georgetown University, where he was the Joseph P. Kennedy Professor of Christian Ethics and Research Professor of Ethics and International Politics at the Georgetown School of Foreign Service. At the Catholic Bishops Conference he served as Director of the Office of Social and Political Affairs and as Staff Director for the Committee which prepared the pastoral letter on nuclear policy (1983). From 1984-89 he was a McArthur Fellow. At the Divinity School he teaches courses in ethics and international politics and in Catholic social thought. His research has been published in *Foreign Policy*, *Ethics and International Affairs*, *Theological Studies*, and the *Journal of Medicine and Philosophy*. Recent essays include "The United States and Human Rights" and "Just War Theory in a Post-Cold War World."

Appendix IV
Reports of the Fellows
1992-93

Ethics Program – Final Report – Larry Blum

The Program Seminar was the high point of the Program for me. The opportunity to work with such a diverse set of colleagues from various fields steered me in an interdisciplinary direction in which I had already wanted to go. I also very much appreciated Dennis's push to have the seminar engage in a form of mid-level theorizing that captured the Program's approach to practical ethics. For me, the latter showed clearly that there was a form of philosophical work importantly distinct from both high-level moral theory, as well as from the caricatured picture of "applied ethics" that one finds in detractors, as well (unfortunately) as in some practitioners of ethics in practical contexts. My subsequent teaching and intellectual work both in moral theory and in multiculturalism will be marked and enhanced by this approach.

In addition I was glad to learn about particular issues in specific fields of professional ethics—end of life, paternalism, trust, the gender dimension of physician-assisted suicide—about which I had known almost nothing. The Fellows this year were a particularly stimulating, challenging, and good-natured group, and I am indebted to them for many fruitful conversations and very helpful comments on several manuscripts.

I had planned to use my year to broaden my contacts in the fields of race and multicultural education; these are two (related) areas in which I have been steeping myself in the past few years. I met several people at the Harvard School of Education, and attended a few classes of Gary Orfield on racial segregation in schools, and Diana Eck of the Committee on the Study of Religion on multiculturalism and religious pluralism issues in schools. I also made two site visits to programs of multicultural and ethical interest (in a high school, and a primary school), and continued my involvement in the Cambridge public schools. In the summer at the end of the Fellowship year I taught my first full-scale course in multicultural and antiracist education at UMass/Boston, and intend to do more teaching in this area in the future, under the rubrics both of the Philosophy Department and the Education programs at UMB.

In the area of race, I attended several of the weekly colloquia in the W.E.B. du Bois Institute for Afro-American research. Through the du Bois Institute I had several conversations with Anthony Appiah, a professor in the Afro-American studies department (and a philosopher). I spoke in Prof. Appiah's Afro-American Studies class, and made a presentation to the '92-'93 du Bois Fellows.

Though I had unrealistically hoped to have finished it early in the fall, my major research project for the year turned out to be completing a set of essays to be published by Cambridge University Press, entitled Moral Perception and Particularity. I wrote two new pieces for the collection and rewrote several others, a task that turned out to be more difficult than I had anticipated. However, by the end of the Fellowship year the book had been given its final copy-edit and was in press, and the Program's staff and financial resources greatly facilitated its completion.

I wrote a draft of an article, "Deflating Particularity," that defended my 'particularist' approach to ethics, to go into the book; but it did not fit in, and remains in limbo.

In addition, I wrote an essay, "Multiculturalism, Racial Justice, and Community: Reflections on Charles Taylor's 'The Politics of Recognition'," to be published in a Univ. of

Massachusetts Press volume, edited by Lawrence Foster and Patricia Herzog, in 1994. I also wrote a short review of Taylor's piece (and of the other essays in the book from which it is taken, Amy Gutmann, et al., Multiculturalism and the Politics of Recognition) for the *Boston Review*.

I wrote a draft of a paper, "Individual and Institutional Racism," which I presented at Smith College under the sponsorship of the Philosophy Department and a campus anti-racism group, and to the du Bois Fellows (mentioned above). I commented on a paper of Elisabeth Young-Bruehl, "Kinds and Types of Prejudice" to the Massachusetts Association of Psychoanalytic Psychology.

I gave a paper/workshop on multicultural education at the Association for Moral Education in Toronto to an audience of educators. I also wrote a paper called "Anti-racist Civic Education and the California History-Social Science Framework" for a volume edited by Robert Fullinwider (a former PEP fellow) for the Maryland Philosophy and Public Policy Institute, and attended one of the sessions of the Multicultural Education Working Group, from which the papers for the collection had been generated.

I presented a lecture on multiculturalism to the Center for Medical Ethics at the University of Oslo, as well as two lectures on moral philosophy. (This invitation was proffered before my involvement with the Program, but the rudimentary knowledge of medical ethics I acquired during the year helped inform my presentations, both on moral philosophy and multiculturalism.)

I participated in a colloquium on communitarianism (by way of a critique of Philip Selznick's The Moral Commonwealth) at the Law and Society conference, in which I examined the strengths and weaknesses of communitarian thought for an understanding of racial issues in the US.

It was not until the end of my year that I began direct work on the project I had intended--a somewhat 'popular' book on the subject of multiculturalism and race in education and society. I was greatly encouraged in this project by the response to portions of my first draft presented in the PEP Seminar during the Fellows' presentation period. But I will need another stretch of unencumbered time to complete this project.

I was the first Fellow to arrive, and am eternally indebted to Jean McVeigh for seeing me through the vagaries of a new word-processing system. Throughout the year the Program staff--Jean, Helen Hawkins, Brenda Wicks, and Ted Aaberg--have been marvelous in their willingness to deal with all manner of difficulty I faced, providing discussion of current movies, bursting into song on appropriate occasions, and wonderful good humor through it all.

I am grateful to Dennis, to the Fellows (and other participants in the Seminar), and to the Program staff for one of the most stimulating as well as pleasant years in my academic career.

MEMO

TO: Dennis Thompson
FROM: Norman Daniels
DATE: 5/6/93
SUBJECT: Report on Fellowship/1992-93



I am sorry to see the year end: the Program is an excellent one and I learned much from the Fellows, from the visitors to the seminar, and from you and the rest of the faculty. What follows here is a report on my research and other activities during the year, with a few comments on the seminar.

Research Project:

My project was to work on rationing, not just health care rationing but rationing in institutions where other kinds of goods are distributed under conditions of resource limitations. In September I drafted an overview paper of the project and the philosophical issues it raises ("Rationing Fairly: Programmatic Considerations"). The paper was presented at the Inaugural Conference of the International Bioethics Association in October in Amsterdam. I received comments on it there, as well as criticisms of it from Alan Wertheimer. I revised it in November and it has just appeared in Bioethics (see publications list), which published selected papers from the conference. Daniel Callahan liked the paper very much and asked me to prepare a short version of it, briefly setting up the "unsolved rationing problems" for a special feature in Hastings Center Report; the editors are soliciting brief attempts at solving the problems from prominent philosophers, and then I am to comment on their solutions. Versions of this paper were also read at various conferences and colloquia (see attached list).

I made use of the research budget, as well as of a Tufts student who wanted to do an "internship" with me on practical ethics, to explore two other kinds of rationing. My Harvard research assistant gathered an extensive bibliography on related topics; then she admitted to me that she was interested in the project because the shelter for the homeless she worked with had to ration its beds. I turned her attention to writing an analysis of the way in which beds were allocated in the shelter. My Tufts student focused her efforts on interviews with legal aid service lawyers, trying to uncover the criteria involved in their allocation decisions. I am also drawing on work by a social worker to explore some rationing decisions made in other contexts where limited resources must meet pressing needs. This work will continue over the next year.

One rationing criterion used in medical insurance contexts appeals to the concept of "medical necessity," a concept not examined with any real rigor. During this academic year I co-authored a paper with Dr. James Sabin, a psychiatrist at Harvard Community Health Plan and Harvard Medical School, exploring the

degree to which divergent medical necessity judgments about mental health care reflected underlying moral disagreements about the goals of medicine. This paper has now been submitted for publication.

I also worked on the problem of defining medical necessity in my role as a member of the Ethics Working Group of the White House Health Care Task Force. I was set the task (along with David Eddy, a member of the Benefits Working Group) of clarifying the concept since it was likely to appear in the legislative language of the new health care reform. There were many drafts of proposals, but the project of clarification was beset by political problems. Though everyone involved wanted abortion services offered within the benefit, the language of medical necessity made it difficult to view all abortions as covered services; a distinct reason for inclusion would have to be offered unless the concept were implausibly broadened. A second political problem focused on opposition to including any consideration of costs in talk about medical necessity (e.g., a low benefit, high cost procedure might not be considered medically necessary). These political struggles were a far cry from my earliest attempts to struggle with this issue when I wrote about health care needs in the late 1970's.

One further point about rationing and national health care reform: the Ethics Working Group was strongly warned against talking about rationing or limits to care based in any way on costs. There was considerable disagreement in our group and in the Benefits and Quality groups with this stricture against talking about costs. Nevertheless the "r" word is banished from public documents produced by the Task Force.

Another activity I began this year that has a bearing on my rationing project is my membership on an expert panel formed by the Public Health Service on Cost-Effectiveness Analysis and Clinical Preventive Medicine. My task is to analyse ethical issues involved in the methodology and its use. Since this and related methodologies are key tools used in resource allocation decisions, the work should deepen my understanding of rationing.

My final effort on rationing involves my taking initial steps to set up interdisciplinary teams (philosophers, medical professionals, social scientists) in several countries to produce an international literature on rationing health care. I have begun to establish teams in Canada, Denmark, Netherlands, and Norway; there is also interest in England, Finland, and Argentina. I will be seeking foundation support for this work, including a conference aimed at disseminating some of the results. Suggestions about sources are welcome!

In addition to working on aspects of the rationing problem, my time this year was also spent completing a book (Fair Treatment: AIDS, Justice, and Health Care Reform), which I hope to finish by the end of the summer. It will contain papers I wrote over the last few years on the HIV epidemic and issues of justice. It will use the HIV epidemic to highlight the need for comprehensive health care reform. The middle section of the book

will use a framework of analysis I developed in my paper at the Dana Farber conference on Health Care Reform in March; that paper, revised to include much that I have learned in the time I have spent since then on the White House Task Force, will form the basis of the middle section of the book; the last section of the book will be about rationing, and will include papers on Oregon, as well as "Rationing Fairly."

I should mention one last project that was in part inspired by our seminar. Susan Wolf and Jorge Garcia had a special interest in methodological questions in bioethics. In thinking about the readings on this topic and the discussion they led, I began to see a way to complete a project I had long ago thought about but had set aside because I was missing a way to connect its elements. I now see that much of the methodological debate they are interested in can be clarified by understanding the practical importance of wide reflective equilibrium. This insight, stimulated by the seminar, led me to propose putting together a book containing my papers on reflective equilibrium, some of my papers on practical ethics, and a new paper on the methodological debate. Cambridge University Press has reviewed the proposal and we are negotiating some details. The book is titled Justice and Justification: Reflective Equilibrium in Theory and Practice. I attach a table of contents for your information.

During 1992-93 I was also a Fellow in the Division of Medical Ethics. In addition to participating in the DME lunch presentations, as well as one Journal Club session, I gave the following talks as a contribution to the medical ethics program at Harvard:

1. "Rationing Health Care in America" Community Health Program, Harvard Undergraduates, January 1993.
2. "Rationing: Lessons from Oregon" Mass Medical Student Association, Harvard Medical Student Chapter, January 1993.
3. "Clinical Experimentation: Who Should Pay?" Dana Farber, January, 1993.
4. "Rationing Fairly," Lahey Clinic, January 1993.
5. "Rationing Fairly," DME Lunch, February 1993.
6. "Justice and Health Care Reform" DME Conference on Health Care Reform, Dana Farber, March 1993.
7. "The Duties of Professionals in the HIV Epidemic" Grand Rounds, Brigham and Women's, May 1993.

My time this year was also spent cleaning up drafts of earlier articles and giving various paper presentations. Publications and presentations are listed below.

As I have already indicated, I benefited from the seminar in ways I had not anticipated. I was forced to read material on topics I had little familiarity with (virtue theory, gender issues, multiculturalism) and appreciate the chance to broaden my grasp of the debates in these areas. More important to me, I picked up one key idea from the session on methodological issues,

and I will be working on it next year. My only suggestion is that the seminar spend more of its time in the second semester on the Fellow's research. Perhaps with more junior fellows, the wrap-up one hour session is adequate, but when as many of the fellows are contributing in rich ways to the literature, a session on each of their projects would seem justifiable. I also believe that the peer pressure to keep readings to a reasonable limit worked well.

Publications:

1. "Justice and Health Care Rationing: Lessons from Oregon" in R. Beehler, D. Copp, and B Szabados (eds) On the Track of Reason: Essays in Honor of Kai Nielsen. (Boulder: Westview Press, 1992), pp. 57-74; a translation of this paper into Dutch will appear as Proceedings of conference in Netherlands in June, 1991.
2. "Oregon's Rationing Plan: Lessons for Others" in R. Baker, J. Weiner, eds., Rationing America's Medical Care: The Oregon Plan and Beyond. Washington, D.C: Brookings Institution, 1992, pp. 185-95.
3. "Rationing Fairly: Programmatic Considerations" Bioethics 7:2/3(1993): 224-233.

Accepted for Publication:

1. "The Genome Project, Individual Differences, and Just Health Care" (in anthology on justice and genome project, ed. by M. Lappe)
2. "The Prudential Lifespan Account of Justice Across Generations," in American Association of Retired Persons anthology on Justice across generations, L. Cohen, ed.; also "Reply to McKerlie and Cowen" in same volume.
3. "The Prudential Lifespan account of Justice Across Generations," and "Comments" in Anthology on Rationing Health Care for the Elderly, edited by James Walters.
4. "The Human Genome Project and the Distribution of Scarce Medical Resources," in anthology edited by T. Murray and R. Rothstein on the Genome Project.
5. "Justice and the Assessment of National Health Care Reform Proposals" in E. Emanuel, anthology collecting papers from Conference on National Health Care Reform, Harvard, March 1993, Harvard University Press.
6. "Should We Ration High Tech Home Care for HIV Patients?" in

volume of papers on The Technological Tether, edited by J. Arras and N. Dubler.

Submitted for Publication or In Progress:

1. Sabin, James, and Daniels, Norman, "Determining 'Medical Necessity' in Mental Health Practice: A Study of Clinical Reasoning and a Proposal for Insurance Policy,"
2. Fair Treatment: AIDS, Justice, and National Health Care Reform Oxford University Press (draft to be completed summer 1993)
3. Justice and Justification: Reflective Equilibrium in Theory and Practice (prospectus under review by Cambridge Univ. Press, twelve of sixteen chapters complete).
4. Just Health Care: Second Edition A second edition has been requested by Cambridge University Press and will be completed in 1994.
5. Rationing Fairly , book in progress.

Papers Presented (Colloquia, Conferences, Grand Rounds, etc):

- 1-2. "Equality of What: Resources, Welfare, or Capabilities?" a) McGill University Law School, March 1992; b) University of Vermont, Nov. 1992.
3. "Rationing Health Care: Lessons from Oregon" Medical Student Association, Harvard, January 1993.
- 4-6 "HIV-Infected Professionals, Patient Rights, and the Switching Dilemma" a) University of Vermont, October 1992; b) Stanford University, April 1993; c) Brigham and Womens, Grand Rounds, May 1993.
- 7-15. "Rationing Fairly: Programmatic Considerations" a) Invited Address, Inaugural Congress of International Association for Bioethics, Amsterdam, October 1992; b) Keynote Address, Conference on Justice and Health Care, Illinois Masonic Hospital, Chicago, October 1992; c) Lahey Clinic, January 1992; d) Division of Medical Ethics, Harvard, February 1992; e) University of Florida School of Nursing, February 1993; f) Advanced Bioethics Institute, Georgetown University, March 1993; g) Pacific APA Session on National Health Insurance Benefits, March 1993; h) Stanford University, April 1993; i) Conference on Justice and Health Care, University of Copenhagen, Denmark, April 1993.
16. "Who Should Pay for Experimental Cancer Therapy?" Dana Farber Cancer Institute, January 1993.

17-19. "Justice and the Assessment of National Health Insurance Proposals," Harvard Medical Ethics Symposium on National Health Care Reform, March 1993; b) University of Florida, School of Nursing, February 1993; c) Advanced Bioethics Course, Georgetown, March 1993.

20. "Should We Ration High Tech Home Care to HIV Patients?" Conference on Technological Tether, Montefiore Medical Center, February 1993.

21. "Rationing Health Care in America," Panel Presentation, Tuck Business School, Darmouth, February 1993.

22. "Ethical Issues in the Clinton Health Reform" Bones Society, Cincinatti, June 1993.

Grants and Awards:

Received:

"Medical Necessity Judgments in Canada and the United States," James Sabin, Principal Investigator, Harvard Community Health Plan, 1992-1994; Daniels is primary consultant. Robert Wood Johnson Foundation.

"Assessing the Fairness of Universal Health Insurance Proposals," Donald Light, PI, Rutgers University; Daniels is primary consultant; 1 year.

Pending:

"The Human Genome Project and the Limits of Ethical Theory," Allen Buchanan (Arizona) PI, consultant drafting two chapters of book, two years; favorable reviews, grant pending final approval.

Commissions and other Consulting:

"Cost-Effectiveness and Clinical Preventive Medicine" Expert Panel, National Institutes of Health.

"Insurance and the Genome Project" UCLA Law School, consultant.

White House Task Force, Ethics Working Group, March and April, 1993.

Professional Meetings:

Discussion Group on Equality, Kennedy School, Spring 1993.

Division of Medical Ethics, Harvard lunch series, 1992-93.

May 11, 1993

To: Dennis Thompson

From: Rebecca Dresser

Subject: Report on 1992-93 fellowship activities

First, I want to say what a rich intellectual experience this year has been. It was my first sabbatical, and the PEP Fellowship was a wonderful introduction to the institution. I have been renewed and rejuvenated by the opportunities to pursue my ongoing projects for a sustained period and to participate in a seminar that exposed me to many new ideas and approaches. The only drawback is that I come away from the program with enough ideas for new papers and projects to fill at least two more sabbaticals!

My research proposal for the year was to develop more thoroughly my ideas on "objective" standards for treatment decision-making on behalf of incompetent patients. I was most interested in exploring the contributions that philosophy of mind and cognitive science might make to this subject. To this end, in the fall I attended substantial portions of "Recent Work in Philosophy of Mind," taught by Martin Davies at Harvard, and "Philosophy of Mind," taught by Dan Dennett at Tufts. Both professors offered helpful guidance and encouragement regarding my effort to apply rather abstract theory to a very real-world issue. The written results of my study and reading are two manuscripts--one a lengthy law review article entitled, "Missing Persons: Legal Perceptions of Incompetent Patients," and the other a shorter piece called "Decisions on Life-Sustaining Treatment: The Incompetent Patient's Perspective," which I wrote with a physician who specializes in the treatment and study of Alzheimer's disease. I hope eventually to write a book on this topic; my work here will be an integral part of the book.

I also was able to work on papers in a variety of other areas. I finished up two manuscripts that were published this year: "Culpability and Other Minds," in 2 Southern California Interdisciplinary Law Journal 41-88 (1992) and "Defining Scientific Misconduct: The Relevance of Mental State," in 269 Journal of the American Medical Association 895-897 (1993). I completed my chapter for Susan's Feminism and Bioethics book; my piece is called "What Bioethics Can Learn from the Women's Health Movement." I wrote two other papers this year. "Sanctions for Research Misconduct: A Legal Perspective" will appear in a special supplement on research integrity in the September issue of Academic Medicine. "Norplant in the Criminal Justice System" is a chapter for a book on the ethical, legal, and policy issues raised by long-term contraceptives. I also wrote a short book review for the New England Journal. In May, I began work in earnest on two books I will be writing with three other people. One is a new edition of the West Publishing Company's Bioethics and Law casebook, which I

will be writing with Michael Shapiro, Roy Spece, and Ellen Wright Clayton, all law professors. The other is a National Science Foundation-funded book of case studies on the ethics of animal use, which I am writing with Tom Beauchamp and Barbara Orlans of the Kennedy Institute, and David Morton, a British veterinarian.

I was actively involved in many conferences and working groups this year. The chapter on Norplant was written in connection with a Hastings Center project on long-term contraception. I attended three meetings of the group this winter and spring. I am the legal consultant to the American Academy of Pediatrics Committee on Bioethics; I participated in two of their meetings this year. As part of this activity, I continued my work on a policy statement for the Academy addressing the ethics of prescribing human growth hormone to short children. I was 1992 program chair for the Association of American Law Schools Section on Law and Mental Disability. As part of my responsibilities, I organized and moderated a program on gender issues in mental disability law at the AALS Annual Meeting in January. During the fall, I also participated in a Liberty Fund conference on "Liberty, Risk, and Human Rationality," in Williamsburg, Virginia, and spoke on decision-making for incompetent patients at Washington University Law School in St. Louis. I participated in two conferences sponsored by Public Responsibility in Medicine and Research here in Boston. At one, I spoke on ethical issues involving women's health research, and at the other, I represented the "troubled middle" position on the ethics of animal research. In the spring, I discussed U.S. regulation of animal research with Swedish researchers at the Karolinska Institute in Stockholm. I also met with my co-authors to plan the two books I will be working on in the coming months. Finally, in June, Susan and I will be conducting a session on Feminist Bioethics at the Health Law Teachers Conference of the American Society of Law and Medicine.

I was also involved in activities at the Harvard Medical School and affiliated hospitals. I attended many of the Division of Medical Ethics programs, and gave a presentation at one of the ethics lunchtime conferences. I also spoke to groups at Children's Hospital and the Harvard School of Public Health. I gave the "ethics analysis" at a case conference at Dana-Farber Cancer Hospital and led a fellows seminar at Children's Hospital organized by Bob Truog and Allan Brett.

Besides the PEP lectures, I attended a number of other presentations this year at Harvard and other local institutions. They were not all specifically related to my own projects, but much of what I did not expect to find relevant turned out to be. This was also true of the seminar sessions; indeed, I found the sessions on topics outside medical ethics most stimulating and enriching. I am very glad that I had the chance to read material I never would have sought out on my own. I am certain that what I learned from the seminar's emphasis on professional ethics in the larger sense will enhance my future writing and teaching.

Last, but by no means least, I thoroughly enjoyed getting to know you, the other Fellows and seminar participants, Jean, Helen, Brenda, and Ted. The office is a warm and friendly place, which is a valuable asset these days! I also appreciate your heroic efforts to keep the seminar on track. Thanks so much for giving me such a good place to think, write, and learn.

The high point of the year for me, and the high point of my productivity, was when my wife Laura gave birth to our daughter, Gariela Marie Garcia, in September, 1993.

In addition to my principal research project, on virtues and role-centered morality, my activities during the fellowship year, new colleagues and acquaintances I made in the seminar and some continuing discussion groups I joined, and on-campus events I attended, combined to have the unanticipated effect of motivating me to substantial work on topics involved in African-American perspectives in medical ethics, on the concept of racism, and on ethical relativism.

I read different selections from versions of a long paper "Virtues as the Basis of Ethics," at Loyola Marymount University in October, 1992, and again at Dartmouth College in May, 1993. Those bracketing presentations nicely afforded me opportunity to discuss before philosophical audiences my developing theory both at the start and at the end of the fellowship year. The PEP seminar session devoted to my work, and discussions throughout the year with other Fellows, especially Larry Blum, helped me to see difficulties and obscurities in my work on this project. (Occasionally, they also helped point me to ways out of them.) My paper, "African-American Perspectives, Cultural Relativism, and Normative Issues," appeared in a volume entitled **African-American Perspectives on Biomedical Ethics**, edited by Harley Flack and Edmund Pellegrino and published by Georgetown University Press. On the basis of this long paper, I was invited to expand on and develop some of the ideas first broached there in the keynote address at a Conference, Culture, Values, and Bioethics, at Howard University in April, 1993. The conference organizers plan to have my paper, "Group Perspectives and Bioethics," published together with the other papers presentation. As if to enable me to prepare for that keynote, I was also invited to address those topics in an invited presentation at a Division of Medical Ethics seminar at Harvard Medical School in March, 1993, and at the annual American Association for the Advancement of Science meeting, in a session on Minority Perspectives on Ethical Issues in Technology in February, 1993. I return to them in June when I speak at an Ohio State University conference on Examining Minority Perspectives on Ethics in Science, Technology and Medicine. My work on ethnic 'minority' perspectives on medical ethics was enhanced by attending presentations by W. Michael Byrd and Linda Clayton at the Harvard School of Public Health, and by Sherman James, whose talk was sponsored by the Department of Social Medicine. This project of mine also profited greatly from discussions throughout the year with Susan Wolf, a PEP fellow with me this year, whose work on feminism in bioethics raises problems similar to those that confront mine in ethnic perspectives.

Besides the matter of specifically ethnic perspectives on bioethics, I am especially interested in moral questions about interventions at the beginning and end of human life. My short

meditation "Are Some People Better Off Dead?" is to appear in the next APA [American Philosophical Association] Newsletter on Philosophy and Medicine (Spring, 1993). I addressed the way in efforts to justify abortion corrupt our ethical and legal thought at a conference, Abortion in America, at Princeton's Woodrow Wilson School in May, 1993, and return to related topics at University Faculty for Life's annual conference, Life and Learning III, next month at Yale. I am just beginning work on a paper criticizing attempts to ground the rhetoric of 'choice,' which dominates much public discussion of abortion and related attacks on human life and dignity, in debased, post-Kantian conceptions of autonomy, in the untenable notion of 'self-ownership, or in the delusion of 'self-creation.' (Some of my thinking on the grounds of the moral importance claimed for choice and freedom was sharpened by my participation in a Liberty Fund Seminar on Liberty in Plato's Dialogues, held here in Cambridge in March, 1993). Also in medical ethics, in addition to this work on special topics, I served as consultant to the University of Notre Dame's annual conference on Ethical Issues in Medical Practice in March, 1993; to an Ethics Policy Reference Manual Workshop for the U.S. Department of Health and Human Services in August, 1992; and to a National Institutes of Health Human Genome Project Special Study Section in July, 1992. Finally, I served as Visiting Member of the Division of Medical Ethics this year, attending some of their monthly seminars and participating in a planning session they hosted for The Hastings Center Report.

Discussion of my work on ethnic perspectives in bioethics, especially a correspondence with Professor Arthur Kleinman, redirected my attention to the problem of moral relativism. I am currently finishing a paper on this, "Dimensions of Cultural Relativism in the Moral Realm," an early version of which I presented to an undergraduate audience at the University of Rhode Island in March, 1993. A briefer treatment of relativism comprised a section of a paper, "The Aims of the University and the Challenge of Diversity," which I read at Boston College in November, 1992, and which is part of a collection of papers on multiculturalism in higher education currently under consideration by several academic publishers.

Probably the project that absorbed the bulk of my energies during the year was a series of writings on racism. Larry Blum was kind enough to invite me to join a discussion group on issues of race. That on-going discussion has proved invaluable to me as my work on this project has progress, especially when the group graciously consented to read and examine a paper of mine on the concept of racism. That paper grew so long that I divided it into two papers. The first, "Current Conceptions of Racism," critiques the views of those who understand racism as a field of discourse, as a socio-economic system, or as a group of beliefs; the second, "The Heart of Racism," articulates and defends my own view of racism as consisting in certain vicious forms of racial disaffection. The former, more negative, paper I recently

submitted to a philosophy journal. The second should be ready for submission before my residency here ends in a few weeks. My work on the second paper was aided by my attending the annual Ford Foundation Fellows' Conference in Irvine, California in October, 1993, especially a session (which I helped organize) on The Great (Dead) Philosophers on Questions of Race and Difference. I envision two further papers in this project--one on the moral difference between discrimination on the basis of race and racist discrimination, and one on racism as metaphor in the construction of such terms as 'sexism,' 'speciesism,' 'heterosexism,' and 'ableism.' The latter work so far exists only as notes and diverse bits of text.

My attendance at the APA Central Division meeting stimulated two other papers on which I have recently begun work. The first, which I am co-writing with Mark Nelson, prosecutes Nelson's charge that utilitarianism (and other forms of consequentialism) runs into problems should the world go on forever. (It emerges from a commentary I gave at the APA meeting.) The second recasts Hume's 'Is'-'Ought' argument as a formal claim about propositions with different structures and responds to it. I do not yet know whether either of us will turn out to be of sufficient significance to warrant publication. During the year, I also accepted invitation to contribute to two new reference works: Macmillan's Encyclopedia of the Future and Garland's Philosophy of Education: an Encyclopedia, to offer commentary on Alasdair MacIntyre's Tanner Lectures at Princeton next April and, also in April, to speak on moral dilemmas at a Notre Dame conference on Alan Donagan's moral philosophy.

Early in the fellowship year, I completed a paper in normative ethical theory entitled "The New Critique of Anti-Consequentialist Moral Theory". This piece responds to Shelly Kagan's challenge to defenders of the exceptionless moral norms that Augustine, Kant, and other traditionalist thinkers believed in. I read that paper at St. Louis University in November, 1992, and it appears in the next issue of Philosophical Studies. I also made progress on a related article, "Intention-Sensitive Ethics: A Defense," which I recently submitted to a journal specializing in practical philosophy.

Another paper of mine that I re-worked during the fellowship year, was "Divine Commands, Special Exemptions, and Moral Dilemmas," a rare foray of mine into religious ethics. During the year, I gave it as an invited talk before a meeting of the Society of Christian Philosophers' in Minnesota in October, 1992. I was asked to write it for a collection of essays on religious ethics and moral philosophy and, currently, a university press is considering publishing that collection. The fellowship enabled me to pursue my interest in how religious faith and doctrine should re-configure our thought about ethics and public policy by accepting invitations to participate in several discussions with distinguished scholars on these topics. These meetings included a conference on Religion and American Public Life, held at the

University of Notre Dame's Maritain Center in December, 1992; a John Courtney Murray Seminar on Religion and Democracy at the American Enterprise Institute in Washington during February, 1993; and the Institute on Religion and Public Life's Paul Ramsey Colloquium on Theological Ethics, held in New York City during May, 1993. I recently agreed to participate in a September, 1993 Washington conference on Liberalism, Modernity, and Natural Law, sponsored by the American Public Philosophy Institute, in order to pursue this interest further.

My ties to the Kennedy School didn't help as my candidacy for the Executive Council of the APA Eastern Division was defeated. Finally, in a more successful professional move, I resigned as Senior Research Scholar in Georgetown University's Kennedy Institute of Ethics and as Associate Professor there, to accept appointment as Professor in the philosophy department at Rutgers.

Jorge Garcia
May, 1993

**Report on 1992-93 Fellowship Year
at the Program in Ethics and the Professions**

Elizabeth Kiss

I have to confess that I approach the writing of this report with considerable sadness, since it signals the end of an intellectually rewarding and memorable fellowship year.

Central to the year's intellectual rewards was the PEP seminar. For me, the seminar prompted a yearlong meditation on the philosophical category of "practical ethics" which Dennis articulated at the outset. The year's readings and discussions provided me with a much fuller picture of the challenges practical ethics faces as it strives to arrive at a defensible accommodation between ideal theory and the art of the possible and as it seeks to bring the insights of moral philosophy and of political analysis to bear on complex practices like medicine and law. I learned a great deal about the institutional complexities and contested aims of the medical and legal professions. And, from our occasionally contentious seminar group I got a vivid sense of the range of theoretical approaches which can be used in thinking about practical ethics -- from Kantian universalism to dialogic models of moral reasoning, from a feminist ethic of care to role theory, from deliberative democracy to critical race theory, and many more besides -- and of the strengths and weaknesses, as I see them, of each of these approaches. All of this has been extremely helpful to me, given my interest in examining rights as social practices, and I expect I will return to seminar readings and notes often over the years to come.

The highlight of the seminar, however, was the opportunity to read other fellows' writings and to share my work with them. I learned a great deal from other people's projects and found both their criticisms and their encouragement helpful for my own. Of particular value to me were those projects which related to my work, whether as kindred or as contrasting approaches, such as -- to name just a few -- Rebecca Dresser's work on moral identity, Jorge Garcia's on virtue, and Susan Wolf's on the role of rights in medical ethics.

My own research moved forward in two different, though related, directions -- work on rights theory and work on human rights, nationalism, and identity politics in Eastern Europe. My main project was my book manuscript articulating and defending an instrumental conception of rights, tentatively entitled Humanizing Rights, which I plan to

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submit to publishers this summer. I also completed, or am in the process of completing, several articles on rights theory. The first, entitled "Instrumental Insights: Marx and Foucault on Rights," is currently under editorial review. The second, "Between Fundamentalism and Deconstruction: The Case for an Instrumental Theory of Rights," which I presented to the seminar, is almost ready to be sent out, while a third, "Rights and Inviolability: A Critique of Nagel and Kamm's Anti-Instrumentalism," which I also presented to the seminar, needs some further work but will, I hope, be completed by the end of the fellowship year.

In my work on Eastern Europe, I completed a paper entitled "Is Nationalism Compatible with Human Rights? Reflections on East-Central Europe" for a conference on The Paradoxes of Rights at Amherst College in November. This paper is supposed to appear in a conference volume. I presented a different version of that paper in Moscow at a conference in January on Power-Sharing in Multi-Ethnic Societies, which will be published in Russian translation. I also have a work in progress on nationalism, human rights and political order, currently entitled "Five Theses on Nationalism: Identity Politics and Political Order in East-Central Europe," which will be presented at the annual meeting of the American Society of Social and Legal Philosophy this September and will eventually appear in a Nomos volume entitled Political Order.

The fellowship year also gave me a chance to participate in a number of collaborative efforts relevant to my interests. The National Academy of Sciences Committee on International Conflict and Cooperation, which organized the American delegation for the Moscow conference, is trying to obtain funding for an ongoing effort to foster discussion in the former Soviet Union about ethnicity, democratic politics, and human rights, and we hope to run a workshop in the Caucasus region next year. I have also joined a multidisciplinary research project on Religion, Law, and the Construction of Identities jointly run by Harvard's Center for the Study of World Religions and its counterpart at the University of Chicago. As part of this project, I am helping with plans for a workshop on the nature and role of rights within different religious and legal traditions. Finally, I have been an occasional member this year of a working group on nationalism at the Council of Foreign Relations in New York.

I also had the opportunity to participate in a number of activities within Harvard, although I regret many wonderful "roads not taken" in this area. I attended a series on nationalism organized by the Joint Harvard-M.I.T. Seminar on Political Development, as well as many events organized by the Human Rights Program at the Law School. I have also

enjoyed a reading group on group identities and rights coordinated by next year's PEP director, Martha Minow.

My fellowship contacts led to two speaking engagements at Harvard which proved to be very interesting for me (I cannot speak for the audience!) because they prompted me to think about human rights issues in contexts that were new to me. One was a paper I gave at the School of Public Health at the invitation of former PEP Fellow Troy Brennan, entitled "Victims, Patients, Citizens: The Role of Human Rights in Public Health." I relished the opportunity this talk gave me to meet Jonathan Mann and some of the other people involved in the new Francis Bagnoud Center for Health and Human Rights, as well as some students at the School of Public Health who have organized a human rights group; I have subsequently met with one of these students a number of times to discuss philosophical literature on rights theory relevant to their concerns. The second was the CFIA's annual symposium, "Human Rights: Centerpiece of Foreign Policy?" which sought to examine the role of human rights in foreign policy under the shadow of international vacillation in the face of "ethnic cleansing" in Bosnia.

In addition to the events I've already mentioned, I've presented papers at Princeton, Yale, Northwestern, the University of Chicago, and Davidson College.

All in all, it has been a stimulating year, and I hope to build for years to come on the reading and thinking I have done over the past ten months, as well as to maintain the new friendships with colleagues which the Program enabled me to forge. I want in particular to express my thanks to Dennis for his advice and encouragement and for all the hard work he put into the Program, including his thoughtful intervention when problems arose in the dynamics of the seminar. And, last but definitely not least, I want to thank the staff of the Program, who are not only unfailingly efficient and helpful far beyond the call of duty, but also great company and fine human beings, every one!

May 21, 1993

May 7, 1993

TO: Dennis Thompson

FROM: Alan Rosenthal

SUBJECT: Report on work and activities during
1992-93 Fellowship year.

During the 1992-93 year I was an Institute of Politics Fellow, as well a Fellow in the Ethics Program.

My principal project in both programs has been to conduct research and begin writing a book on legislative ethics. The book, which is being funded by The Twentieth Century Fund, is designed to serve as a guide to legislators, legislative staff, and lobbyists in the fifty states. My aim is not only to help legislators deal with some of the immediate ethical issues that confront them, but also to raise their consciousness so that they approach ethical questions differently in the future.

(1) In order to accomplish my objective, I've had to raise my own ethical consciousness and develop some theoretical understanding of the subject. The Program, and especially the seminar, have been enormously helpful in these respects. I have become at least somewhat acquainted with moral theories and, more important, with the nature of moral reasoning. The range of readings and the seminar discussions, especially those focusing on legal, medical, and governmental ethics, have been most useful.

(2) Thanks to the year's experience, I have been able to complete a draft of most of a theoretical chapter. In this chapter I examine the applicability of moral theories to practical ethical problems, compare legislative office with other professions, and develop principles and standards that I will apply to cases of conduct and proposals for reform that are the focus of four chapters in the book.

(3) During the period, I have begun to apply my brief training in ethics to the work I do with state legislatures--consulting, teaching, and writing. Most significant, I conducted ethics training for the California Senate, which the legislature is required by law to take biennially. I participated in an ethics program, also required by law, for the Connecticut General Assembly. I consulted with the legislature in Washington on the role of legislative staff in political campaigns and testified on ethics before a task force of the New Mexico Legislature and committees of the Kentucky Legislature. Along with Dennis Thompson, I also testified before the Joint Committee on the Organization of Congress on processes to oversee the ethical conduct of members. As part of legislative orientation sessions, I addressed legislators in New Hampshire, Ohio, Tennessee, and Washington. I also addressed a meeting of legislators specializing on insurance issues in

Columbus, Ohio and associations of lobbyists in Washington, D.C., Cincinnati, Ohio, and Springfield, Illinois. Ethics was either the exclusive subject or a principal one in each of these presentations. Finally, I have been writing a bimonthly column on ethics for the Council of State Government's publication, State Government News.

(4) My consulting and teaching activities afforded me the opportunity to conduct field research for my book in a number of states. I have made particular use of my visits to California, Kentucky, New Mexico, and Washington and have also gathered data on ethics issues in Maine and Minnesota. Finally, I have provided overall direction for six focus groups--in California, Minnesota, and New Jersey--that inquired into citizen orientations toward legislative ethics and am currently engaged in an analysis of the results.

(5) During the period of the fellowship, I have organized the materials for the book and tentatively planned each of eight or nine chapters. I intend to spend this summer and the fall semester writing and hope to complete the book before next summer.

To: Dennis Thompson

May 3, 1993

From: Susan Wolf

Subject: Report on Activities During 1992-93 Fellowship Year

The Fellowship year has been extremely rewarding. I have benefited in terms of intellectual development, writing accomplished, collegial relationships formed both within and outside the Program, and other professional activities undertaken. As you know, this is a transitional year as I move from The Hastings Center to full-time teaching at the University of Minnesota Law School and the University's Center for Biomedical Ethics. The Fellowship gave me an excellent opportunity to deepen investigations begun at The Hastings Center, strike out in entirely new directions, and intensify my work on the law.

(A) Intellectual development. I found the seminar, individual discussions with a number of colleagues in the Program, and your own reactions to my writing helpful and challenging. It seemed to me that at The Hastings Center, moral philosophy was usually the central discipline in our multidisciplinary discussions. Here it has struck me that moral philosophy remains important, but political philosophy and political theory play a much larger role than at the Center. In addition, the diversity of colleagues here has exposed me to a new set of perspectives. All of this has proven quite helpful, as I move into academia full time and seek to develop further my own perspective. For example, Jorge Garcia's attention to virtue theory and to African-American perspectives in bioethics, Elizabeth Kiss's instrumental approach to rights, Alan Wertheimer's analyses of coercion, and Larry Blum's engagement with feminist theory (to name a few) have been most enlightening.

(B) Writing accomplished. As you recommended early in the Fellowship, I did not put all of my eggs in one basket by concentrating on one large writing project to the exclusion of all others. (I also could not have done this, since I arrived with several writing projects in process.) Thus my work on moral and legal rights in medicine has been pursued in several different projects that I ultimately intend to weave together into a larger book. My writing this year has been as follows:

1. Susan M. Wolf, ed., Feminism and Bioethics: Beyond Reproduction (New York: Oxford University Press, forthcoming 1994). Oxford agreed in January of the Fellowship year to publish this book. It is a collection of thirteen chapters exploring the relationship of feminist work to bioethics, and then applying various feminist perspectives to problems in bioethics. There are only two other books thus far on feminism and bioethics -- a monograph, and a collection of articles previously published in Hypatia. This is the first book to take as its goal going beyond reproductive issues (the usual domain of feminist work in bioethics) to tackle the full range of other issues. My own chapter, which the seminar group graciously

critiqued, is "Gender and Death: Physician-Assisted Suicide and Active Euthanasia." I am also writing an introduction to the volume, and editing the contributions.

2. Susan M. Wolf, "Toward a Theory of Process," Law, Medicine & Health Care 20: 278-90 (1992). I appreciated your thoughtful critique of this piece on an ethics of institutional process, while it was still in draft.

3. Susan M. Wolf, "Who Determines Who Will Decide? The Authority to Resolve the Futility Debate," in Arthur L. Caplan and Ronald Cranford, eds., Managing Mortality, forthcoming. Again, your critique was most helpful, especially as I further develop this into a larger piece.

4. Susan M. Wolf, "Iatrogenic Illness and Injury," in Warren T. Reich, Encyclopedia of Bioethics, rev. ed. (New York: Macmillan, forthcoming 1994). This is an encyclopedia entry on clinical events that produce harm to patients, analyzing when such events are blameworthy. The piece attempts to move discussion of iatrogenesis in new directions by addressing institutional issues, as well as historic patterns of discrimination and disadvantage.

5. Susan M. Wolf, "The Future of the Patient/Physician Relationship: Ethics Amidst Institutional Complexity and Resources Constraint." This began in the context of a Hastings Center project, but much of it was drafted in the Fellowship year. It aims to set forth an ethics that can guide physicians as they move from a dyadic fee-for-service patient/physician model to more complex and conflicted forms of practice. This should come out as a long article later this year.

6. Susan M. Wolf and Julie Rothstein, "Preparing Physicians to Face the New Economic, Organizational, and Ethical Challenges." This is a companion piece to the one immediately above, urging changes in medical education to equip new physicians.

7. Susan M. Wolf, "Accountability in Clinical Ethics." This should appear in the Journal of Law, Medicine and Ethics this year. It examines the ethics of "doing" clinical ethics, and calls for standards and mechanisms of accountability.

8. Susan M. Wolf, "Creation and Abortion," (review of a book by Frances Kamm), Constitutional Commentary, forthcoming. A number of Program participants, including you, offered helpful critique.

9. Susan M. Wolf, Mildred Z. Solomon, and Lydia O'Donnell, "Legal Myths and Misperceptions: Health Care Professionals Look at the Law." This is an empirical and analytic piece building on

a large survey of health professionals to ascertain their knowledge and beliefs about the law on the termination of life-sustaining treatment.

10. Linda Emanuel, Lynn Peterson, et al. "Ethical Practice in Medicine: Accountability of the Profession." I have been invited to participate in a working group to generate this publication.

In addition, I recorded a one-hour audiotape on "The Termination of Life-Sustaining Treatment" at the request of The Hastings Center for the Center's audiotape "Series on Medical Ethics."

(C) Collegial relationships. This year has strengthened collegial relationships I had previously established at Harvard, and seen the start of new ones. A number of people in the Division of Medical Ethics were already close colleagues and collaborators before the Fellowship year. I have been a regular participant in Division activities throughout the year. I have also consulted with particular individuals on certain projects, especially with Linda Emanuel, Ezekiel Emanuel, and Troy Brennan. I have given (or will give before the end of the Fellowship) the following 7 lectures for the Division, Medical School, School of Public Health, and particular Harvard hospitals:

1. "Futility and the Limits of Patient Autonomy," for the Harvard Medical School, Division on Aging.
2. "Physician-Assisted Suicide and Euthanasia," for the Division of Medical Ethics.
3. "Medical Futility," for the Lahey Clinic.
4. Ethics Rounds on Euthanasia, at the Dana-Farber Cancer Institute.
5. "Ethics Committees: The Role of Patients and Families," at Children's Hospital.
6. "The Limits of Patients' Rights: Lessons from the Futility Debate," at the Harvard School of Public Health.
7. "Physician-Assisted Suicide and Euthanasia," Harold Karp Medical Ethics Lecture, Lahey Clinic.

Outside of the medical sphere, Martha Minow at the Law School has been particularly welcoming. At the Institute of Politics, I helped lead a seminar for Fellow Lee Daniels entitled "From Dr. Kevorkian to Baby M: Media Coverage of Science, Medicine, and Bioethics."

Within the Program, I have profited enormously from a mix of old and new relationships, many of which I hope will continue both as professional exchanges and personal friendships.

(D) Other professional activities. During the Fellowship year, I have been active in 4 outside projects:

1. A project of The Hastings Center on the ethics that should guide the future of the patient/physician relationship. I am director of this project, which is resulting in two of the publications listed above (numbers 5 and 6, on page 2).

2. A project of the National Center for State Courts on how judges should handle cases concerning life-sustaining medical treatment. In 1993, the Coordinating Council (of which I am a part) brought out Guidelines for State Court Decision Making in Life-Sustaining Medical Treatment Cases, rev. 2d ed. (St. Paul, MN: West, 1993).

3. The Legal Task Force of the Decisions Near the End of Life Project, funded by the Kellogg Foundation. Chaired by Professor Alexander Capron of the University of Southern California, we are examining the proper role of legal counsel to health care institutions, and devising an educational program for counsel.

4. A project of the American Society of Law, Medicine & Ethics on HIV and rape, funded by the American Foundation for AIDS Research (AmFAR).

I have also given (or will be giving before the conclusion of the Fellowship) the following 16 lectures:

1. "When Patients Demand Too Much: Are There Limits to Autonomy?" Lutheran General Hospital, at the invitation of The Park Ridge Center, Chicago, IL.

2. "Bioethics and the Law," Wausau Hospital Center, Wausau, WI.

3. "Doctor and Patient: A Relationship in Transition," Trachtenberg Memorial Lecture, Englewood, NJ.

4. "Should Public Policy Recognize Physician-Assisted Suicide and Euthanasia?" American Society of Law & Medicine, National Conference, Cambridge, MA.

5. "Feminism and Bioethics," American Public Health Association, Annual Meeting, Washington, DC.

6. "Medical Futility," University of Minnesota Center for Biomedical Ethics, Managing Mortality Conference, Bloomington, MN.

7. "Biomedical Ethics Issues at the End of Life," Massachusetts Organization of Nurse Executives, Annual Symposium, Cambridge, MA.

8. "Ethics Committee Case Review," New England Medical Center, Boston, MA.

9. "End of Life Decisions: Whose Choices Are They?" St. Mary's Hospital, Waterbury, CT.

10. "Gender, Physician-Assisted Suicide, and Active Euthanasia," University of Texas Law School, Texas Journal of Women and the Law Symposium on Women, Health & Law, Austin, TX.

11. "Medical Futility," Davidson College, Davidson, NC.

12. "Working with the Law," Decisions Near the End of Life Training Conference, Boston, MA.

13. "Ethics Committees: Their Promise and Danger," Keynote

Speaker, Citizens' Committee on Biomedical Ethics, Intensive Bioethics Conference, Parsippany, NJ.

14. "Ethics at the End of Life," Distinguished Lecturer for the Boston University Medical Center Nursing Department and Massachusetts Memorial Hospital Nurses' Alumnae Association, Boston, MA (upcoming).

15. "Feminist Bioethics," American Society of Law, Medicine & Ethics, Health Law Teachers Conference, Baltimore, MD (upcoming).

16. "Feminism and Bioethics," Fifth Annual Bioethics Summer Retreat, Taos, NM (upcoming).

In addition, I have consulted for the Institute of Medicine of the National Academy of Sciences on preventive medicine and health promotion. In November I participated in a conference on "Paradoxes of Rights" at Amherst College. I have also reviewed manuscripts for Oxford University Press, the Journal of the American Medical Association (JAMA), Social Science in Medicine, The Milbank Quarterly, and the Bulletin of the New York Academy of Medicine, A Journal of Urban Medicine (on whose editorial board I sit), and a grant proposal for the W.T. Grant Foundation.

Conclusion. I hope you feel that my participation in the Program and productivity have justified the faith in me that you and the Faculty Committee demonstrated by awarding this Fellowship. I am indebted to the Program staff -- Jean McVeigh, Helen Hawkins, Ted Aaberg, Brenda Wicks, and Haiyan Hua as computer consultant -- for going out of their way to facilitate my work. It has been a marvelous year, for which I am most grateful.

Appendix V
Reports of the Graduate Fellows
1992-93

Report on Graduate Fellowship year: 1992-93
Deborah Hellman

As a recent graduate of the Harvard Law School intending to pursue a career in legal academia, the Graduate Fellowship in the Program in Ethics and the Professions has provided me with a unique opportunity to think and write about a subject connected to both law and ethics. Because I am not a regular graduate student and thus not part of an organized program of study, the fellowship year served as an ideal bridge, instrumental to helping me produce a paper and to developing my thinking in the areas of ethics and jurisprudence. The topic I have been working on can be described generally as a study of the way in which the Supreme Court self-consciously discusses, worries about or attempts to secure its own legitimacy. I have found that increasingly the Court is concerned about the production of the appearance of legitimacy, as it sees itself as operating in a climate of distrust or skepticism about the independence of legal reasoning from politics. I am now thinking about what this shift in emphasis, from "actual" legitimacy to the appearance of legitimacy, in the way in which the Court discourses about itself as an institution, means and what effect it may have.

The year has been successful in that I have written a draft of the paper I intended to write and hope to rewrite and submit it for publication by the end of the summer. In addition, I have spent a lot of time reading in the field of jurisprudence generally. As the topic of my paper can loosely be described as jurisprudence, filling in my understanding of the field was crucial to my ability to think and write about the topic I had chosen.

The Graduate Fellows seminar has been great, both because the regularity of a once-a-week meeting with the other graduate fellows provides important organizing structure to the week and because it introduced me to topics and materials in ethics that have generated ideas and insights (not necessarily new insights but ones that are new to me) that intersect with my work outside the seminar. Arthur Applbaum is a terrific leader, both as an academic and a motivator, and his guidance has been crucial. The discussions and readings have given me ideas that I hope to use next year when I will be the Keck Fellow in the Program on the Legal Profession at the Harvard Law School. There I will work with Professor David Wilkins on both improving the courses presently offered on the legal profession and on introducing modules focusing on topics and issues related to ethics in the "mainstream" law school curriculum. I see this work as an extension of much of what I have learned and thought about this year.

In sum, the Graduate Fellowship in the Program in Ethics and the Professions has been a wonderful opportunity. Thanks.

June 1993

Karl W. Lauterbach M.D., M.P.H., M.Sc.
Department of Health Policy and Management
Harvard School of Public Health

Summary of my Experience as a Graduate Student Fellow in the
Program in Ethics and the Professions

As a doctorate student in Health Policy and Management in the Harvard School of Public Health who is majoring in "ethical analysis", I was able to use my year as a fellow to continue to work on my dissertation as well as to increase my knowledge about ethical theory. My dissertation is concerned with the exploration of problems of justice in the field of preventive medicine. My thesis is that advances in preventive medicine, in particular in epidemiology and genetic biology, have started to change the concepts of disease causation and some of our most basic intuitions about a just distribution of health care resources and research funds. I am especially interested in the question to what extent recent ethical theory can be helpful to clarify our views about a just health care distribution in light of these changes.

In the course of the year I have had the unique opportunity to discuss my ideas repeatedly with Senior Fellow Prof. Norman Daniels in the Program. His theory of a just health care distribution as the most widely discussed philosophical approach to the problem in the United States provides an ideal starting point for me to form my own views and it has been a great privilege for me to learn from

him directly. At the beginning of the year I was able to join Prof. Daniels in a class on "equality" in the Philosophy Department given by Prof. Tim Scanlon and Prof. Amartya Sen. After this course Prof. Daniels organized a small working group on this topic in the Program of Ethics and the Professions in which also Prof. Amely Rorty and Prof. Marc Roberts participated. This group is supposed to come together again after the end of Prof. Daniels' assignment in Washington and has already been a major benefit for my studies. The other Senior Fellows have also been a constant resource for the Graduate Student Fellows and advised on their research projects. I have benefitted most from Prof. Daniels due to the overlap of our study interests.

The central part of the Fellowship for me was the weekly seminar of the Graduate Students lead by Prof. Arthur Applbaum. Within this seminar we not only discussed our research projects but also read and presented on a variety of themes in professional ethics and applied ethics in general. My own project met with numerous constructive criticisms in that forum which motivated me strongly to carry on. Prof. Applbaum has perhaps given the most challenging criticism since he conceives of the way to employ ethical theory in such an enterprise differently than I am inclined to do. He has also continuously stressed the importance of political legitimacy in addition to moral rightness and has changed my views on their relationship during the year. I have profitted from these discussions in more ways than I can enumerate here. The seminar has always been an event because it has had an atmosphere

very conducive of the free exchange of ideas, criticism and praise. The creation of such an atmosphere is a talent of Prof. Applbaum we have all learned to appreciate.

Finally the Program gave me an opportunity to become a Teaching Fellow for Prof. Dennis Thompson in his Government 1095 course. This experience rounded up my year in the Program. It introduced me to a wide variety of ethical problems in public office and attempts to use ethical theory to solve them. More importantly it was truly a privilege to work for Prof. Thompson who has been inspiring as a teacher. Through his commitment to the field he encouraged students to study questions of ethics in public office seriously and to become teachers for others. In his weekly meetings with the teaching fellows I have learned not only about the substance of the course but also a lot about how ethics should be taught.

The year in the Program has been an unforgettable opportunity for me and has strongly supported my intention to become a teacher in applied ethics in the future. I would recommend the Program to any student with a serious interest in ethics and I will try to bring it to the attention of more students and teachers in the School of Public Health.

Graduate Fellowship Report

The Harvard Program in Ethics and the Professions has provided me, as a Graduate Fellow of the program, with an invaluable opportunity to study economic issues from a normative angle. The Program has also given me the benefit of being part of an exceptionally stimulating and inspiring environment of professionals and scholars, who are interested in and working on similar issues on the interface of professional life and ethics.

During the fellowship year, I participated in the weekly Graduate Fellows seminar under the direction of Arthur Applbaum, the Program's director of graduate fellowships, and Assistant Professor of Public Policy at the Kennedy School of Government. These weekly meetings were dedicated to presentations on and discussions of issues in professional ethics. They provided an informal, but not undemanding, atmosphere to broaden and sharpen my understanding of problems in professional ethics.

Besides the Graduate Fellows seminar, I used the fellowship year to study how contemporary economic analysis can be broadened to take into account normative considerations. In particular, I formulated a framework that allows for the incorporation of Adam Smith's insights from the Theory of Moral Sentiments into modern economic analysis. This alternative framework assumes that economic agents are not only motivated by utilitarian considerations, as commonly assumed in economic analyses, but also by moral sentiments. Further, I started to study how the phenomenon of sex segregation in the labor market can be analyzed and explained fruitfully on the basis of such a moralized economic framework. This study focuses at the importance of moral motivations for the actual functioning of labor markets. During the coming year, I will base most of my Ph.D. thesis on the work I have been able to accomplish or start during this fellowship year.

I am very grateful to the Program, and its sponsors, for giving me the opportunity to work on issues which are of great personal and professional interest to me.

Remco H. Oostendorp
Graduate Fellow 1992-93

Joseph R. Reisert
May 18, 1993

During my tenure as a graduate fellow in the Program, I accomplished my primary goal for this academic year: to complete my prospectus and to begin research for the dissertation. Although Professor Shklar's untimely death deprived me of her irreplaceable advice and left me searching for a new advisor, my association with the Program made available to me helpful new sources of criticism and advice. During the fall term, I read widely in the contemporary political theory literature in order to see how the concept of friendship is treated by different thinkers today, in both the 'communitarian' and liberal camps. Having prepared a thesis prospectus during January, the spring witnessed an effort towards integrating those thoughts into the framework of my more historically-oriented dissertation--which culminated in the paper I presented to the seminar at the end of the year.

Appendix VI
PEP Lexicon

The following lexicon, inspired by Daniel Dennett's *The Philosopher's Lexicon*, was written by Alan Wertheimer and presented at the final dinner of the year.

Arthurity (n). The level of deference to which a profession is morally entitled. As in, "although the physician refused to recognize the authority of the state, he did acknowledge the arthurity of the AMA."

Blum (v). To permit a variety of cultures to flourish in a particularistic socially embedded soil, as in "to let a thousand cultures blum."

Norman (n). The level of medical, vetinary, or horticultural care to which an organism is entitled -- as in a "species typical norman."

Dresser (n). A heterophenomenologist. As contrasted with a homophenomenologist, otherwise known as a cross-dresser.

Coup de garcia (n). A coup de garcia is a coup de grace in sheep's clothing, usually delivered in a spirit of bemused puzzlement in response to a repulsive bioethical argument. As in, "The utilitarian's argument for an organ transplant lottery was ultimately defeated by Jorge's coup de garcia."

Kiss (pronounced as in "guiche") (n). A deflationary instrumentalist argument for rights, as in "real deontologists don't like Kiss."

Lynn (v). To leave the room in response to a carefully timed beeper call, e.g. "After Steiner scored a home run with his argument, Petersen lynned out."

Rosenthralled (adj). To admire or to be enthralled with sleazy professionals. Named after a well known professional baseball player -- Pete Rose -- who was alleged to have violated the ethical standards of his profession. "Whereas most people disapproved of the politician with dirty hands, Alan was rosenthralled."

Steiner (n). A knock down legal argument or verbal black-eye used in defense of a university against non-meritorious legal accusations. As in, "Dan responded to the frivolous suit by giving the opponent a Steiner."

Thompsonist (n). One who follows the principal teachings of St. Thomas's illegitimate son, namely, that controversial ethical issues should be settled by compromise, and accommodation rather than the moral truth. "Whereas the Thomist argued that the natural law requires that any seminar in ethics require at least 100 pages of reading, the Thompsonist compromised on 50."

Wolf (excl). An exclamation uttered in concession to a jewish feminist, embedded, contextual, and socially constructed argument. Wolf is usually cried in response to a devastating feminist victory otherwise known as a sher-win. "When Dennis concedes that Susan is correct, it is the goy who cried wolf."

