

Harvard University
The Program in Ethics and the Professions
Annual Report 1993-94

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To: President Neil Rudenstine

From: Martha Minow

Subject: Annual Report of The Program in Ethics and the Professions

Date: June 30, 1994

When I accepted the position of Acting Director for 1993-94, I told you that I found the Program in Ethics and the Professions to be "a gem," and I hoped that I could help it continue to shine while Dennis Thompson had a well deserved sabbatical leave. As my rewarding year comes to a close, I would like to confirm that this is indeed a precious Program. However, I would like to improve upon the image for describing it. The Program has become the cornerstone of ethics at Harvard, building a foundation for scholarship, instruction, and high-level discussion of ethics at the University, in the United States, and in the world. Yet even this image is inadequate, because it fails to convey the vitality, energy, and synergy that characterize activities in the Program. So how about a water wheel? I am myself most impressed by the genuine excitement and dynamism exhibited by the Fellows, Faculty, and students involved in the Program. The core Program of Fellows and Graduate Fellows, the lecture series, and the vital activities in ethics courses and discussion groups across the University create an ongoing cycle of thought, argument, and insight while producing energy for more.

There are enormous and challenging ethical issues in the world that invite us to construct collaborative responses within the University and with larger communities. The Program in Ethics and the Professions has already demonstrated remarkable progress in the difficult task of building bridges between professional and technical knowledge and moral inquiry. Besides providing direct support for individual scholars and areas of the University already committed to this task, the Program stimulates others to join in, and creates settings for genuine intellectual exchange that fulfills a vision of a "multi-University." Consequently, the whole is greater than the sum of the parts and, thus, the Program wonderfully exemplifies the themes you have articulated for the recently launched capital campaign. The campaign itself comes at a crucial time in the life of the Program, which needs to sustain support to continue and deepen its role.

You have already seen the Five Year Report, *Ethics at Harvard*, and Dennis Thompson's proposal for the theme of ethics in the capital campaign, which describe in detail how the Program has nurtured faculty specializing in ethics as well as programs and courses within each of the faculties. I will describe in this report developments during 1993-94 in both the core Program and in teaching and research on ethical issues throughout the University.

For me, the highlights of the year include these events and moments: 1) at one of the dinners following a guest lecture, a young Graduate Fellow from Germany explained the significance of his immersion in the work of John Rawls given the continuing dominance of utilitarian frameworks in German approaches to biomedical ethics; 2) during a farewell lunch, one of our Fellows, who usually works on highly abstract philosophic issues,

declared that he had not realized until this year how interesting it is to work on more applied issues, and therefore he will look for ways to do so in the future; and 3) a current Fellow, who is the ethicist at a local hospital, arranged for the Fellows to observe a meeting of the hospital ethics committee—and that experience clearly altered, enriched, and stretched the Fellows' understandings of moral deliberation as practiced in the field.

I also found gratifying the positive responses to my three innovations. Works-in-progress lunch-talks brought accomplished faculty members into sustained conversation with our Fellows; a film series enlivened discussions about ethics; and joint-sponsorship of a major event built ties with other parts of the University. In addition, Fellows gave and attended lectures, and pursued their own writing and research. Some made career advances, and all found encouragement and constructive criticism for their work. The Fellows' reports of these accomplishments are attached as Appendix I. I would like to thank you for the privilege of serving as Acting Director and benefiting from the water wheel of activity and inquiry that is the Program in Ethics and the Professions.

The Current Fellows

This, the seventh class of Fellows, was the youngest, with an average age of 36.5. It included two young philosophers, two lawyers at the early stages of their academic careers, a nurse who is a national leader in biomedical ethics, and a senior scholar in political science who is an authority on public and private insurance systems. Describing the group along different dimensions, it included three women and three men, an African-American, one expert in religious ethics and another who has launched a program to train professionals and lay people to mediate disputes in Nicaragua.

The greatest challenge in the Program is to develop common ground for communicating and working together across the diversities in training, background, and interests of the Fellows. In their individual reports (attached as Appendix I), the Fellows describe how the year afforded each of them uncommon opportunities to learn about theories and practices previously unfamiliar to them but now important to their work. Our success in this endeavor in no small measure reflects the contributions of Arthur Applbaum, Associate Professor of Public Policy at the Kennedy School, who regularly attended the Fellows' seminar and all the events of the Program. As director of the Graduate Fellowships in Ethics, Arthur provided a crucial link between the "big" Fellows and the Graduate Fellows; as a former Fellow in Ethics, Arthur consistently helped to clarify bodies of literature while exemplifying the virtues of rigorous and open-minded inquiry.

The Fellows did not just take; they also gave—to each other and to the University. This proved to be an unusually collegial group of people who offered valuable comments and assistance to one another on research projects and who took part in courses, seminars and events at the Law School, Kennedy School, Medical School, and Divinity School. All of the Fellows participated in courses offered in the University, and several professors conveyed their gratitude for such lively and informed participants. One Fellow volunteered in a local elementary school under the School Volunteer Program sponsored by the Kennedy School, and developed a series of classes for six- and seven-year-olds entitled "How Making Rules Can Help Us Fix Problems." These activities represent benefits not only to the Fellows but also to the larger community and thus exemplify the benefits we hope that the Ethics Program brings to Harvard.

Four of the Fellows return to their prior positions. The two philosophers are fueled, I believe, with new commitments to address problems in practical and professional ethics; David Estlund returns to Brown University and Michael Hardimon to M.I.T. Returning to the Florence Heller Graduate School for Advanced Studies in Social Welfare, Deborah Stone, the political scientist, is sure she will draw on her recent immersion in philosophic work in ethics as she completes her book on the moral dimensions of insurance. Christine Mitchell, the nurse-ethicist, has been rejuvenated by the year of study and film-making and rejoins the staff of Boston Children's Hospital. Timothy Lytton has chosen to spend next year pursuing advanced Talmud studies at the David Shappell College of Jewish Studies in Israel. He believes that his work as a law professor demands a deeper source of ethical argument and insight, and he (and we) expect him to carry the benefits of his Fellowship year to Israel and eventually back to law teaching. Leslie Griffin has accepted an exciting offer to join the faculty at Santa Clara Law School where she will teach biomedical issues, among other subjects; her new dean has already encouraged her to consider developing a center for ethics and law. I have no doubt that the trajectory and focus of each of these individuals has been influenced—for the better—by their year at Harvard.

Innovations

1. Lunch Series

When I was a Visiting Professor on the Program, I enjoyed the chance to rub elbows with distinguished scholars, but watched too many public lectures, cocktail hours, and dinner conversations go by without real opportunities to discuss those scholars' actual works-in-progress. Therefore, this year, I offered to organize informal lunches for the Fellows to which we would invite distinguished guests who would be willing to discuss their current work. We found this format to be remarkably successful in generating insights, clarifying difficult points, and triggering conversations that continued beyond each individual event. We also found it to be a fine context in which to take advantage of scholars passing through Cambridge, as well as those situated here. Finally, this setting provided one of the best venues for Fellows and Graduate Fellows to join in sustained intellectual inquiry. The list of lunch-time invitees reflects the interests and requests of this year's Fellows:

Marion Smiley: A professor of political philosophy at the University of Wisconsin, Smiley wrote a book on the moral dimensions of community, which generated considerable interest among several Fellows. At the invitation of the Fellows, she spoke at our first lunch event on December 2, 1993. She discussed two areas of her work: concepts of moral responsibility as markers of community, and issues of state paternalism. Professor Smiley also met individually with many of the Fellows to discuss *their* work, which she had invited them to send to her in advance. By coincidence, Professor Smiley applied to become a Fellow in 1994-95, and we are delighted that, having accepted our invitation, she will be with us in the coming year.

J. Bryan Hehir: Father Hehir, Professor of the Practice in Religion and Society at the Divinity School, and a Faculty Associate of the Program, spoke at a lunch on December 16. He gave an extraordinarily adroit presentation on the ethics of war and deterrence in

the post-Cold War world. He also offered heartening reflections on the role of ethics in the actual negotiating practices of U.S. officials. We were very pleased to have the chance to visit with this truly remarkable individual, who also helps provide the Program with a bridge to the Divinity School and the world of religiously-grounded ethics.

Larry Blum: Professor Blum, a philosopher who teaches at the University of Massachusetts, and a Fellow in Ethics in 1992-93, joined this year's Fellows on March 18 to discuss his newly published book, *Moral Perception and Particularity* (Oxford University Press). The ensuing discussion of moral perception, including the capacity to notice morally relevant features of situations, considerably deepened a discussion we had begun earlier in a seminar session.

Peter Singer: Traveling from the University of Monash in Australia to promote his latest book, *The Great Ape Project*, Professor Singer joined us for lunch on March 21. He spoke about the work he and others are doing to accord greater moral rights to all higher primates. The topic initially struck some Fellows as somewhat wacky, but it is fair to say that Singer wowed them. The discussion led into several areas of bioethics, in which Professor Singer has been a leader. He also talked about the experience of facing censorship and boycotts by anti-euthanasia groups in Germany.

John Rawls: A regular participant in the lectures and dinners of the Program, Professor Rawls nonetheless is usually too modest to allow the conversation to turn to himself and his work. Thus we were especially pleased that he allowed us to do just that in a very special lunch discussion on April 7. This centered around the question of precisely how restrictive the concept of public reason is, and whether religious groups could accept it. Since Rawls' work has inspired and guided many of the Fellows, and figured prominently in seminar discussions, the lunch with him was, for many Fellows, a highlight of the year.

David Lyons: Professor Lyons, of Cornell University, who has been in residence at Harvard this year, joined the Fellows on April 19 to discuss a current draft article, which argued that the main proponents of civil disobedience—Thoreau, Gandhi, and King—advanced more radical challenges to law and the state than contemporary accounts acknowledge. The discussion turned more generally to the limits of political obligation in an unjust society.

2. PEP Film Series

To promote shared experiences for discussion, and bring together Fellows, Graduate Fellows, and Program staff, we launched an informal film series. We viewed movies both on video and in commercial theaters and held discussions following each viewing. Two of the movies, *Shane* and *The Remains of the Day*, provided opportunities to discuss the notion of particular ethical standards that accompany the professional roles of the hired gunfighter, and the butler. Both stimulated debate about whether a particular role can provide an excuse or justification for what would otherwise be unethical behavior. *To Kill a Mockingbird* and *Philadelphia* elicited discussion about legal ethics—in particular the ethical demands on lawyers to represent unpopular clients, and the places for truth-telling and truth-withholding in the law. *Shadowlands* gave rise to reflections on the role of religious conviction in the teaching of ethics. *Schindler's List* was quite a difficult film experience, and discussion was quite muted. It focused on the idea of moral heroism.

Fellow Christine Mitchell's film about nursing ethics, *Code Grey*, generated much talk about the quotidian nature of conflicts of interest in professions such as nursing. The films provided concrete examples and vivid images that captured general and abstract themes developed in discussions throughout the year. They also offered an opportunity to convene in less formal settings to share thoughts, concerns, and anecdotes about professional ethics.

3. Collaborative Projects

Jointly planning and hosting events can symbolize our connections with other parts of the University and forge new partnerships and affiliations. Although such projects involve considerable staff time and logistical planning, we were very pleased that several programs and departments collaborated in a joint effort to bring Professor Lani Guinier to campus for a public lecture. This successful event was jointly sponsored with the Institute of Politics Forum at the Kennedy School, the Afro-American Studies department, the Law School's Program on the Legal Profession, the Black Law Students' Association, and Professor Randall Kennedy's *Reconstruction* Magazine. Professor Guinier's talk doubled as the keynote address for the Black Law Students' conference on the 40th anniversary of *Brown v. Board of Education*, and was the closing event of the Program's lecture series. Before the lecture (which is described more fully *infra* in the summary of our public lectures), Professor Guinier joined participants from each of the sponsoring groups for a fascinating lunchtime discussion of her ideas and experiences. That occasion provided an opportunity for people from various parts of the university to meet one another and demonstrated the usefulness of this kind of basic level collaboration.

The New Fellows

Selecting the Fellows for 1994-95 proved especially strenuous given the record number of applications (95 compared with 83 last year). The applications came from faculty at 36 colleges and universities in the United States, and 14 other countries (Australia, Canada, China, England, India, Israel, Mexico, Norway, Romania, Singapore, South Africa, South Korea, Spain, and Switzerland). The applicants ranged in age from 27 to 62, with an average age of 43. Twenty-five women applied (26 percent of the total). More applicants came from law (17 percent) than any other field. Other fields with substantial representation were: philosophy (15 percent), government (15 percent), medicine (13 percent), and business (13 percent). The Committee agreed that the top quarter of the applicant pool met the high intellectual standards called for by the Program, and that the candidates in philosophy seemed particularly strong.

The unique opportunity to include several of the strong candidates in one group—and our deferral until this coming year of a Fellow we had invited previously—led the Committee to select eight Fellows, the largest class to date. Through careful arrangements with other faculties, we were able to find support for all eight Fellows, and we look forward to watching their synergy. The average age of this multi-talented group is 39, and includes two women (one of whom is African-American). The balance of professional backgrounds is terrific: there are two lawyers (one is also a political scientist), two physicians (one a white South African), a professor of medical ethics, two philosophers, and (for the first time in several years) a professor of business ethics. Their impressive professional records and biographical descriptions appear in Appendix III.

The Graduate Fellows

Our Graduate Fellows program, now in its fourth year, offers one-year Fellowships in Ethics to outstanding Harvard graduate students who are writing dissertations on topics related to ethics, and to students in the professional schools who are undertaking comparable research projects. The Graduate Fellows meet weekly in their own seminar, led by Arthur Applbaum, and participate in the lectures and other activities of the Program. Supported in part by the American Express Fund, the Fellowships are designed to encourage younger scholars to dedicate their careers to teaching practical ethics in professional schools and arts and sciences faculties.

This year's Fellows were eclectic in their backgrounds and interests. One, a philosopher and actuary, is developing a political philosophy of professional communities. Another, a political theorist, studies ethnically and religiously divided societies. A third, also a political theorist, seeks to show that skepticism is compatible with humanism and the liberal tradition. An economist has completed a dissertation on the causes of excess female mortality in the developing world; and a former Graduate Fellow, who returned to participate in the seminar, has written on the emerging doctrine of the appearance of legitimacy in Supreme Court decisions. The five seminar participants included two international students and one woman. (See Appendix II for the Graduate Fellows' reports.)

Former and current Graduate Fellows are beginning to take up important ethics-related teaching and research positions. One will teach professional responsibility on the faculty of the University of Maryland Law School; another will join the Young Scholars Program of the World Bank; and a third has won a Robert Wood Johnson Foundation postdoctoral fellowship in health care policy at Yale.

As the reputation of the Graduate Fellows program grows, the number of exceptionally talented applicants increases. Candidates for the 1994-95 fellowships were so promising that we sought additional, one-time funding, and increased the number of fellowships from four to six (see Appendix IV). The group is intellectually outstanding and diverse in terms of disciplinary training, country of origin, race, and gender. It includes two philosophers, a lawyer and political theorist, a scholar of English literature, a student of organizational behavior, and an economist-anthropologist. There are three women (one of whom is African-American) and a student from India. The chance to support and influence the intellectual development of this talented group will be a highlight of the coming year. Two of the students received concurrent fellowships in professional ethics elsewhere in the University. One will join the Law School's Program on the Legal Profession as a Keck Fellow, and the other has been named a predoctoral Fellow in the Pacific Basin Research Project on Human Dignity at the Kennedy School, which is directed by Professor John D. Montgomery. These partnerships help defray the expenses for our Program, while helping us to build ties with other parts of the institution.

Changes in the Roster

We are pleased to report that the Program has two new Faculty Committee members and a new Faculty Associate:

Joe Badaracco, the newly appointed John Shad Professor of Business Administration, and Faculty Committee member, brought his wisdom and experience to bear on the Faculty Committee meetings to select next year's Fellows. Joe is a former Fellow in Ethics and a member of the ethics group at the Business School, whose activities are documented in this report. All of us agree that Joe is a worthy successor to Tom Piper as the Business School's representative on the Committee.

Mark Moore, Guggenheim Professor of Criminal Justice Policy and Management at the Kennedy School, was appointed a member of the Faculty Committee, replacing Steven Kelman, the Weatherhead Professor of Public Management, who is serving with the Clinton administration in Washington DC. Mark was the Founding Chairman of the Kennedy School's Committee on Executive Programs and Faculty Chairman of the Program in Criminal Justice Policy and Management. He has been an active participant in our Program's activities and, in tandem with the other Committee members, helped select the new Fellows for 1994-95. We are delighted that Mark will be even more closely involved with the Program over the next several years.

Ezekiel Emanuel, Assistant Professor of Medicine, and a medical ethicist at the Medical School, has joined the roster of our Faculty Associates. Zeke, who was a Fellow in the first year of the Program, is a nationally recognized leader in the area of end-of-life care and the use of living wills, as well as on the physician-patient relationship and health care reform. In 1993, he served as a medical ethicist on President Clinton's Health Care Task Force. We are pleased to have Zeke once again formally affiliated with the Program.

Tom Piper, Senior Associate Dean for Educational Programs at the Business School, and a charter member of the Faculty Committee, stepped down this year, and has been succeeded by Professor Joe Badaracco. Tom's significant contributions to the core Program, to the work of the Faculty Committee, and to the ethics initiatives at the Business School have been invaluable, and we are delighted that he will continue to advise and assist the Program as a Faculty Associate.

Public Lectures

Perhaps most visible to the outside world is the Program's distinguished lecture series in professional and practical ethics, supported by a fund established by the late Obert Tanner. This series has provided one of the first truly University-wide settings for intellectual interchange; it helps to forge just the kind of connections across disciplinary and school boundaries that you have encouraged. The series is highly regarded and draws overflow crowds from the University and the wider community. I am struck by the number of senior faculty members from many schools and departments who make a point of coming to the lectures; often it is their questions that make the sessions so memorable. We continued the tradition, established by Dennis Thompson, of turning the dinners that follow each lecture into advanced seminars, with one conversation encompassing the 20-30 Program affiliates, Fellows, and Faculty Committee members in

attendance. It is here that some of the most striking exchanges between philosophers and practitioners occur. It was also my great pleasure to hear that these sessions proved deeply valuable and provocative to the honored guests. Indeed, several reported that they outshone all other events in which they discussed their work.

Thomas Beauchamp, from the Kennedy Institute of Ethics at Georgetown University, and author of the leading text on biomedical ethics, gave the first lecture: "Why Principles are Essential in Biomedical Ethics." He accepted that moral reasoning is not primarily a matter of logical deduction from principles to cases, and that principles themselves are often constructed or invented to reflect our less general moral convictions. Principles ought to be understood, he argued, as never more than *prima facie*, giving good but insufficient reasons for a moral choice. This model is not appreciably different, he said, from casuistical approaches — those that emphasize the original justificatory weight of convictions about individual cases. So understood, principles are immune from the main objections to emphasis on principles, although critics averred that Beauchamp may have undermined the role of principles in the proper structure of moral wrongness. This lecture initiated a discussion at the Program which continued throughout the entire year, about the proper relationship between fact-based reasoning and principles in ethical analysis. Professor Beauchamp's own ideas on this topic seemed in transition, and the audience avidly participated in discussing the dangers and attractions of pragmatic, contextual reasoning.

Joseph Raz, from the Department of Philosophy, Balliol College, Oxford, spoke on "Duties of Well-Being." It was an elegant talk that ranged across several topics, including the proper demands on society to afford individuals opportunities for self-fulfillment, and the very nature of duty itself. A central theme of this complex and subtle lecture was the confrontation between the widely accepted duty to see that the lives of others go well on one hand, and the fact that adversity, challenge, and the real possibility of failure are integral to well-being on any plausible account. His thesis was that we have an obligation to promote people's basic capacities, so that they are able, if they commit themselves, to engage in a sufficient variety of activities with enough skill to make their lives valuable. Beyond this, it is not obligatory, and often not permissible, to try to see that they succeed in their aims. Professor Raz also provided stimulating comments on methods of analysis he finds appropriate to moral problems.

Iris Young, a philosopher who teaches at the Graduate School of Public and International Affairs, University of Pittsburgh, and who regularly bridges the worlds of philosophy and public policy, offered a provocative lecture entitled, "Mothers, Citizenship and Dependence: A Critique of Pure Family Values." Using *Liberal Purposes*, a recent book by William Galston, as a foil, Professor Young critiqued the conception of family roles at work in prevailing public policies such as welfare and employment discrimination. She challenged the practitioners in the audience to think beyond contemporary political "realities" while also urging the philosophers to turn to practical issues affecting poor people, especially women and children.

Frances Kamm, whose many distinctions include her year as a Fellow in Ethics, came from the Department of Philosophy at New York University to lecture on "High Theory, Low Theory, and the Demands of Morality." In a breathtaking tour of methodological alternatives, and a review of aspects of both her own work and recent work by Ronald

Dworkin on biomedical ethics, Professor Kamm returned to topics addressed by both Beauchamp and Raz and illustrated why some kinds of moral issues lend themselves to reasoning more local than abstract without, at the same time, devolving into unprincipled random results.

Stephen Holmes, Professor of Law and Political Science at the University of Chicago, chose a title that prompted the most inquiries for explanation. The first phrase of his topic, "Kto vinovat? The Moral Psychology of Post Communism" means "Who is to Blame?" and he used the occasion to compare two alternate theories about contemporary moral psychology in post-Communist Eastern European countries. One explained how people, shocked by massive change, blame everyone, and the other explained why people, shocked by how little change has occurred, do not know whom to blame. Prompted by Professor Holmes' talk, the place of psychology in both moral reasoning and political analysis emerged as a central topic.

Lani Guinier: In the event jointly sponsored by our Program, the Institute of Politics Forum at the Kennedy School, the Afro-American Studies Department, the Law School's Program on the Legal Profession, and the Black Law Students' Association, **Lani Guinier** of the University of Pennsylvania Law School spoke on "The New Civil Rights: What I Would Have Said." Illuminating her theories of representation relevant to voting rights, as well as her response to the nominating process for high public office, Professor Guinier addressed a standing-room-only crowd in the Forum and gave a model talk in terms of care, precision, clarity, elegance, and responsiveness to questions. Like James Madison, Guinier questions situations where 51 percent of the people enjoy one hundred percent of the power, especially when the "self-interested majority" fails to rule on behalf of all the people. In situations like these, she says, minority rights are insecure. Guinier seeks "alternative and race-neutral remedies to empower all voters."

Faculty and Curricular Development at Harvard

Ethics at Harvard must—and does—mean more than the core activities of the Program, and, as Acting Director, I had the good fortune to glimpse some of the direct and indirect connections between the Program and the rest of the University. As a speaker at the Faculty Seminar at the Division of Medical Ethics, I gained enormously from the comments on my talk entitled, "Families of Patients, Family as Patient." The Nieman Fellows invited me to speak on ethics in journalism and law, and rewarded me with a most stimulating discussion of international affairs, family law, crime, and sensationalism in American culture. Members of the Business School faculty discussed the new MBA program with me, and the School of Public Health and Law School Human Rights Project asked me to speak on the topic of health and human rights at their jointly sponsored conference. A series of lectures, simulations, and consultations with guests, sponsored by the Program on the Legal Profession, benefitted me professionally while demonstrating the organizational zest of Professor David Wilkins (a past Fellow of the Program). A Faculty seminar on family values and policies, hosted by the Divinity School, assembled throughout the year a diverse group from various parts of the University; and participants in the School's Center for the Study of Values in Public Life consulted—and instructed—me. From these small encounters, I can attest that ethics as a topic is not only present but vital at Harvard. The following more detailed summaries of developments around campus reflect reports beyond my own personal encounters.

The Business School

During 1993-94, the Business School continued to strengthen its portfolio of business ethics courses. In addition to the module required for all first-year MBA students, second-year students were enrolled in seven sections of four different courses in business ethics. Four of these have been taught previously: "The Business World: Moral and Social Inquiry Through Fiction," "Moral Dilemmas of Management," "Profits, Markets, and Values," and "Managing for Organizational Integrity." As a result of further course development by Lynn Sharp Paine and Joe Badaracco, two of these courses—Moral Dilemmas, and Organizational Integrity—will be expanded to thirty sessions during 1994-95. Next year, Greg Dees will continue to offer "Profits, Markets, and Values," as well as a half-credit version of a new course, "Entrepreneurship in the Social Sector," to which he has been devoting a significant amount of time during the past year. This course will concentrate on the role of entrepreneurs in providing socially important goods in circumstances in which the boundaries among business, government, and the nonprofit sector are blurring. The course represents a significant step by Greg and other members of the ethics group at the School to expand research and course development to include the management of the not-for-profit sector of the economy.

Perhaps the most significant development in the past year has been the commitment of "Leadership and Learning," the intensive review of the entire MBA program to expand the program's efforts to help students understand the issues of leadership, values, and social responsibility that they are likely to face in their careers. The new mission statement of the MBA program makes an explicit commitment to such an effort, and it is likely that an expanded version of the first-year module will become a basic component of "Foundations," a new four- to six-week introductory program that will prepare students for the rest of the required MBA curriculum. In a related development, the MBA student body strongly endorsed the creation of an HBS Honor Code which students and faculty have been developing over the past two years. The first steps in the implementation of the Honor Code will take place next year.

The research efforts of the School's ethics group have also continued. Lynn Sharp Paine, whose article "Managing for Organizational Integrity" was published in the *Harvard Business Review*, has another piece entitled "Law, Ethics, and Managerial Judgment," which will appear in the *Journal of Legal Studies Education*. Joe Badaracco's article "Business Ethics: The View From the Trenches," will be published later this year in the *California Management Review*. In addition, a casebook prepared by Joe Badaracco, entitled *Business Ethics: Roles and Responsibilities*, which presents much of Joe's course development work of the past several years, will be published by Richard J. Irwin, Publishers, of Illinois. Members of the group continue to work with their colleagues in other areas—both on the development of ethics-related cases and on teaching plans for them.

In events beyond Harvard, Greg Dees, George Lodge, and Lynn Sharp Paine presented a workshop on teaching business ethics for management educators in Taiwan. The workshop, which was held in May, was sponsored by the National Taiwan University College of Management and Graduate Institute of Business Administration. In June, Lynn Sharp Paine was a featured speaker at the inaugural conference for the University of Hong Kong's Centre for the Study of Business Values. In addition, at the University of Florida in March, Lynn presented a paper entitled "Moral Thinking in Management" at a conference honoring Professor R.M. Hare.

The Kennedy School

Ethics at the Kennedy School appears to have survived Dennis Thompson's year-long absence. Mark Moore has brought his wise counsel to the Program's Faculty Committee, and a rigorous and focused course in political ethics is now an established part of the core curriculum. Arthur Applbaum and Fred Schauer were joined in teaching the course by Mark Kleiman, a criminal justice policy expert with long-standing interests in political theory.

Students in the course confront a demanding set of readings in contemporary political theory and political ethics, and develop the skills of moral reasoning through short but challenging weekly written assignments. (As an educational dividend, this has also become the course where MPP students improve their writing skills.) The first part of the course explores central political ideas such as liberty, equality, community, utility, and democracy. The second part focuses on the moral responsibilities of public officials, especially when confronting other officials or citizens who hold different political ideas and principles, or who apply political principles differently. The course has earned a reputation for seriousness of purpose and, because of the intense interest of students in some of the illustrative policy questions that are discussed, it occasionally provokes some healthy controversy.

The School is still without a full-time senior faculty member in ethics and Applbaum, a junior member, continues to carry the largest burden in this area. Alan Wertheimer, a former Fellow and Visiting Professor, returned once again to field a course in ethics. Ken Winston, also a former Visiting Professor to the School and the Program, will offer an elective in the coming year. So the staffing of both required and elective courses continues to be precarious.

The Law School

The Program on the Legal Profession, with the generous support of the W.M. Keck Foundation, continues to make progress towards its goal of giving ethics a central place in the Law School curriculum. The Program brought several speakers to the School to discuss ethical issues with faculty and students. They included: Professor Susan Koniak of Boston University School of Law, who presented an introductory lecture for all first year students on the relationship between ethics and law; Jed Rakoff, a partner in the New York law firm of Fried, Frank, Harris & Shriver, who conducted three workshops on ethical problems in white collar criminal practice; United States Court of Appeals Judge Stephen Trott, who lectured and led a discussion on the ethical use of government informants; and Newton Minow, former managing partner of the Chicago law firm of Sidley & Austin, and Professor at Northwestern University's Kellogg School of Management, who lectured on ethics and global legal practice.

In addition, the Program sponsored a number of new curricular initiatives focusing on ethics, including: a mock trial and discussion of the limits of zealous advocacy for first year students; an exercise on the ethical duties of bank regulatory counsel in Professor Howell Jackson's course "Regulating Financial Institutions"; several new ethics-related innovations in Professors Todd Rakoff's, Randall Kennedy's, and Scott Brewer's first year contracts courses; and a new course taught by Professor David Wilkins on the ethical implications of the globalization of the market for legal services. Deborah Hellman, the

Program's first Keck Fellow and a former Graduate Fellow in Ethics, completed a productive year in which she wrote an article on the use of legitimacy in supreme court argument, and lectured on paternalism in legal ethics in Professor Wilkins' course on the legal profession. In the Fall, Deborah will begin teaching at the University of Maryland Law School.

Finally, Professor Wilkins delivered a number of ethics-related lectures, including "Double Duty/Single Purpose: The Professional and Social Responsibilities Expected of Minorities," and "Ethics and the Professions: Meeting the Challenge of Change in Maintaining Integrity." Professor Wilkins also completed work on "Practical Wisdom for Practicing Lawyers: Separating Ideals from Ideology in Legal Ethics," to be published in the *Harvard Law Review* in December, and "Every Day Practice IS the Hard Case: Confronting Context in Legal Ethics," forthcoming in a book on law and society.

The Medical School

The Division of Medical Ethics continues to thrive. The Fellowships Program, now in its second year, expanded from three to seven Fellows and included a philosopher-lawyer, a physician whose primary work is in public health, as well as five physicians practicing in Harvard-affiliated hospitals. The program, under the direction of Robert Truog and Allan Brett, former Fellows in Ethics, enlists physicians at an early stage in their careers, encouraging and enabling them to make ethics the focus of their future teaching and research. The 1993-94 Fellows in Medical Ethics are: Elizabeth Drucker, MD, JD, from Massachusetts General Hospital, whose interests include medicolegal and ethical issues; Howard Klepper, JD, a doctoral candidate in Philosophy at the University of Arizona; Karl Lauterbach, MD, MPH, MSc, a physician from Germany and a former Graduate Fellow in Ethics; Alex Flather-Morgan, MD, a Fellow in Pulmonary and Critical Care Medicine at MGH; Walter Robinson, MD, a physician at Children's Hospital; David Waisel, MD, an assistant anesthesiologist at Children's Hospital; and Deborah Zucker, Ph.D, MD, a chief resident in internal medicine at the Cambridge Hospital. We are pleased to report that Dr. Robinson will join the core Program as a Fellow in Ethics in 1994-95.

Fellows in Medical Ethics for 1994-95 will number seven, and, for the first time, the group will include a nurse. The seminar will change from bi-monthly to weekly, and visiting lecturers will be invited to join the sessions. The increased number of applications by well-qualified candidates, enthusiastic endorsement by the Fellows, and interactions with many Division members reinforces the central importance of the Fellowships Program in the life of the Division, as well as its promise to produce scholars and teachers in bioethics.

The Clinical Ethics Lecture Series, coordinated by Linda Emanuel, Associate Director of the Division of Medical Ethics, and former Fellow in Ethics, hosted fourteen lectures in as many different medical school institutions. This program, now in its fifth year, has given hospital and medical school departments the opportunity to host lectures on topics related to bioethics, based on their own schedule and format, and practitioners, trainees and students learn to appreciate the ethical dimensions of their professional lives. Linda also planned a co-directed course with David Wilkins—"Ethical Dilemmas in Clinical Practice: Doctors and Lawyers in Dialogue"—which will be cross-registered with the Law School for the 1994-95 school year.

The Faculty seminar included nine presentations by physicians, philosophers, a lawyer, and a philosopher-classicist. Attendance was excellent. In the area of teaching, Lachlan Forrow, former Fellow in Ethics, continued to work with the Faculty to give ethics themes a prominent place throughout the four-year curriculum, including the patient-doctor sequence, and the case-based basic science courses. The Division jointly sponsored a new course on health, law and ethics taught by Troy Brennan (also a former Fellow in Ethics), and continued to offer two sections of its basic medical ethics course, as well as two courses using literature to focus attention on the ethical issues arising in medicine. In 1994-95, two new courses will be launched: one, on professional responsibility, will be co-sponsored with the Law School, and the second, dealing with care near the end of life, will be jointly offered by the Division of Medical Ethics and the Departments of Medicine and Psychiatry.

Innovations include the Accountability Project, which addresses the issue of ethical accountability in medicine, and involves bioethicists, health policy experts, and Law School faculty; the Program in the Practice of Scientific Investigation, which focuses on ethical issues in science such as data management, mentorship, and conflict of interest; and an exciting new project using interactive computer technology—a library of video teaching materials, encompassing ethical issues such as informed consent, truth-telling, competence assessments, and experimentation.

The ties between the Medical School and the core Program offer a model for interdepartmental collaboration. The regular participation in Program events of leading figures of the Division of Medical Ethics strengthens the Program and assures cross-fertilization. In addition, Dr. Ken Ryan served as a crucial link between the Program and the Medical School. His work includes serving as Chair of the Ethics Committee of the Brigham & Women's Hospital, as a teacher of ethics for Fellows, students, and residents; chairing the Ethics Committee of the American Fertility Society; chairing the Commission on Research of the Public Health Services, and serving on the panel of the NIH Human Embryo Research. In his regular attendance at Program lectures and dinners, Dr. Ryan raised issues inherent in his own work, and carried discussion from the Program back to the Medical School and beyond.

The Faculty of Arts and Sciences

FAS continues to develop new courses or parts of courses which help to strengthen the study of ethical issues in the undergraduate curriculum. The grant from the American Express Foundation which supported this effort in curricular development has now been expended, but we regard the project as a resounding success, having supported the development of approximately forty-four courses and case studies over the life of the grant. A partial list of the awards appears in our five-year report, *Ethics at Harvard*, and a final report will be produced in the Fall.

Several of our associated faculty and graduate fellows, both current and former, are involved with the moral reasoning section of the core curriculum. This year Michael Sandel, a member of our Faculty Committee, offered his popular "Justice" course, and Deborah Hellman, former Graduate Fellow, joined him as a Teaching Fellow on the course. Angelia Means, who will be a Graduate Fellow in the Program and a Keck Fellow at the Law School next year, has been a Teaching Fellow this year for Seyla Benhabib's course "The Public and the Private in Politics, Morality, and Law." Erin Kelly and Tamar

Schapiro, new Graduate Fellows for 1994-95, will be Teaching Fellows for Tim Scanlon's course "Reason and Evaluation," which will be offered in 1994-95. Several other core courses currently being offered were developed with the support of the grant from the American Express Foundation.

Other Professional Schools

As the larger schools connected with the Program begin to find firm ground in their ethics initiatives, we are turning with new vigor to the other professional schools.

Harvard School of Public Health now requires each student to take the course "The Ethical Basis of the Practice of Public Health," which explores the ethical basis of public health interventions. It is taught by Michael Reich, Professor of International Health, Marc Roberts, Professor of Political Economy, and Faculty Associate of the Program, and Troy Brennan, Professor of Law and Public Health, and a former Fellow in Ethics. In addition, the School has initiated a very successful course on research ethics which includes topics on mentoring, authorship, ethics of animal research, confidentiality, and conflicts of interest. Next year, the School plans to enroll over 150 students in this course, which is taught by visiting lecturers and senior faculty, and coordinated by Dr. Brennan. Another focus for ethics in the School is the **Francois-Xavier Bagnoud Program in Health and Human Rights**. Headed by Dr. Jonathan Mann, the Program explores the conceptual dimensions and practical implications of the critical relationship between the promotion and protection of health and the promotion and protection of human rights. The Center publishes a journal, accepts fellows, and develops courses in the area of human rights. We referred two applicants for our Fellowships in Ethics to Dr. Mann for consideration this past spring, and hope to build more explicit lines of connection with the Center.

The Center for the Study of Values in Public Life at the Divinity School, founded in 1992, continues to grow. Through new forms of collaborative education, the Center's programs foster interprofessional and interdisciplinary discussions and cooperative projects among scholars, ministers, and professional practitioners at the Divinity School, at Harvard, and beyond the University. The Center's current teaching and research encompasses five overlapping areas of concern: "Business, Values, and the Economy" (directed by former Fellow in Ethics Robert K. Massie, Jr.); "Families and Family Policy" (directed by Constance Buchanan); "Harvard Seminar on Environmental Values" (directed by Timothy Weiskel); "Religion, Values, and International Relations" (directed by Dean Ronald Thiemann and J. Bryan Hehir, (a Faculty Associate of our Program); and Urban Studies (directed by Marcy Murningham). Periodic lectures and conferences feature leading policymakers and academics; a brown bag luncheon series draws political experts, journalists, and public health officials for conversations with faculty and students; and new courses are expanding the understanding of the underlying role that ethics and values play in contemporary society.

Before going on leave, Dennis Thompson had discussions with Jerome Murphy, Dean of the **Graduate School of Education**, and two of his senior colleagues, about the possibility of appointments in ethics at the School, as well as opportunities for collaboration with our Program. These interchanges will be reactivated in 1994-95. The School currently offers several ethics related courses, including the "Workshop on Professorial Ethics" which has been taught for the past two years by former FAS Dean Henry Rosovsky, and which will be offered again in 1994-95. The workshop attempts, through casewriting, to develop a

series of courses that examine ethical questions arising from teaching and researching in colleges and universities. Professor Amelie Rorty, an active participant in the Program, offered a course entitled: "Introduction to Philosophy of Education," which uses the writings of Plato, Aristotle, Augustine, Loyola, and Locke, as well as many authors of fiction, to consider such questions as: Who should be educated, for what, and by whom? What aspects of individuals should be developed? Which suppressed? The philosophers' views on education are located within the larger framework of their theories of knowledge and philosophical psychology, as well as their ethical and political theories.

Activities Beyond Harvard

The most important and enduring way in which the Program contributes to the explorations of ethics beyond Harvard is through the work of our current and former Fellows and Graduate Fellows. As they lecture and work in other colleges and universities, they bring challenging approaches that join ethics with professional and political practices, and they raise ethical consciousness in public settings ranging from hospitals and professional associations to the White House and Congress.

This year, I drew on my experience as Acting Director of the Program in my own work outside Harvard. This included: delivering named public lectures on medical ethics at the University of Maryland, and on welfare reform at the University of Connecticut; lecturing on journalism and ethics to a class at Boston University taught by the former editor of the Christian Science Monitor; organizing a conference, under the auspices of the American Academy of Arts and Sciences, on services for families with young children, focusing on the special ethical issues posed when workers enter the homes of those they intend to help; and, on the same topic, moderating two panels before an audience of 800 assembled by the Massachusetts Children's Trust Fund, and providing advice to two foundations interested in funding work in the area. I also joined twenty other scholars in a project advising Sheldon Hackney, Chair of the National Endowment for the Humanities, in his effort to frame a national conversation about being Americans in a multicultural society. In all of these contexts, the interest in the Program in Ethics and the Professions was intense and genuine.

I have been impressed by the Program staff's ability to serve as a national clearinghouse for information about teaching and research in practical and professional ethics. The inquiries to the Program cover an enormous range of issues, which include questions from students about pursuing ethics as a field, and requests for advice from colleges and universities, both in the U.S. and abroad, about setting up programs and courses and recruiting both faculty and funds. One request this year came to me from the Chicago Bears football team – although on further inquiry it proved to be a question from its CEO who hoped to produce an instructional program for other chief executives. Our staff provided a terrific set of materials and received appropriate thanks, but no free tickets to a football game. Besides offering direct assistance, the Program occasionally refers specific requests for information to faculty associated with the Program, to former fellows, and to scholars at other institutions. As with all other aspects of the Program, staff members Jean McVeigh, Helen Hawkins, Ted Aaberg, and Sharmila Sen provide extraordinarily competent, thorough, and generous assistance.

The Program continues to play an important role in the **Association for Practical and Professional Ethics**, a three-year-old national organization for teachers of applied ethics in institutions of higher education. Dennis Thompson, a founding member, remains a guiding figure for the group and serves on the Association's Executive Committee along with others currently or formerly associated with the Program. The Association's annual conference, held in February in Cleveland, Ohio, included participants from 37 states and six foreign countries. Daniel Callahan's keynote address, "Putting Moral Theory in Human Context," framed the meeting which featured more than 40 presentations on ethics in business, journalism, law, medicine, and government. Stuart Gilman, Special Assistant to the Director, U.S. Office of Government Ethics, spoke about fulfilling the legal obligation to provide ethics education for 250,000 federal employees. Next year's conference will feature a keynote address by William Galston, Deputy Assistant to the President for Domestic Policy. Great minds do think alike: our Program also successfully enlisted Galston to deliver one of our public lectures in 1994-95. We continue to work closely with David Smith at the Poynter Center (currently the headquarters for the Association), helping the organization fulfill its mission to encourage "interdisciplinary scholarship and teaching of high quality in practical and professional ethics by educators and practitioners."

Problems and Prospects

This Fall, Dennis Thompson will meet with the Provost and the Deans of the four contributing professional schools—Business, Government, Law, and Medicine. The group will discuss the priorities and goals in connection with the capital campaign, both for the core Program and the Schools. Since the health of the core Program depends on maintaining strong ethics programs in the Schools, their needs will also be considered in these discussions. The Program's budget, as it now stands, is geared to a level of activity that is the minimum required to sustain the Program. This allows for no flexibility for increasing the number of Fellows, mounting much requested short-term training sessions for faculty or practitioners, or developing new interdisciplinary projects.

Our financial needs, therefore, are both short term and long term. The short term needs relate to the fact that the basic support for the Program will terminate at the end of fiscal year 1995 with the expiration of the current agreement with the Schools. The long term needs include incremental support for activities we do not now undertake. These goals are amplified and their costs itemized in the proposal for the campaign which was submitted to you by Dennis Thompson last Fall. Everyone associated with the Program is delighted that you have chosen to identify ethics as an area of focus in the campaign, and we look forward to a successful conclusion.

To address the problem of faculty appointments in practical and professional ethics, we identified, as one of our campaign goals, the raising of funds to support chairs in ethics in the various schools. Sufficient funding would allow us to offer quality senior appointments in an area where few senior scholars of distinction are working. This is particularly true of business ethics, even though the financial constraints there are fewer. Our second objective is to recruit and develop exceptional junior faculty and graduate students who promise to make an impact in their field. Our Graduate Fellowships have contributed to this effort in no small degree, as you can see from the current report from

Arthur Applbaum, and previous annual reports. But time, and additional resources, will be required if we are to overcome the mindset that fails to perceive practical ethics as a rigorous subject that is crucial to the study and practice 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 exceptional. More and more young scholars of outstanding talent are choosing to devote themselves to teaching and research in practical and professional ethics. As this intellectual movement grows and spreads to other institutions, more talented people will produce insightful scholarship and powerful teaching. We look forward to the day when such work will irrigate professional training as well as liberal arts so that rigorous attention to ethical concerns may even become overflowing. Sustaining the water wheel of activity that itself generates energy and enables advances in ethical thought and practice is the promise of this outstanding Program.

Appendix I
Reports of the Fellows
1993-94

HARVARD UNIVERSITY

The Program in Ethics and the Professions

79 J.F.K. Street

Cambridge, Massachusetts 02138

David Estlund

Fellow, 1993-94

Final Report:

*What I Did On My Fellowship Year**

April 21, 1994

My fellowship year at the Program has been of enormous value, and not in just one way but in many ways. Before listing my activities during the year, I'd like to reflect briefly on how it all worked.

Being granted fellowship support to combine with my sabbatical to get a year of teaching relief has been crucial to the vitality of my research and writing. It is often not mentioned that research leaves are important aids to high quality teaching. The reason is that the research will be done with or without such leaves, partly because universities demand it, and partly because scholars are internally impelled to do it. So unless there is sufficient time allotted for exclusive attention to research, its imperatives will chronically distract faculty from their teaching duties. After a year of only research, I have more time and motivation to devote to teaching during the next several years (after which time I would be happy to return to PEP!)

In addition to being given this leave, it has been of immeasurable value to spend it at Harvard. The great thing about a place like Harvard is the first rate people who are here, either permanently or just passing through. The names listed below in my report of my activities is not a complete list of those with whom I have met and established relationships, but those names alone represent a large part of the great privilege this year has been for me. That list doesn't include the talks and dinners and lunches associated with PEP, including Joseph Raz, Iris Marion Young, Tom Beauchamp, Francis Kamm, Stephen Holmes, Brian Hehir, Peter Singer, John Rawls, and David Lyons (this still leaves out numerous distinguished audience members and dinner

* (not including my summer vacation)

guests). I hope none of the others would feel slighted by knowing that the regular contact I have had with John Rawls, whose work has been singularly influential – even inspirational – in my own philosophical development from the beginning, has been a highlight among the highlights of my year at Harvard.

Especially for someone with my interests, ranging beyond ethics into political philosophy, Harvard offers a dazzling set of resources, including the Program in Ethics itself, the numerous programs in the Kennedy School, the Government Department, the Law School, and the Philosophy Department. I have profited from each of them.

I turn now to the Program in Ethics and the Professions itself. I leave my fellow fellows to the side, to be addressed below. My main contact with Martha Minow and Arthur Applbaum was centered in the seminar (since neither keeps a regular office in the Program) though it grew beyond this in both cases. They were our leaders, (Martha as Director, and Arthur as Experienced Guide) and they were masterful. My main observation, however, is how complementary their approaches are in this context. At the risk of exaggerating things to make this point, Martha's commitment to keeping us anchored on earth, and with an eye (at least one) on the real lives that make up the moral life, was often met with impatience (by me) when it seemed to be at the expense of pursuing and refining an important intellectual issue. And yet, by the end of each seminar I was happy to concede that our overall treatment of the issues was improved by Martha (who can do "important intellectual issues" as well as anyone, when she thinks there's a sufficient value to it) demanding examples, inclusion, and cash value. Arthur, whose style in the seminar and elsewhere is always patient, polite, and unflinchingly good-humored (he can do "real world" as well as anyone, when he thinks it's being done right), nevertheless regularly dispelled confusions, and took us to the next step in the analysis with a few brief, articulate, and penetrating distinctions. I believe Arthur's more theoretical correctives were sometimes met with impatience by those with both eyes "on the prize," and yet I doubt that anyone would deny in retrospect that the rigor he supplied was invaluable.

I believe this account of the team of Martha and Arthur captures something of the dialectic that was so creative in the interactions of the fellows, and, by the end, perhaps within each fellow. I won't single any fellows out for special

mention here, but our interaction was successful, I think, less in terms of any shared specialized knowledge, and more in terms of an unusual mutual willingness to hear and take seriously each other's opinions and even biases. Each seemed to have a genuine interest in not only the opinions, but also in the presuppositions of the others. As a result we got to the heart of the matter far more often than I would have thought possible in light of the great differences in perspective and training.

Finally, it is gratifying to know that my last set of remarks will be unoriginal, even tiresome to readers outside the program. The praise that the staff here receives in these final reports must surely strike outsiders as excessive. Some might even suspect that we have been bribed with treats, birthday celebrations, and extra-curricular get-togethers. We have. But our judgment is not easily clouded, and I join the others in soberly asserting that the efficiency and devotion of the staff (Jean, Helen, Sharmila, and Ted) are matched only by the daily pleasure of their company.

Report of Activities

Lectures:

1. Talk at Wisconsin Philosophy Department Colloquium, "Democratic Deliberation: Toward An Epistemic Proceduralism." Oct. 1, 1993.
2. Talk at Notre Dame Conference on John Rawls's *Political Liberalism*, "Political Justification and the Insularity of the Reasonable." Dec. 3-5, 1993.
3. Talk at Texas symposium on four books in legal and political philosophy, "Neither In Plato's Heaven Nor Out: In Defense of Rawlsian Purgatory" (comments on Thomas Seung's book, *Intuition and Construction*). Feb. 4-5, 1994.

Writing:

1. Final revisions on paper for *Texas Law Review*, "Who's Afraid of Deliberative Democracy? On the Strategic/Deliberative Dichotomy In Recent Constitutional Jurisprudence." (June 1993 issue; appeared in November)
2. Paper submitted to *Philosophy & Public Affairs*, "Democracy As The Public View: Toward An Epistemic Proceduralism."
3. Short Paper submitted to *Analysis*, "Mutual Benevolence And Happiness: A Reply to Nelson." (reply to Nelson's critique in Jan. JP of an earlier paper of mine.)
4. Paper nearly ready to submit: "Political Justification And The Insularity Of The Reasonable"
5. Short paper nearly ready: "Same As It Ever Was: The Survival Of Egalitarian Justice In John Rawls's *Political Liberalism*."
6. Shorter pieces for internal PEP use: "Does Role Morality Presuppose Consequentialism?" (Oct. 7); "On Formalism And Suffering" (Oct. 26); "A Brief Note On Young and Galston," (Feb. 18); "Pots, Kettles, And Genital Mutilation" (plus 2 addenda)

Events and Classes Attended:

1. Attended Tribe's Con law
2. Attended forums and talks:
 - Rawls, Sandel, Michelman

- Benhabib, Macedo
 - Coleman
 - Dworkin
 - miscellaneous philosophy things at Brown, Harvard and MIT.
3. Attended every PEP event, formal and informal (except the visit to Christine Mitchell's ethics committee, which conflicted with the Dworkin lecture)
 4. Got together individually with Michelman, Neuhauser, Brink, King (KSG), Lascher (KSG), Schauer (KSG), as well as Minow, Applbaum, and most fellows. Still plan to with Rawls, Benhabib, and Macedo.

Miscellaneous:

1. Attended regular reading group of local moral philosophers: Rorty, Brink, Lyons, Murphy, Hardimon, McIntyre
2. Chaired session at Brown conference on *Equal Protection And Its Critics*, March 11-12, 1994
3. Refereed two books for Cambridge University Press.
4. Continued work on Laws and Nature anthology edited with Martha Nussbaum.
5. Met regularly with Brown PhD students.

Leslie Griffin

This year in the Program offered me the opportunity to reflect on what it means to do interdisciplinary work in my two fields, religious ethics and law.

My written work this year has focused on the relationship between law and religion. I wrote a review essay of Stephen Carter's book, The Culture of Disbelief: How American Law and Politics Trivialize Religious Devotion, in which I argue that Carter gets the relationship wrong. I wrote a law review article entitled "The Lawyer's Dirty Hands." The article criticizes current interpretations of legal ethics as too permissive of a "dirty hands" morality. The article also explores the contributions of religious ethics to legal ethics. I am in the midst of another law review article on the ethics of judging. For that article, I have profited from the seminar's emphasis on the work of John Rawls, and from Professor Rawls' comments on religion and political liberalism during our meeting with him.

I addressed questions of interdisciplinary work in law and ethics in the lectures I gave this year. In January, I was the respondent to James Gustafson's Plenary Address, "The Relations of Theological Ethics to Other Disciplines," at the Society of Christian Ethics annual meeting in Chicago. Later that month I participated in a conference on the implications of Stanley Hauerwas' ethics for jurisprudence at Notre Dame Law School. I led a seminar at Boston College, for graduate students and faculty in religious ethics, on the relationship between theoretical religious ethics and "applied ethics." In December, I lectured on the problem of dirty hands and legal ethics at the University of Cincinnati School of Law and at Villanova Law School. I lectured on confidentiality and legal ethics at Santa Clara Law School in February.

I am in the midst of writing a lecture on justice and health care. The lecture, entitled "The Preferential Option for the Patient," will be the keynote address at the Catholic Health Association meeting in St. Louis on May 18.

During the year, I was able to attend two classes that were very valuable for my work. In the fall, I attended Bryan Hehir's class, "Politics, Ethics and Statecraft," at the Divinity School. Hehir's expertise in international affairs and political theory allowed me to devote more time to the institutional aspects of professional and political ethics. This spring, I have been attending Laurence Tribe's class, "Constitutional Law: Biomedical Choices at the Edges of Life and Death," at the Law School. The class was fascinating, and allowed me to look more closely at how constitutional law handles ethical questions. I proposed a similar course to my dean, and will be able to teach it as an advanced seminar in constitutional law next year at Santa Clara Law School.

22 May 1994

**Report on the 1993-94 Fellowship Year
at the Program in Ethics and the Professions
Michael O. Hardimon**

This has been a terrific year for me, productive, instructive, and enjoyable. Last year, when I was first told that I would be offered a fellowship in ethics for this academic year, I felt grateful. Now, having completed the fellowship year, I am even more grateful. The Program is a very good thing. Those who are chosen to be fellows are lucky.

1. Writing. My main project this year has been a philosophical investigation of the institutional dimension of the moral life and the moral significance of social roles. " The product of this research is an article entitled "Role Obligations." I presented early versions of this work at Tufts University, the Program seminar, and the University of Illinois/Chicago; the final version is forthcoming in the July issue of the Journal of Philosophy.

The article challenges the ethical mainstream's view that role obligations—obligations deriving from social roles such as citizen, family member, and doctor—are marginal features of morality. It attempts to provide a philosophical framework that will make it possible to take these obligations—and the institutional dimension of morality they exemplify—seriously from a philosophical point of view.

Although addressed to philosophers, the article is meant to speak to non-philosophers working on professional ethics as well. To philosophers it says: role obligations are not only interesting from the standpoint of applied ethics, they are theoretically interesting as well. To those working on professional ethics, it says: here is a general theoretical framework, distinct from both Kantianism and consequentialism, you may find illuminating: a framework which locates professional obligations in the broader context of the institutional dimension of morality.

During the term of the fellowship, I also finished the final, editorial, work on my book, Hegel's Social Philosophy: The Ethics of Reconciliation (Cambridge University Press, 1994), which has just appeared in the bookstores.

In addition to completing these two projects, I also began the research for a paper on the nature of racial identity and the question whether the ideal of "color blindness" is an ideal worth striving for, which I will present at a conference at Rutgers University entitled "Race: Its Meaning and Significance" this coming fall .

2. Seminar. I enjoyed and profited from our weekly seminar. I read texts I would not otherwise have read and thought about issues I would not otherwise have thought about. I became acquainted with such topics as the responsibilities of judges and the physician's duty to treat and acquired a basic understanding of a number of the central debates in professional and applied ethics. I also came to a real appreciation of the perspective, experience, and concerns of lawyers, doctors, nurses, and other professionals. By the end of the year, I had gained a deeper sense of the theoretical interest and the practical importance of the ethical issues posed by the professions.

The seminar made a tremendous contribution to my work on role obligations. Our readings on "the ethics of role" gave me something to react against: as the result of trying to articulate what I thought was wrong with the views we considered, I came away with a much better sense of how the subject ought to be approached. During those sessions, I also learned a great deal about the specific nature of professional roles, insights I tried to incorporate into the paper. The worries expressed by various people during our discussions of "role morality" deepened my understanding of the sorts of doubts and objections I would have to address in the paper. The paper itself was much improved as the result of the questions and criticisms raised in the session devoted to my research. I also benefited from out-of-class discussions of the paper with David Estland and Tim Lytton and the written comments of Arthur Applbaum and Deborah Stone.

The presentations I gave on the nature of ethical theory and the basic tools of ethical analysis provided an occasion to clarify my views on these matters and to work on the general problem of presenting the abstract fundamentals of "modern moral philosophy" to non-philosophers. My presentation on paternalism gave me a chance to get clearer about the basic concept of paternalism, to widen my understanding of the variety of problems of paternalism that arise in professional contexts, and to improve my grasp of the actual state of the debate in contemporary professional ethics.

For me the highlight of the seminar was our field trip to a meeting of the Ethics Advisory Committee at Boston Children's Hospital. Discussing textbook cases is a wonderful tool, but it is no substitute for the full concreteness of reality. Going to the meeting gave me a vivid sense of how useful, serious, and interesting "applied" or "practical" ethics can be.

Outside Activities. In addition to the Program seminar, lectures, and informal lunches, I also took part in various other activities. In the fall, I attended a lecture on the limits of the lawyer's duty of confidentiality by Susan Koniak in the Law School, and got a taste of the cutting edge in legal ethics. During the spring semester, I audited Chris Korsgaard's lectures on Kant's Ethical Theory in the Philosophy Department. The lectures were terrific. Listening to them, catching up on recent scholarly work on Kant, and re-reading Kant's own texts, made it possible to do something I have wanted to do for a long time now: to start thinking again about Kant's ethical thought. Going to Korsgaard's lectures in conjunction with our seminar proved to be especially stimulating, for the combination provided an wonderful context for constructing Kantian positions on issues in practical ethics—something which deepened my understanding of both practical ethics and Kant's thought. I also attended an informal ethics reading group composed of moral philosophers living in or visiting the Boston area. Finally, no discussion of my outside activities would be complete without mention of the Ethics Program Film Series. During the year we met to see movies and videos ranging from Code Gray (a documentary film concerned with the ethical problems of nursing, co-produced by Christine Mitchell) to Shane (on the role responsibilities of the gunfighter). The films were entertaining, made for good discussion and helped us, the fellows, become a group.

People. It was a pleasure spending the year with the other fellows. What a good natured, collegial, helpful, and friendly group! Not surprisingly, some of our best discussions took place informally, outside the seminar. To mention just two examples, I had stimulating conversations about the nature and existence of moral experts and expertise with David Estland, Christine Mitchell, and Tim Lytton, and had a fascinating and heated exchange with Christine and Leslie Griffin about a real case of medical paternalism. Martha Minow, the acting director, was extremely warm and supportive. She went out of her way to make this a rich and stimulating year for all of us. To her I am especially grateful. The Program staff, Ted Aaberg, Helen Hawkins, Jean McVeigh, Sharmila Sen, and our research assistant, Hong Shen, have probably spoiled me for life. They were invariably friendly, helpful, flexible, and

supportive—always willing to do that something extra to help us make the most of the fellowship.

Thinking back now, I'm struck once again by just how warm and supportive the Program has been. For the last year it provided an institutional refuge and home. I'm sad that the year is at an end.

Year-End Fellowship Report 1993-4

Timothy D. Lytton

When friends ask me what it has been like being a fellow at the Program in Ethics and the Professions, I describe it as being in the academic equivalent of Disneyland. The excitement of discussing political theory with John Rawls at dinner or talking jurisprudence with Martha Minow over lunch is hard to relate without betraying a sense of emotional thrill not unlike that of a little kid shaking hands with Mickey Mouse or singing along with Minnie. To have colleagues who are one's heroes is a rare treat.

Amidst all the fun and excitement I have even managed to get some work done. The following is a brief list of activities that being a fellow in the Program made possible.

1. I completed and submitted for publication an essay entitled "The Meaning of Wrongdoing in Tort Law: Facing the Challenge of Incoherence." The essay takes up the question of how it is possible to justify the coexistence of different standards of wrongdoing within tort law. This work is part of a larger project exploring the relation between legal and moral concepts that we employ in holding people responsible for harm.

2. I presented a work in progress on moral responsibility and tort law to the Ohio Legal Theory Workshop in March. I conducted a class on my work in a student tort theory seminar at Brooklyn Law School in April.

3. My ongoing work in Nicaragua has benefitted greatly from the freedom that the fellowship has provided me. In January I traveled to the University of Nicaragua Law School to conduct my sixth mediation training for local legal and social service professionals. Since 1991 I have trained 50 mediators who are currently settling approximately 40 disputes each month in the city of León. During the January trip, a group of these mediators formed a non-profit organization to assume administration of our efforts promoting mediation in Nicaragua. Being on leave allowed me to spend time during the spring writing grant proposals to the U.S. Agency for International Development, the U.S. Information Agency, and the National Endowment for Democracy to support the operation of a Nicaraguan Mediation Center at the law school in León. I also had time to finalize the Spanish-language teaching materials that I have developed and to write a teachers' manual for the Nicaraguan project participants who will begin teaching mediation themselves this summer. In May I will return to León for more training. During this trip I also plan to inaugurate a permanent office for the proposed Center in the law school and hire a full-time Nicaraguan Project Director.

4. In addition to the Program seminar, I had the pleasure of auditing Prof. Seyla Benhabib's course on Hegel in the fall and the privilege of listening to Prof. Christine Korsgaard's lectures on Kant's ethical theory. The latter was undoubtedly the most exciting classroom experience I have ever had.

5. I volunteered once a week as a tutor at the Graham-Parks School in Cambridge. With the help of first grade teacher Linda Fobes, I designed and taught a short series of classes on "How Making Rules Can Help Us Fix Problems." If the six and seven year-olds learned half as much about rule-making from me as I did from them, then I would consider it a great success.

I leave the program next month for Israel where I plan to study Talmud at the David Shappell College of Jewish Studies (Yeshivat Darche Noam). Within a year or two, I plan to return to law-teaching. The program has inspired me to place more emphasis on ethics in my torts courses and to try my hand at developing a course on ethics for students from different professional schools so they can compare their approaches to similar ethical issues that they will face in practice. I can honestly say that although the record snowfalls did not produce weather as temperate as that of Disneyland, my year as a fellow in the Program has left me with a warm sense of gratitude for this wonderful opportunity to further long term scholarly and service projects and to acquire new intellectual interests.

6 May 1994

**Report of Activities for 1993-94 Fellowship Year
Program in Ethics and the Professions
Harvard University**

Christine Mitchell

Project

My project was to study surrogate decisionmaking about life-sustaining medical treatment. Put more simply, it involved trying to understand better how people go about making decisions for their family or friends about whether or not to continue medical treatments that are essential for keeping a patient alive (such as breathing machines, artificial food and fluid, certain drugs, and so on). I was especially interested in what reasons surrogates give for their ethical judgments about which treatments are good, or right, or even fair for them to have continued or stopped on someone else's behalf. Over the year, my project took on three distinct aspects.

First, with the help of a research assistant and fellowship funds, I was able to conduct a thorough literature search. I drafted and pilot tested an interview schedule and used the early data to develop an analytical framework of reasons people use to justify surrogate decisions about life-sustaining medical treatment. That framework forms the base for grounded theory research now in progress which will probably be completed over the next two years. The interview schedule and framework has become part of a larger medical research proposal I am preparing for review by hospital institutional review boards and human subjects committees.

Second, I was able to develop a completely unplanned addition to my project which would never have been possible without this fellowship year. With the help of Ben Achtenberg, a filmmaker who has worked on other films with me, I spent a few days in December and over a week during the January break filming on location in hospitals in Cleveland, OH and Durham, NC. We filmed in intensive care units and general hospital wards in both places and have 60 hours of videotape and sound which I have spent some of this spring reviewing and preparing for editing. We have put together two "rough assemblages," one of which I showed as a work-in-progress to the fellows. Their reactions and comments were enormously helpful. I plan to continue work on this documentary videotape throughout the summer. It is tentatively titled "If I Should Die Before I Wake," and is part of a larger, 5-hospital national Study to Understand Patient Preferences About Outcomes and Risks of Treatment (SUPPORT) involving more than 4500 patients with life-threatening illnesses and their families or other surrogate decision-makers. The study is headed up by two physicians, JoAnn Lynn and William Knauss, and has as its major intervention the use of so-called "support nurses" who talk with patients about what the patient and family understand regarding their illness and prognosis. The support nurse introduces information about advance directives, and asks

questions about the patients' preferences and values regarding life-sustaining medical treatments. The findings, and perhaps some film clips, are to be released this summer and fall and will, I think, influence the work of bioethicists as well as physicians, nurses, and social workers, for years to come. Dr. Lyn Peterson, Director of the Division of Medical Ethics at Harvard Medical School and a member of this Program's Faculty Committee, is the principle investigator for the portion of the SUPPORT study being conducted at Beth Israel Hospital in Boston. I am hopeful that he and I can present some of the data at the Division's monthly luncheon seminar next year.

The analytic framework I developed and the descriptive evidence portrayed vividly on videotape reveal quite dramatically the narrowness and inadequacy of the current consensus among leading ethicists and judges that applying the autonomy-based concept of "substituted judgment" is the way surrogates should make decisions about life-sustaining treatment for others.

A third aspect of my interest in surrogate decisionmaking resulted in describing and drafting, with Robert Wharton MD of Massachusetts General Hospital, a paper-and-pencil-process designed to help health professionals and parents make decisions on behalf of children with life-threatening illnesses. Our Child Health Advisory Plan (CHAP) is somewhat similar to others' work on advance directives over the past decade although, clearly, young children (and never-competent adults) cannot articulate their own ethical choices about life-sustaining treatment for themselves, whether in advance or concurrent with a critical illness. Dr. Wharton and I have submitted a paper on this topic, which we expect will be published this winter. We will be presenting CHAP at the national conference on "Ethics Committees and the Young: Families, Hospitals and the Courts Trying to Do the Right Thing" in St. Louis later this month. Again, feedback from Fellows was very helpful.

Other Activities

Two other activities have taken much time and attention, though they were not officially part of my fellowship project.

The first (and in some ways most exciting though less broad in scope) has been the planning of a "Bioethics Megameeting" on health, law and ethics for fall 1994. Ordinarily this would be unremarkable in itself. This year, however, I have been able to gain the cooperation of the three major existing national societies dealing with medical ethics (The American Society of Law, Medicine and Ethics [ASLME], The Society for Health and Human Values, and The Society for Bioethics Consultation), along with a newly forming national group (the American Association for Bioethics). All of these groups have agreed to hold their membership meetings together in the same hotel October 6-9, 1994. I am co-chairing, with Steve Miles MD, the ASLME meeting on "Starting, Sustaining, and Stopping Life: Health, Law and Ethics at the Ends of Life," in addition to chairing the planning group made up of the meeting chairs from each of the groups. Selected papers from this conference will be published in a symposium issue of The Journal of Law, Medicine, and Ethics.

I am also co-chairing, with Margaret Somerville LLB, Director of the McGill Centre for Medicine Ethics and Law, the fourth international conference on Health Law and Ethics in a Global Community to be held in Amsterdam in July 15-20, 1995. It was immensely helpful to have the time during January to spend a week working with our Dutch co-chairs, Henriette Roscam Abbing of the Ministerie van WVC and Sjef Gevers of the University of Amsterdam Faculty of Law to draft the call for abstracts and conference program. I have organized an international planning committee headed by Louis Waller LLB of Monash Law School in Australia and an American Planning Committee headed by Robert Levine MD of Yale Medical School. Proceedings from this conference will be published in 1996.

Seminar

The seminar discussions were a high point of each week. Although I missed the stimulation that might have come from another fellow fully familiar with the field of medical ethics or bioethics, I greatly enjoyed the breadth and rigor brought by philosophers, lawyers and political scientists. The readings were excellent in quality and manageable in amount. Also, I found it helpful to go back and forth between practical and theoretical ethics.

I was happy to arrange an opportunity for the fellows to sit-in on a working ethics committee meeting at my hospital which they seemed to find quite different from their expectations and which helped me to explain better what "doing ethics" is like in this particular "real world."

I have felt especially fortunate all year to have had Martha Minow as our acting director and seminar leader. Her wisdom, wit, and sense of fairness in managing discussions, as well as the range of her knowledge across professional fields, has been a central resource of this program.

In sum, this has been a wonderful year, both for the people I have met and for the work I have been able to do. It has helped immeasurably not to be on beeper for the hospital and to have the time and freedom to pursue my interests away from the immediately compelling questions and personal tragedies of sick children and their families. I plan to continue some work throughout the summer, and I expect to build for years to come on the reading, thinking and friendships made possible by this fellowship year.

Papers Presented (Conferences, Grand Rounds, etc.)

Drawing the Line--Who Decides? for a conference on "Quality of Life versus Sanctity of Life: The Bioethical Dilemma of the 1990s," Department of Veterans Affairs, Northampton MA, September 1993.

Ethics in Nursing, New Hampshire Technical Institute, Concord NH,

October 1993.

The Impact of Health Care Reform on Nurses and Allied Health Professionals, Annual Meeting of The American Society of Law Medicine and Ethics, "Health Care Priorities, Policies and Practices in a New America: Legal and Ethical Insights," Washington DC, October 1993.

Ethical Issues in Long-Term Care: The Patient - Health Professional Relationship, Medical Ethics Lecture Series, Spaulding Rehabilitation Center, Massachusetts General Hospital, Boston MA October 1993.

Nurse-Assisted Dying, Mecklenberg County Medical Society Distinguished Lectureship in Health Care Ethics, University of North Carolina, Charlotte NC. [Also, Ethics Grand Rounds at Presbyterian Hospital; Unit Ethics Rounds at Presbyterian Hemby Children's Hospital; Consultation on Health Care Ethics, Dept of Philosophy; Nursing Ethics in the Curriculum, College of Nursing; and remarks at the Chancellor's reception.] March 1994.

Professional Ethics in Nursing, Middle Tennessee State University, Murfreesboro TN, April 1994.

From Cure to Care and Comfort: Shifting the Goals of Care for Dying Children, Keynote address at national conference on "The World of the Hospitalized Child," and concurrent session on "Ethics in Pediatric Nursing," Biltmore Hotel, Miami FL, May 1994.

Conference co-chair, with Ronald Cranford MD, Jacqueline Glover PhD, and Sandra Johnson JD, of **Ethics Committees and the Young: Families, Hospitals and the Courts Trying to Do the Right Thing**, a national conference co-sponsored by the Saint Louis University Schools of Law, Medicine, and Nursing, and the American Society of Law, Medicine and Ethics. Lectures on "Starting an Ethics Committee," and "Practical and Policy Issues for Pediatric Ethics Committees," May 1994.

"Live Wrap-Up" participation on a cable TV studio panel with Daniel Callahan PhD, Larry O'Connell ThD, Dan Dugan PhD, and Gail Povar MD, following a week of programming on **Medical Ethics: Shared Values/Clashing Values**, VISN Cable (a consortium of 64 Protestant, Jewish, Roman Catholic and Eastern Orthodox faith groups), New York NY, May 1994.

Dealing with Pain and Suffering--Ethically, Baystate Medical Center conference, Springfield MA, June 1994.

Ethical Issues in Medical Decisions Regarding Neonates and Infants, Clarkson College, Omaha NE, June 1994.

Sixth Annual Bioethics Summer Retreat, Bar Harbor ME, June 1994.

Year End Report
The Program in Ethics and the Professions
Deborah A. Stone

The Program has been a wonderful experience all around. I came in as perhaps the Fellow least steeped in what traditionally counts as ethics literature, and I can certainly say I found the seminars deeply enriching. For me, they were an opportunity to stock up some intellectual capital, and though on the surface one might not have thought much of the literature would have a lot to do with insurance (the topic of my research project), in fact, I was always finding and making connections.

On my project, I worked on both a theoretical framework and some empirical research. I completed a first draft manuscript on the conception of insurance as a series of contracts, in which I attempt to sketch out some ways health and life insurance, at least, deviate from the social structure and relations presumed in contract law. My library research focused on three topics. (I should put in a plug here that having a shared assistant to retrieve library materials was a major asset.) First, I delved into the history of fraternal and benevolent society insurance to see what I could tell about the existence and strength of a "solidarity culture." I am interested not only theoretically in concepts of justice behind insurance schemes, but also empirically why there is such relatively weak support for more redistributive modes of organization of insurance in the U.S., especially health insurance. The most surprising thing I found was that commercial insurers, and to my astonishment, the social science academic establishment, waged a concerted campaign against fraternal insurance in the early part of the century. Second, I traced as much as I could the origins of selection criteria and methods in life insurance. I believe I found the single most important intellectual source of the insurance industry's use of race and ethnicity as selection criteria — a character named Frederick Hoffman who was chief actuary of Prudential at the turn of the century. Third, I looked for any evidence of legislation, regulation, or judicial activity on race discrimination in insurance. This turned out to be a blind alley — I didn't find any more legislation than I already knew about and found nothing about administrative or judicial activity — but I have put some energy into interpreting the meaning of an absence of challenges to life insurers.

Despite my best efforts to curtail the usual speaking and writing obligations this year, my professional life proceeded apace. Since starting at the Program, I wrote and published three short articles on insurance, one on poverty measurement, a review essay on Theda Skocpol's *Protecting Mothers and Soldiers*, and a review essay on homelessness. I also wrote two manuscripts on insurance: the contract law piece mentioned above and one on the politics of the current health insurance reform, which is now a working paper of the Future Directions for American Politics and Policy Program. I gave three talks at Harvard: one in September for the Future Directions Seminar, one at the Kennedy School for Masters Students, and one as a respondent to Alain Enthoven in the Kennedy School Forum. In addition, I chaired three panels for the annual meeting of the American Political Science Association, at which I presented papers, and gave several other talks. I send this report from Germany, where I have just given a lecture on the normative bases of social and commercial insurance. Interest in the topic here is intense and absolutely front-burner politics. (I have also found some valuable research here on the idea of solidarity in insurance.)

Enough of me, and time for reporting on the Program. Some noteworthy observations: First, enormous credit and thanks to Jean, Helen, Sharmila, and Ted for all the care and thought they put into making the Program at once a haven and a source of intellectual ferment. Second, our group of Fellows has been absolutely terrific — wonderful human beings above all, and interesting scholars to boot. Our collegial interactions have made this Program a delightful intellectual retreat. Thanks not only to my fellow Fellows, but also again to the Program staff and faculty for the obvious care put into selection. Third, Martha began the year by saying she needed acting lessons to be Acting Director. Her performance this year is testimony either to her natural talent or to the effectiveness of on-the-job training. Either way, she was a superb director and seminar leader.

Appendix II
**Reports of the Graduate Fellows
1993-94**

Report on Graduate Fellowship Year: 1993-1994

Jon Fullerton

As a fifth year student of political theory in Harvard's Department of Government, I found the Graduate Fellowship in the Program in Ethics and the Professions to be a valuable intellectual experience. The weekly seminar meetings provided my "ABD" life with more structure than it otherwise would have had and offered intellectual stimulation which I looked forward to each week. Arthur Applbaum is an excellent (and properly contentious) discussion leader, who always pressed us on our ideas (both written and spoken.) The quality of the seminar and its participants was one of the highlights of the year for me. I found the subject of professional ethics, which I had known very little about before the seminar, to be quite interesting. It is a field which, even though it is obviously on the border of political philosophy, I would not have otherwise had the opportunity to study.

During the course of the year I accomplished several important personal goals as well. In the first place, largely thanks to the Graduate Seminar, I feel much more at home than I did in contemporary philosophical debates. Second, much of the work I produced for the seminar this year will be combined to form the first chapter of my thesis on liberalism and ethnic/religious groups. Finally, because the Graduate Fellowship allowed teaching, I had the opportunity for the first time this year to offer an undergraduate seminar of my own design on the subject of nationalism in the modern world. This was a significant commitment which I found very valuable in my professional development. I both enjoyed teaching the seminar and learned from some of my mistakes in planning. I now feel much more confident about my ability to plan a course with a reasonable workload and a focused subject.

I am very grateful to the Program in Ethics and the Professions for the support and human fellowship it has given me over the course of the year. Thank you all.

Deborah Hellman

This year I have been a Graduate Fellow in the Program in Ethics and the Professions for the second time. I am also the Keck Fellow in the Program on the Legal Profession at Harvard Law School. I benefited greatly from the opportunity to participate in the seminar a second time. The issues discussed (the nature of paternalism and consent, questions about whether ethics can be learned or taught, for example) are certainly worth thinking about more than once. Moreover, with different graduate fellows discussing such topics, the emphases and ideas varied greatly from last year. Having done the program twice, I feel more grounded in the area of professional ethics, more able to think about, write and teach in the field.

Next year I will be doing precisely that. I have been appointed as a Visiting Assistant Professor at the University of Maryland School of Law for the next two years. I will teach in the areas of legal ethics and professional responsibility, jurisprudence and contracts. In beginning to design the professional responsibility course that I will offer in the fall, I have already had occasion to borrow from the materials discussed in the seminar.

For me one of the highlights of the Program has again been the lectures and dinners. While the guest speakers are generally quite interesting, it is the after dinner conversation among Fellows, Grad. Fellows, PEP affiliates from across the Harvard community and the invited guest that I especially appreciate. As a graduate of the Law School with a strong interest in philosophy, these dinners gave me the opportunity to engage in conversation with philosophers and political theorists from the Arts and Sciences faculty. This was a rare opportunity.

Fellowship Report from Stephan Klasen

In the past year, I was one of the graduate fellows in the Program on Ethics and the Professions. This was also the final year of my graduate studies so that I spent most of my time finishing up and defending my dissertation on gender inequality in the intrahousehold resource allocation and on looking for academic and non-academic positions.

I was able to profit from PEP in a number of ways. First, I was able to get a much firmer grounding in applied ethics which has informed a considerable portion of my policy-oriented work. In particular, I have and will continue to incorporate insights from the graduate seminar in papers I have written about economic inequality and policies to reduce gender inequality in developing countries.

Second, the graduate fellow community gave me a forum for presenting much of my work in progress which proved invaluable in preparation for the academic job market.

Third, I thoroughly enjoyed most of the lectures and luncheons I was able to attend throughout the year. They provided a tremendous opportunity to learn from and talk to top scholars in philosophy, ethics, and government.

I will be joining the World Bank Young Professionals Program in the coming year. After this year's PEP, I am certainly more aware of the ethical approaches and theories surrounding the kind of work I will be engaged in. Whether the fellowship made me a better person or a more ethical professional remains to be seen.

Petr Lom
Final Report, May 12, 1994

Looking back at my year as a Graduate Fellow in the Program in the Ethics and the Professions, I am very satisfied. It has been a most productive and stimulating year of seminars with Prof. Applbaum and the four other fellows. I learned a tremendous amount from our weekly meetings - they were especially productive because of the small size of our group which allowed for genuine and very intense debate, and because of the richly diverse perspectives that each Fellow brought from his or her particular academic discipline. As a student of political philosophy, I especially valued the practical thrust of the Program, which reaffirmed my faith that theory is necessary to guide practical matters, but more importantly helped me to grapple with the difficult issues of how philosophy can be applied in practice, in the daily lives of working professionals. This has been invaluable to my training, which so far has only emphasized the theoretical, leaving the question of how philosophy can influence practical affairs unspecified. The Program has left me convinced that philosophical training is crucial to help us articulate principles which can aid us to clarify and resolve the ethical dilemmas of the professions. And thus, it is my hope that teaching of ethics at all levels in the university - and especially in the professional faculties will become more and widespread.

The year has also been a most fruitful one for my own research. I benefitted tremendously from presenting and discussing my work in the seminars with Prof. Applbaum and the other fellows,

and am grateful to their ever-sharp and helpful comments and suggestions. Beginning the year at the very initial stages of my dissertation, I was able to develop a prospectus, which I successfully defended this spring before my dissertation committee. I am now writing a dissertation on scepticism and its political implications, asking: can philosophical scepticism serve as a basis for liberal politics? More specifically, can toleration be defended on sceptical grounds? The question is a very interesting one in the history of political thought because often scepticism - doubt or uncertainty about the possibility of finding absolute or objective moral principles - is seen to lead to all sorts of moral and political consequences: from toleration to nihilism, from moral relativism to indifference, from liberalism to repression. Moreover, it is a very timely one, for the current postmodern debate seems to ally itself with scepticism, in expressing doubts about the universal moral and political principles of the Enlightenment. My tentative conclusion is that scepticism can serve as a partial foundation for liberal politics because of its affinities to intellectual modesty and moderation; because it leads from excess, especially the ideological excess which characterizes much of illiberal politics.

I was also able to write an initial chapter to my dissertation - examining the link between scepticism and illiberalism: whether doubt about moral knowledge opens the possibilities of what is politically permissible, whether it may lead to a certain kind of power politics. My answer here, is that in the history of political thought the answer is a negative one - that it is only

when scepticism becomes dogmatic, when it decays into nihilism, into the intellectually unsupportable claim that no moral knowledge is possible, does it have unpalatable political consequences.

Liberal education is sometimes described as a sumptuous banquet which presents a vast array of wonderful delights before the student. I think this metaphor a very fitting one, and I thank you for inviting me to your table. I leave the Program filled with many new thoughts and considerations, my intellectual appetite even greater then when the year began. I have been very lucky to participate in the Program in the Ethics and the Professions. Thank you.

Memo to: Arthur Applbaum, Director, Graduate Fellowships of the Program in Ethics and the Professions

From: Charles A. Nichols, III

Subject: Year-end report on my graduate fellowship activities

Date: May 10, 1994

The 1993-94 academic year has been a very successful one for me in my academic work, due entirely to the support provided to me by my graduate fellowship in the Program.

As a result of the readings and discussions in the graduate fellows' seminar, I have revised my dissertation project. My project at the beginning of the year was Hegel's treatment of the problem of poverty in modern society. My hope was to develop from Hegel's thought on this topic an account of the relation of the individual to society which combined various strengths of both the liberal and communitarian positions in political philosophy.

My belief in the complementary weaknesses of these two positions remains, but I have discovered that I can better articulate my views through a discussion of professional and business ethics. I accept the cogency of John Rawls' arguments for political liberalism in the area of what he calls the "constitutional essentials" for democratic societies. However, in my dissertation I now intend to show that his political liberalism is dependent for its success on an interpretation of professions and business institutions and the ethics associated with them on broadly communitarian lines.

With the work which I have done on this topic during the year and which I expect to complete during the summer, I hope to be in a position this coming fall to apply for junior teaching positions in university or professional education programs, and to complete my dissertation in the spring of 1995.

I am immensely grateful to the program of guided reading offered by the graduate fellows' seminar, and to the stimulating and helpful discussions we have all had together throughout the year. The quality of our discussion, in large part due to the small size of the seminar, made it unquestionably the most valuable educational experience I have had since I came to Harvard as a graduate student. The only improvement I can imagine would be the scheduling of events and activities to encourage more frequent interactions between the graduate fellows as a group, and also between fellows and graduate fellows of the program.

I also wish to express my gratitude to you personally, Arthur, for your invaluable friendship, advice, and encouragement throughout the year.

Appendix III
Fellows in Ethics
1994-95

Solomon R. Benatar is Professor and Chairman of Internal Medicine at the University of Cape Town and Groote Schuur Hospital. He received his medical education in Cape Town and London. His publications in international journals include works on asthma, tuberculosis and other respiratory illnesses; on health policy, the promotion of medical ethics and human rights in South Africa; and on academic freedom. He is an elected Foreign Associate Member of the National Academy of Sciences' Institute of Medicine and an Honorary Fellow of the American College of Physicians and Surgeons. During the Fellowship year he will explore the implications of a "post-modern world view" and of macro-ethical considerations relevant to global health, for medical education and practice in the twenty-first century.

Andrew Koppelman is Assistant Professor of Politics at Princeton University, where he has taught constitutional interpretation and antidiscrimination law since 1991. He received his J.D. from Yale Law School, and his Ph.D. in Political Science from Yale. His dissertation won the American Political Science Association's 1993 Corwin Award. He has been a professional staff member for the Senate Commerce Committee and a judicial clerk for Chief Justice Ellen Peters of the Connecticut Supreme Court. His book on the philosophical foundations of antidiscrimination law will be published by Yale University Press in 1995. During the Fellowship year, he will study the implications of the thirteenth amendment for the abortion question.

Richard B. Pitbladdo is the Xerox Assistant Professor of Operations Management at the Simon School of Business, University of Rochester. He received his Ph.D. in Economics from Stanford University prior to joining the Simon School, where he has been addressing issues which cross the boundaries of the traditional business functions of marketing, accounting, and operations. He has published in *The Journal of Business*, *Management Science*, *The Journal of Manufacturing and Operations Management*, and *The European Journal of Operations Management*. During his Fellowship year, he plans to study, from an ethical perspective, a variety of business policies and practices, such as corporate secrecy, tax management, employee development, environmental management, public relations, and quality management.

Dorothy E. Roberts is Associate Professor of Law at Rutgers University School of Law, Newark. She received a B.A. from Yale, and a J.D. at Harvard Law School. She has written extensively in recent years on how social hierarchies based on race, gender and class shape "neutral" legal concepts of justice. More specifically, she has focused on the unjust power relationships often inherent in reproductive rights cases, criminal law, freedom of speech, and the doctor-patient relationship. Roberts believes the task of progressive scholars is not only to expose the inequalities of current legal doctrine and social structures but to describe a vision of a just society. Her Fellowship year will be spent working on a book tentatively titled: *Race, Reproduction and American Law*.

Walter M. Robinson is currently a Fellow in the Division of Pulmonary Medicine at Children's Hospital, Boston, as well as a Fellow in the Division of Medical Ethics at Harvard Medical School. He received his B.A. in philosophy from Princeton University and his M.D. from Emory University School of Medicine. He began his training in pediatrics at Boston City Hospital and completed his residency at Johns Hopkins in 1991. In June 1994, Dr. Robinson will complete his Master's in Public Health at the School of Public Health, which concentrates on the ethical issues in health care allocation and the physician-patient relationship. His current research interests include ethical issues at the end of life in inherited childhood diseases and the effect of rapidly changing technologies on chronic illness.

Marion M. Smiley is Associate Professor of Political Science at the University of Wisconsin/Madison, where she has taught moral and political philosophy since 1990. She received her Ph.D. in 1984 from the Political Philosophy Program of Princeton University and regularly teaches courses in the history of moral and political philosophy, feminist theory, and ethics and public policy. She is the author of *Moral Responsibility and the Boundaries of Community* (University of Chicago Press, 1992), and *Beyond State Paternalism*, a manuscript in progress. Her articles focus on a variety of subjects, including State paternalism and democracy, American pragmatism, moral agency, and the private/public split. During her Fellowship year, she plans to write about the process of group identification now associated with affirmative action policies, reproductive rights and equal access for the disabled.

Larry S. Temkin is Associate Professor of Philosophy at Rice University in Houston. He received a B.A. Honors Degree in Philosophy from the University of Wisconsin at Madison, and his Ph.D. from Princeton in the same field. His areas of specialization include normative ethics, meta-ethics, and social and political philosophy. His articles have appeared in *The Philosophical Review* and *Philosophy and Public Affairs* as well as anthologies published by Cambridge University Press and Yale University Press. His recent book, *Inequality*, (Oxford University Press, 1993) presents a new way of thinking about equality and inequality that challenges the assumptions of philosophers, welfare economists, and others. Temkin's numerous honors and awards include the Danforth Fellowship, the Andrew Mellon Fellowship, the National Humanities Center Fellowship, and the George R. Brown Award for Excellence in Teaching. His work will focus on the subject: "Rethinking the Good, Moral Ideals, and the Nature of Practical Reasoning."

Daniel Wikler is Professor of Philosophy at the University of Wisconsin Medical School. He received his B.A. from Oberlin College, and his Ph.D. from UCLA. He has been a Fellow of the Hastings Center since 1986 and serves as Vice-President of the International Association of Bioethics. The interplay of bioethics and medical treatment is a constant focus of Wikler's work. His publications include articles on such clinical issues as brain death and artificial insemination, and on health policy topics such as personal responsibility for health and the ethics of rationing. Wikler's proposed project for his Fellowship year is to explore the potential of philosophical and bioethical work on distributive justice to contribute to health policy on allocation and rationing of health care resources.

Appendix IV
Graduate Fellows in Ethics
1994-95

James Dawes, Ph.D. candidate in English, is working on the representation of suffering. He will analyze the ethical risks and imperatives of medical, political, and literary modes of vocalization. In his work with Professor Elaine Scarry he has examined the intersections between language, health and privacy in both contemporary confessional drama and the AIDS disaster. Dawes was an undergraduate at the University of Pennsylvania, where he spent much of his time working with organizations for the homeless of Philadelphia. He graduated Phi Beta Kappa with an A.B. *summa cum laude* in English literature, and earned an M.Phil. as a Thouron Scholar at Cambridge University. He writes fiction, and has published scholarly work in *American Literature*.

Erin Kelly, Ph.D. candidate in philosophy, is writing a dissertation entitled "Reasons, Motives, and Moral Justification," which explores different accounts of the justifying status of moral reasons, and defends the view that moral reasons are objective even though they may not hold universally. She graduated with Honors and Distinction from Stanford University with a B.A. in Philosophy in 1984, and earned an M.A. in Philosophy at Columbia University in 1987. While at Harvard, she has been a tutor and teaching Fellow for numerous courses in ethics, political philosophy, and aesthetics, and has served as a research assistant to Professor John Rawls. She was the recipient of a Charlotte W. Newcombe Doctoral Dissertation Fellowship in 1992-93. In the fall of 1995, she will begin a tenure track position as an Assistant Professor at Tufts University, where she will teach courses in ethics, political philosophy, and feminist theory.

Joshua Margolis, Ph.D. candidate in organizational behavior in the joint Program of the Graduate School of Arts and Sciences and the Business School, will continue to pursue interdisciplinary research in business ethics. He is particularly interested in the meaning and applicability of concepts such as dignity, integrity, and courage, and will examine how managers handle situations, such as layoffs, in which organizational change creates tension between the way people are treated and firm performance. As a research associate at the Business School, Joshua worked on a three-year study of product development teams and wrote cases integrating ethics into M.B.A. courses on manufacturing and operations management. He graduated from Yale College in 1988, *summa cum laude* in history, and received a National Science Foundation Fellowship for support of graduate studies at Harvard. He has also been named a predoctoral Fellow in the Pacific Basin Research Center's project on human dignity.

Angelia Means, Ph.D. candidate in government, is focusing on the political and legal theory of citizenship. In particular, she will explore the relation between competing normative criteria of citizenship and recent structural transformation implicating the limits of national public spheres—for example, the "deconstruction" of the principle of unified sovereignty and the growing complexity of the boundaries of law and legal identity. She received her A.B. from Princeton's Woodrow Wilson School of International and Public Affairs in 1988. A member of the Massachusetts Bar, Means graduated *cum laude* from the Law School in 1993, and was a Ford Fellow in Public International Law the following year. She is currently the head teaching Fellow for Professor Seyla Benhabib's core course "The Public and the Private in Politics, Morality, and Law." She designed and

taught the junior tutorial "Modern Political Theory and International Law," has served as a teaching Fellow for the Kennedy School course on ethics and public policy, and has taught courses in political theory. During the coming year, Means will serve concurrently as a Keck Fellow in Ethics with the Program on the Legal Profession at the Law School.

Sanjay Reddy, Ph.D. Candidate in economics, is interested in a variety of problems at the intersection of ethics, economics, and the study of culture. He plans to explore whether it is possible to develop an account of human well-being which is both sensitive to conventional issues of distributive justice on the basis of individual comparisons and to the ethical value of attempting to fulfill and foster diverse cultural identities in a plural world. Reddy was born in India and grew up intermittently in India and Canada. He received an A.B. in applied mathematics with physics from Harvard in 1991, and an M.Phil. in social anthropology from the University of Cambridge in 1993, where he was a Benefactors' Scholar of St. John's College and a Fellow of the Cambridge Commonwealth Trust. At Harvard, he has been a long-time research assistant to Professor Amartya Sen. He has worked as a teacher in Rishi Valley School, India, and as a Consultant on the subject of "collective rights" to the U.N. University's World Institute for Development Economics Research in Helsinki.

Tamar Schapiro, Ph.D. candidate in philosophy, is writing a dissertation on what it is to "apply" a Kantian moral theory. In particular, she is trying to show that a Kantian moral theory has resources to give an illuminating account of what it is to act on principles under difficult circumstances. Tamar received her B.A. *summa cum laude* in philosophy from Yale University in 1986. After graduating, she worked for two years as a math teacher with a non-profit organization in inner-city grade schools in Oakland. In 1988, she was awarded a Mellon Fellowship for support of her graduate studies at Harvard. She has taught several philosophy department tutorials and has been a teaching Fellow for courses in moral reasoning and early modern philosophy.