

Harvard University
The Program in Ethics and the Professions
Annual Report 1994-95

TABLE OF CONTENTS

The Current Fellows.....	2
The New Fellows	3
The Graduate Fellows.....	4
Faculty and Curricular Development:.....	5
Faculty of Arts and Sciences	6
Business School	7
Divinity School	7
Kennedy School.....	10
Law School.....	11
Medical School.....	14
School of Public Health.....	17
Public Lectures	17
Changes in the Roster.....	18
Activities Beyond Harvard.....	19
Problems and Prospects.....	22
Fellows in Ethics 1995-96.....	Appendix I
Graduate Fellows in Ethics 1995-96.....	Appendix II
Fellows' Reports 1994-95.....	Appendix III
Graduate Fellows' Reports 1994-95	Appendix IV
An Ode to Ethics by Walter Robinson.....	Appendix V

HARVARD UNIVERSITY

The Program in Ethics and the Professions

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

Date: June 30, 1995

For several years a short story by Nadine Gordimer ("Crimes of Conscience") has provoked lively argument in an early session of the Fellows' seminar. The story is as ambiguous in meaning as it is rich in ethical perplexity. The discussion is always enlightening, but never conclusive. We have not even been able to agree whether at the end the character without a conscience is exposed, or succeeds in duping the (seemingly) more admirable character who trusted him. This year we thought we had a chance to settle once and for all some of these questions of interpretation. Throwing post-modern caution to the wind, we invited the author herself to lunch.

Ms. Gordimer listened patiently as, one by one, the Fellows offered their interpretations, pleading in their eyes if not in their words for the author's endorsement. She consistently declined to accept or reject anyone's interpretation — until finally one Fellow suggested that the point of the story was to show that no one interpretation is correct. Ethical dilemmas of this kind are inherently ambiguous, he said, and each reader must make up his or her own mind. She turned directly to the Fellow, and said firmly: "No — *that* is plainly wrong."

This exchange with Nadine Gordimer exemplified the tone of much of the intellectual life of the Program this year. The Fellows brought diverse perspectives to their common study of ethics, strong convictions of their own, and an openness to the views of others. But throughout this celebration of diversity, the group remained committed to reaching conclusions, finding if not the final word on a subject then the closest approximation they could discover at the time. They did not merely appreciate the contributions of their colleagues, but tried, in a spirit I rarely see within disciplines let alone among them, to advance their collective understanding of the problems they considered.

It is a sign of the greater maturity of the Program as well as the field of practical ethics that its scholars increasingly see themselves as engaged in a common enterprise. This is true not only of our Fellows but also of our associated faculty in the various schools throughout Harvard (many of whose activities are described later in this report). It is also true of a growing number of scholars and teachers of ethics in universities here and abroad. Few now regard interdisciplinary and interprofessional collaboration as an intellectual luxury: most now recognize it as a necessity for making progress in the theory and practice of ethics.

Another encouraging development is that collaboration is taking place more often across generational lines. This year the graduate students in our Program interacted with the more seasoned Fellows more regularly and more fruitfully than in previous years. The Graduate Fellows joined the Fellows for the session with Gordimer, as well as for luncheon seminars with Bernard Williams and Michael Sandel. The younger scholars who are now attracted to our Program are among the most praised and promising of their peers in the Harvard departments from which they come. This strengthens my confidence in the future of our common enterprise.

The Current Fellows

This, the largest group of Fellows in the history of the Program, has also been one of the most productive, individually and collectively. In addition to their work in the weekly seminar, they audited courses, conducted research, and produced manuscripts of high quality at an impressive rate. Despite the protestations of some, the many distractions of Harvard seem to have stimulated rather than impeded their research. What the Program and Harvard contributed to them is best expressed in their own words. You can find those words in Appendix III. (The most poetic account stands alone in Appendix V). No less important than what Harvard gave them is what they contributed to Harvard. About this they are modest. Although from their reports you can infer what some of those contributions have been, they deserve explicit acknowledgement.

Each of the Fellows regularly participated in the activities of at least one other department or program in the university, many in more than one. As in previous years, several Fellows played an active role in the Division of Medical Ethics and the Harvard-affiliated hospitals. Walter Robinson, the first Fellow in Medical Ethics from the Division's program to become a Fellow in our program, maintained his strong ties to the Division. Dan Wikler and Solly Benatar were regular participants in the Division's seminars and workshops. Benatar brought an international perspective to some of the Medical School's courses, as well as to clinical education in some of the local hospitals. Larry Temkin quickly became valued as a respected colleague in the Philosophy Department, and took an active role in its intellectual life, especially in the Workshop on Moral and Political Philosophy. He became known in many parts of the university for the penetrating and illuminating comments he offered at lectures and seminars. Dorothy Roberts, much in demand at law

schools throughout the country, still found time to speak in two different courses in our Law School. She also presented a paper to the Harvard Black Law Students Association. Marion Smiley participated actively in seminars and colloquia in the Law School, the Center for European Studies and the Government Department. Andy Koppelman, a lawyer and political scientist, to his surprise and ours found himself spending a great deal of time in the Divinity School. Richard Pitbladdo notes in his report how much he learned from attending the classes of Joe Badaracco, Lynn Paine and Greg Dees, but I am told that they found his views helpful in providing a different perspective on their own teaching.

As the Fellows return to their own institutions or take up new challenges, they will continue their work in practical and professional ethics. Most of them will immediately assume positions in which they can influence other faculty as well as students — teaching new courses on ethics, directing programs or projects that introduce the study of ethical issues into the curriculum, and in other ways contributing to the advancement of the study of practical and professional ethics. Benatar returns to Cape Town, where as a respected senior statesman in the medical community he will lead efforts to develop medical ethics and health care policy in the new South Africa. Koppelman will teach a freshman seminar on religion and politics at Princeton in addition to his courses on law and politics. Having committed himself to specializing in business ethics instead of operations management, Pitbladdo will remain in the Boston area and devote the next year to further developing his talents in his new field through research and consultation. Resuming her teaching at Rutgers Law School, Roberts will continue to lecture at institutions and conferences throughout the country on issues of race, reproduction and welfare reform, timely subjects on which she is increasingly recognized as one of the country's leading scholars. Robinson will become Associate Director of the pediatric lung transplantation program at Children's hospital, a position that will offer him more than his share of ethical dilemmas. Smiley returns to the University of Wisconsin to teach, among other subjects, ethics and public policy to both graduate and undergraduates, while participating in ethics work in other parts of the university. Temkin, who this year won Rice University's prestigious teaching award for the second time, intends to begin there some of the activities he found valuable here, such as our lecture series. Wikler resumes his work in medical ethics at Wisconsin while pursuing collaborative research with other medical ethicists (including some former Fellows of our Program) on several important research projects in bioethics that are likely to receive national attention.

The New Fellows

Next year's class is the most international in our history: two of the six Fellows come from abroad (both philosophers, one from India and one from Australia). The class includes two physicians who have, in addition to their experience in medicine, substantial backgrounds in other fields (one in literature, the other in law and public policy). For the first time, we will have two political scientists, though neither is typical of the species. One is also a lawyer, studying lawyers who defend criminals sentenced to death; the other, a scholar of public opinion who works on the ethics of political campaigns.

Although I am always surprised by the turns that the intellectual life of the seminar takes during the year, I think I may already see some convergence of interests. One of the most interesting, if also one of the most lugubrious, is death—in many different forms: medical futility, permissible killing, self-defense, capital punishment. Some of the differences in the group could also prove edifying—in particular, the contrast between the analytical approach favored by some and a narrative and interpretative approach favored by others. Also, given the interests and backgrounds of the group, I expect that the challenge of multiculturalism, increasingly prominent in our discussions of ethics issues in recent years, will receive some attention.

The new class was selected from a pool of 83 applications, a slight decline in number from last year. The number of serious inquiries (several hundred each year) continues to rise, but we have become more effective in advising potential applicants about other opportunities that would be more appropriate for their proposed work. We received completed applications from faculty at 34 different U.S. colleges and universities. The 28 applications from overseas represented 17 countries (Africa, Australia, Canada, People's Republic of China, Croatia, England, Germany, India, Israel, Italy, Jamaica, Nigeria, Northern Ireland, Philippines, Portugal, Spain, and Sweden). The applicants ranged in age from 28 to 66, with an average age of 42. Twenty-two women applied (27 per cent of the total). More applicants came from Philosophy (25 per cent) than any other field. Among other fields represented were: Government including Political Science (18 per cent), Medicine (16 per cent), Law (11 per cent), Business (6 per cent), and Religion (2 per cent). In the Faculty Committee's judgment, the quality of the top quarter of the applicant pool was excellent, as high if not higher than in any previous year.

The Graduate Fellows

This year's class of Graduate Fellows, our fifth, was outstanding in intellect and eclectic in background and interest (for their individual reports, see Appendix IV). The applicant pool was so promising that we sought additional funding, and increased the number of Fellowships from four to six. In the cohort were three women (including an African-American) and a student from India.

Erin Kelly, the philosopher completing a dissertation on motives and reasons in moral justification, will begin teaching at Tufts University next year. Our other philosopher, Tamar Schapiro, has made substantial progress in developing an account of Kantian moral theory that could succeed under the non-ideal conditions of misfortune and injustice. Angelia Means, the political theorist and lawyer who writes about citizenship and statelessness, organized a Law School conference on "the right to have rights" to citizenship. Joshua Margolis, our specialist in organizational behavior who bridges social science and philosophy, is conducting philosophically-informed empirical investigations of dignity in the workplace. James Dawes, the scholar of English literature and a fiction writer, continues his work on the representation of suffering in human rights testimony and documents. Sanjay Reddy, the economist trained in anthropology, will pursue his

research that combines work on the philosophical underpinnings of economic reasoning with practical research on the economies of developing countries.

Graduate Fellows meet weekly in their own seminar, led by Arthur Applbaum, and participate generally in the intellectual life of the Program. All of the Fellows this year were deeply interested in questions about moral judgment and tolerance across cultures. Several sessions were devoted to the topic, and a highlight of the year was a memorable afternoon with John Rawls discussing his latest manuscript "The Law of Peoples."

Supported in part by the American Express Fund, the Graduate Fellowships are intended to encourage younger scholars to dedicate their careers to the teaching of practical ethics in professional schools, such as law, medicine, business, and government, as well as in faculties of arts and sciences. Additional support this year came from the Law School's Program on the Legal Profession and from the Pacific Basin Research Project on Human Dignity at the Kennedy School.

The 1995-96 class is also exceptionally talented and diverse (see Appendix II). It includes two philosophers, a legal scholar, and a political theorist. Two of the four are women, both of whom are international students. As in the past, some excellent candidates were turned away because of limitations on funding and space.

Applbaum will be on leave in 1995-96 as a Fellow at one of our sister institutions, the Princeton University Center for Human Values. In his absence, the Graduate Program will be in the capable hands of Ezekiel Emanuel, an assistant professor of medicine at Harvard Medical School, a faculty associate of our Program, and (like Applbaum) a member of the first class of Fellows. Emanuel plans to emphasize two topics in next year's seminar: distributive justice and moral integrity.

Faculty and Curricular Development at Harvard

It is a source of satisfaction to all of us that the study of practical and professional ethics has become a truly university-wide enterprise at Harvard, with each of the faculties creating its own programs and courses, and developing its own group of faculty specializing in ethics. In the spirit of university-wide collaboration you are encouraging, individuals and programs within each of the Schools are working with each other in teaching and research, usually as a result of connections made through the central Program. This is exactly the role we hoped the Program would play, not directing but facilitating the efforts in each of the Schools.

I try to participate directly in some of the activities in most of the Schools. In addition to my teaching and collegial responsibilities in my own faculties (FAS and the Kennedy School), I have taken part this year in numerous conferences, courses, and personnel decisions in the Schools of Law, Business, and Medicine. But the growth in ethics

activities around the university challenges my capacity to keep informed about all of them, let alone participate in most of them. I have therefore asked colleagues who have more first-hand knowledge of the new developments in each of the faculties for their own reports.

The Faculty of Arts and Sciences (reported by Michael Sandel)

This is only a partial account of teaching and research activities in ethics in FAS. I hope that, despite its partiality, it indicates something of the range and depth of interest in this area among undergraduates, graduate students, and faculty.

In the area of undergraduate teaching, the Moral Reasoning component of the Core Curriculum continues to flourish. Enrollments in these courses overall exceed the numbers who need to take them to fulfill requirements. "Justice," down slightly at 860 students, was edged out this year by its nemesis, introductory economics (Social Analysis 10), but this ethical setback is doubtless temporary. You may or may not take consolation in the fact that an ethics-related core course outside Moral Reasoning, James Kugel's "Bible" course, this year rose into the 900's. Beyond indicating the lively undergraduate interest in ethics, large Moral Reasoning courses also have the effect of involving graduate students in philosophy, political theory, law, and other fields in a kind of teaching that includes weekly staff meetings and other opportunities for interdisciplinary collaboration.

Graduate students and faculty members in political theory and philosophy also came together for a number of sessions of the Political Theory Colloquium, organized by Assistant Professor Pratap Mehta (Government and Social Studies). Speakers included Jeremy Waldron (Berkeley) on Kant's philosophy of law, Bhikhu Parekh (Hull) on the challenge of multiculturalism, and Donald Moon (Wesleyan) on the right to privacy.

An interfaculty project on Democratic Governance carried out its second year of activities, led by Sam and Nancy Huntington. Faculty members from FAS, the Kennedy School, and the Law School gathered periodically for discussions of the theory and practice of democracy in the U.S. and around the world, including sessions led by Amartya Sen on democracy, human rights, and economic development; by Derek Bok on the performance of the federal government; and one by me on democracy and its discontents in the U.S.

Another interfaculty ethics-related activity was the symposium organized by Dean Ron Thiemann at the Divinity School on "Political Liberalism: Religion and Public Reason." The symposium offered the occasion for a number of us — Thiemann, Martha Minow, Cornel West, and me — to comment on John Rawls' recent work on the proper role of religion in political discourse, and for Rawls to reply. (See also the Divinity School's report.)

These are some of the activities of which I am directly aware. That I have surely left out others is a measure of the richness and range of the teaching and research in ethics that, thanks to the leadership of the Ethics Program, flourishes here.

The Business School (reported by Joe Badaracco)

The most important development was a commitment to expand "Decision Making and Ethical Values" (DMEV), the ethics module that all MBA students take at the beginning of their first year. The current plan is to add approximately ten more DMEV classes in the middle of the first year of the MBA Program. This will enable the first part of DMEV to concentrate on issues of organizational and individual ethics, while the second part focuses on the role of corporations in society. The expanded version of DMEV will be offered for the first time to the students who arrive at the school in January, 1996.

The other major development was the launching of a new course by Associate Professor Greg Dees. "Entrepreneurship in the Social Sector" is part of the Business School's recently established Initiative on Social Enterprise. The Initiative and the course are focused on constructive ways of using business skills to tackle social problems or to provide social goods, such as education, health care, and social services. The ultimate goal of Dees's course is to help MBA students see ways to use their business training to contribute to their communities and to society at large. Fifty-five MBA students and 16 cross-registrants took the course this spring.

The rest of the School's ethics initiative continued on course. Dees continued to teach his second-year elective "Profits, Markets, and Values." Associate Professor Lynn Paine expanded her second-year course, "Managing for Organizational Integrity," to 30 sessions, in part as a result of field research and casewriting on ethical issues facing international companies. Paine has also completed teaching notes for the many cases she has written during the past several years, and these will be published in 1996 in a casebook, *Leadership, Ethics, and Organizational Integrity*. Professor Joe Badaracco continued to serve as course head for DMEV, taught the second-year elective on Business Fiction, and expanded his other second-year elective, "Moral Dilemmas of Management," to 30 sessions. His casebook, *Business Ethics: Roles and Responsibilities*, was published last fall.

The Divinity School (reported by Marcy Murnighan)

The Divinity School moved forward significantly this year in its development of a variety of initiatives that examine the ethical and values realm of public policy and professional practice. Common to all is the challenge of strengthening civil society in a fragmented era characterized by increasing levels of interdependence. Capping the year was the symposium on "Political Liberalism: Religion and Public Reason," sponsored by the

Divinity School's Center for the Study of Values in Public Life. The symposium explored the proper role of religiously-held and morally-based convictions in public discourse. It brought together distinguished Faculty from FAS, the Law School, and the Divinity School.

Several newly developed course offerings met with substantial success, both in enrollments and expressions of future interest. Areas receiving curricular attention include the values dimension of the environment, changing patterns of international relations, economic decisionmaking, urban transformation, feminism, and political discourse. A notable event was the launching of an interdisciplinary course entitled "Topics in Environmental Ethics," a collaborative endeavor involving Professor Tim Ford from the School of Public Health, Professor Bruce Hay from the Law School, and Professor Lawrence Sullivan from the Divinity School. Tim Weiskel of the School's Center for the Study of Values in Public Life, coordinated the course, which had enrollments drawn from both graduates from the Environmental Studies and Public Policy major as well as graduate students from the Design School, the Kennedy School, and the Divinity School.

Father J. Bryan Hehir, Professor of the Practice in Religion and Society and a Faculty Associate of the Ethics Program and of the Center for International Affairs, teaches popular courses on Catholic social teaching, the politics and ethics of statecraft, and political and moral criteria for the use of force. Hehir's ongoing work on the changing patterns of international relations and the role of ethics and religion in world politics make him a much sought-after lecturer, not only in the Divinity School but also in the War College, the Kennedy School's National Security Research Fellows Program, the Council on Foreign Relations, and the Carnegie Endowment for Peace's International Crisis Group. He maintains this rigorous schedule while serving as the full-time pastor of St. Paul's Parish in Harvard Square. Also in the international area, Harvey Cox, Victor S. Thomas Professor of Divinity, taught an advanced seminar on recent developments in Latin American liberation theology.

Our ethics faculty continued to offer a wide variety of courses pertinent to numerous fields of study. Arthur Dyck, Saltonstall Professor of Population Ethics and author of the newly published *Rethinking Rights and Responsibilities: The Moral Bonds of Community*, offered introductory ethics courses as well as medical ethics and human rights courses. Ralph Potter, Professor of Social Ethics, maintained his tradition of offering a provocative mix of ethics-related courses from his standard Christian Social Ethics course to classes on "The Ethics of Relationships," "Traditions of Civility," and "Fame, Celebrity, and Public Relations." Preston Williams, Houghton Professor of Theology and Contemporary Change, taught courses on Christian ethics and human rights and the ethical and religious thought of Martin Luther King, Jr.

Evelyn Brooks Higginbotham, Professor of African American Religious History in the Divinity School and Professor of Afro-American Studies in the Faculty of Arts and

Sciences, offered instruction on the role of African-American religious institutions and values in urban settings throughout the twentieth century. Robert K. Massie, Jr., former Fellow in the Ethics Program and now a Visiting Lecturer on Religion and Society and Director of the Center's Project on Religion, Values, and the Economy, taught a course on values and American political discourse. It drew on his recent experiences running for Massachusetts lieutenant governor. Marcy Murningham, Visiting Lecturer on Religion and Society and a Center Project Director, offered instruction on how moral convictions are connected to economic decisionmaking, particularly as applied to investment policy and the transformation of individuals and communities. Anthony E. Cook, Visiting Lecturer on Religion and Society and a former Fellow in the Ethics Program, examined the corporation and its impact on class, culture, and society from the standpoint of justice and fairness, as defined by various religious traditions. Ruth Smith, Visiting Lecturer on Ethics, taught a course on feminist ethics, which concentrated on moral reflection and feminist criticism and construction.

The Joint Consulting Project, now in its third year, is a collaborative initiative between the Divinity School and the Business School. Its purpose is to help students understand the management needs of non-profit organizations, examine religious and values issues and their relation to community service through personal and theological reflection, and to understand the relationship between these theological/value and managerial concerns. This spring, four students worked on the administrative, financial, and organizational problems facing a church-based food program in Boston. The faculty advisers were Dudley C. Rose, Director of Field Education in the Office of Ministerial Studies, Greg Dees, Associate Professor at the Business School, and Marcy Murningham.

Beyond curricular offerings, the School's Center is currently developing a joint initiative with the Center for International Affairs that would study the changing pattern of international relations from two perspectives. The first is the relationship between "new and old" definitions of the agenda of international relations; the second is an assessment of these issues in light of ethical and religious values, principles, and influences on the empirical realm of international relations and foreign policy. A national foundation has provided a planning grant to develop this multi-year program, which would feature a Fellows program for mid-career professionals and for post-doctoral students, as well as providing a vehicle for involving scholars of international relations and scholars of ethics and religion in a collaborative program of analysis. Hehir is the principal investigator in this endeavor.

The School has also received funding from several sources for a research project exploring the spiritual and ethical values of chief executive officers and the extent to which these values are reflected in business policy and organizational practice. The objective is to gain a sense of how CEOs from a number of faith traditions articulate their most deeply held beliefs, and whether and how these beliefs become translated into policy and practice. The principal investigator for this project is Marcy Murningham.

On other fronts, the School, together with the University Committee on Environment, co-sponsored the Harvard Seminar on Environmental Values. The faculty group met monthly to share recent research results and interdisciplinary perspectives on a number of topics, including the global threats posed by the resurgence of local epidemics as a result of environmental deterioration, and the role of values in formulating strategies for species preservation. The seminar continued to attract faculty from a wide range of departments, institutes, and professional schools at Harvard. Tim Weiskel served as the Seminar Director.

Within the School, the Religion and Society Colloquium met on a monthly basis throughout the academic year. Hosted by Dean Thiemann, the Colloquium provided doctoral students, post-doctoral fellows, and faculty with the opportunity to discuss topics such as morality in American politics; the relationship between race, love, and legal justice; religious liberty and the Supreme Court decision in *Board of Education of Kiryas Joel v. Grumet*; and Pentecostalism in America and its impact on the role of the religious right in public political discourse.

The Kennedy School (reported by Arthur Applbaum)

This has been an especially fruitful year for ethics-related research at the Kennedy School. A book by Mark Moore, a new member of the Program's faculty committee, will be published in the fall by Harvard University Press. His *Creating Public Value* is an effort to construct a conception of what public sector managers should do, where the "should" is informed by principles of democratic theory, as well as ideas about the proper role of people who exercise executive responsibility in the context of democratic government. Moore's ideas about making the connection between the techniques of effective management and virtue in public sector jobs have been incorporated into the core management course in the public policy program.

Fred Schauer has been involved in legal and constitutional development efforts in Mongolia, South Africa, and Chile, and his "Amending the Presuppositions of a Constitution" appeared in a volume edited by Sanford Levinson (a former Fellow in Ethics). Schauer continues to write about the authority of the law and the extent to which legal decisionmaking is distinctive: "Fuller's Internal Point of View" appeared in *Law and Philosophy*, and a review essay of Roger Shiner's *Norm and Nature* appeared in *The Canadian Journal of Philosophy*. "Giving Reasons," in *Stanford Law Review*, and "Opinions as Rules," to appear in *University of Chicago Law Review* extend his work on public deliberation and public decisionmaking. *The Philosophy of Law*, a textbook coauthored with Walter Sinnott-Armstrong, will appear this summer, and *Legal Theory*, the journal he founded, is now off and running.

Two books by Dennis Thompson about the practice of democracy will appear shortly: *Ethics in Congress: From Individual to Institutional Corruption*, and *Democracy and*

Disagreement (with Amy Gutmann, a former Visiting Professor in the Program). "Moral Disagreement in a Democracy," also with Gutmann, appeared in *Social Philosophy and Policy*, and his article, "Mediated Corruption: The Case of the Keating Five" (*American Political Science Review*), has been reprinted in a couple of collections.

Arthur Applbaum has pushed forward his research on adversary ethics and the morality of roles in politics and the professions. "Professional Detachment: The Executioner of Paris" will appear in *Harvard Law Review*, and "Rules of the Game, Permissible Harms, and the Principle of Fair Play" will appear in a Harvard Business School Press volume honoring Howard Raiffa. He has also written "Are Violations of Rights Ever Right?," a Kennedy School working paper, and a book, *Ethics for Adversaries*, is nearing completion. Applbaum has been awarded the 1995-96 Rockefeller Visiting Fellowship in Ethics and Public Affairs at the Princeton University Center for Human Values, where he will write about criteria for justified dissent and disobedience by public officials.

The required course at the Kennedy School, taught this year by Applbaum, Schauer, and Mark Kleiman, is now firmly established (see previous reports for details about its content and method). The circle of faculty members involved in its teaching is expanding. Joining the roster next year are Cary Coglianese, a political scientist and lawyer on the School's faculty, and Marc Roberts, a Faculty Associate of the Program and an economist who teaches the required ethics course at the School of Public Health.

Kenneth Winston, a former Visiting Professor in the Program, and in the Kennedy School, returned to teach "Ethics in Government," a case-based course on political ethics designed for mid-career students. Among his many activities, Winston revived his weekly brown-bag ethics lunches, informal sessions open to anyone interested in discussing ethical issues of the day. Most of the participants were Kennedy School students, but often people came from as far away as the Business School and the Law School. Winston's current research project is a monograph on political ethics.

The Law School (reported by Martha Minow)

Under the energetic and imaginative leadership of the Program on the Legal Profession, directed by Professor (and former Ethics Fellow) David Wilkins, the Law School offered new courses, presented two conferences, and continued the lively series of speakers and discussions that have made ethics a focus of attention at the School.

As in the past, the School offered students survey courses on the legal profession and a specialized course on "Ethical Problems in Transnational Practice." In a new and exciting development, Wilkins joined with Dr. Linda Emanuel, Assistant Director of the Division of Medical Ethics (and also a former Fellow in Ethics), in teaching "Ethical Issues in Clinical Practice: Lawyers and Physicians in Dialogue." The course, believed to be the first of its kind, brought together law students and medical students to examine the evolving

meaning of professionalism, given the challenges facing both law and medicine. An impressive array of outside speakers and field visits, bringing medical students to courts and law students to hospitals, kept the students not only busy but in genuine contact with both professions. The course included a moot court exercise in which the law students played physicians and the medical students played lawyers, and a simulated hospital ethics committee deliberation. Wilkins and Emanuel are exploring the possibility of developing course materials, based on the new course, for publication and use at other universities.

Professor Philip Heymann, recently returned from serving as second in command at the federal Department of Justice, taught a new seminar entitled, "Complex Criminal Cases: Tactical, Ethical and Legal Issues Confronting Federal Prosecutors." Visiting Professor Daniel Coquillette taught a course on "Lawyers and Morals," and completed his book, *Lawyers and Fundamental Moral Responsibility*.

With support from the Keck Foundation, Professor William Alford developed materials on the emerging Chinese legal profession for his seminar "The Role of Law in Chinese Society." Also with support from the Keck Foundation, Lecturer Deborah Anker devised ethics problems for students in her course on "Immigration Law" and in clinical placements at the Cambridge and Somerville Legal Services immigration law unit. Visiting Professor Lucie White and Assistant Professor Christine Desan brought Professor David Luban of the University of Maryland Law School into an expanded joint session of their required Civil Procedure classes to consider ethics and the adversary system.

Finally, two important curricular developments reached first-year students, who are not eligible to take courses on legal ethics. The mandatory research and writing course, taught by Professor Charles Nesson and Visiting Professor Peter Murray, used the O.J. Simpson murder trial as its focus and analyzed ethical issues facing both the prosecution and defense attorneys in that case. A new course, entitled "The Lawyering Process," introduced ethics (again with the assistance of Wilkins) in the context of negotiations; this course was a pilot that will be expanded to reach more students in the future.

In the Spring, the Program on the Legal Profession sponsored two major events. The first was a colloquium on "The State of the Legal Profession." The authors of four recent books about the profession met with eight leading practitioners and ten academics to discuss the issues raised by the books: *The Lost Lawyer*, by Yale Law School Dean Anthony Kronman, *Lawyers' Lives*, by Georgetown University Provost Michael Kelly, *A Nation Under Lawyers*, by Harvard Law Professor Mary Ann Glendon, and *Skadden*, by journalist/lawyer Lincoln Caplan. In two closed sessions, the participants candidly scrutinized charges of declining ethical standards, especially in large corporate law firms, and the availability of a range of institutional structures and cultures that frame contrasting responses to ethical issues. The four authors then appeared on a panel open to the Law School community.

The second event was a conference on "The Right to Have Rights." Angelia Means (Keck Fellow in the Program on the Legal Profession and Graduate Fellow in the Program in Ethics and the Professions) conceived and organized the conference with the guidance of Wilkins and an interdisciplinary team of faculty consultants from other departments. The conference brought together human rights advocates, political theorists, immigration lawyers, and legal academics to examine the dilemmas posed in fashioning legal and moral responses to people displaced from their own nations by political and economic events. Launched with a talk by University Professor Frank Michelman, the conference included as panelists Professor Martha Minow and Lecturer Deborah Anker.

In our speaker series, Robert Gordon, Professor at Stanford Law School, spoke about "Louis Brandeis and the Idea of Private Practice in the Public Interest," and also addressed the members of our Law School faculty on his forthcoming book about the ethics of the corporate bar. Keck Visiting Scholar Marc Galanter spoke about the ethical issues posed by judicially-sponsored settlement, and later addressed the faculty and students on a topic of perhaps even wider interest: lawyer jokes as a cultural source illuminating public attitudes towards lawyers. Wilkins spoke to the Law School faculty (as well as audiences at Yale, George Washington and the University of Texas) on the question, "Should a Black Lawyer Represent the Ku Klux Klan?"

In addition to his leadership and institutional work promoting teaching and scholarship about legal ethics at Harvard, Wilkins lectured at the University of California at Berkeley on the topic "Why Are There So Few Blacks in Corporate Law Firms?" (forthcoming, *California Law Review*), and served as commentator at Stanford University on the Tanner Lecture, "Race and Ethics," by Princeton University Professor Amy Gutmann. He also co-taught the Law and Society Association's Summer Workshop, where he delivered a paper entitled, "Everyday Practice is the Troubling Case." Wilkins lectured on "Recent Developments in Legal Ethics" to the National Association of College and University Attorneys' Professional Development Institute at the Harvard Graduate School of Education. He also delivered a paper at Amherst College entitled, "Social Engineers or Corporate Tools: *Brown v. Board of Education* and the Conscience of the Black Corporate Bar."

Wilkins and Minow sponsored a monthly series of lunch meetings with teachers of civil procedure and federal courts to consider curricular changes, especially in light of revisions in the rules of pre-trial discovery, the rise of alternative dispute resolution, and the challenges to ethics posed by these developments. Perhaps inspired in part by these discussions, Bruce Hay, Assistant Professor in civil procedure, will take on the task of crafting ethics materials for a section of the required first year research and writing program next year.

The Medical School (reported by Lynn Peterson)

During the Division's sixth year we taught more students, offered more courses, and appointed more Fellows than in previous years. At the same time we continued at the same level our monthly Faculty Seminar, the hospital-based Clinical Ethics Lecture Series, and the research programs.

More than 40 students registered for the elective basic ethics course this year. Patients and families described the ethical issues they faced in health care, and invited faculty talked about current problems in human rights, health care reform and the needs of disadvantaged communities. The student papers and exams were of high quality. Troy Brennan's course in "Health and Human Rights," offered in both the School of Public Health and the Medical School, also attracted a large number of students. Two highly successful courses remained so: Ruth Fischbach's course on "Pain," and Martha Montello's course using literature to analyze and discuss the ethical issues arising in medicine were extremely popular and again received rave student reviews.

The first of three new courses was a one-month elective for medical and law students taught by faculty from each School. Many of the instructors had been Fellows in the Program in Ethics and the Professions. The second course, on "Care Near the End of Life," was offered in collaboration with the Departments of Medicine and Psychiatry. The third new course gave senior students an opportunity to read literary narratives and reflect on their patient care experiences.

Our faculty use actual cases to illustrate how ethical issues arise and to identify the resources needed to deal with them. Some of these cases are written; others are on video or presented by the patients and providers themselves. Our primary goal is to prepare students to become reflective practitioners, capable of understanding patients' values and working responsibly in existing medical and social institutions.

In the Division's Fellowship Program, this year's seven Fellows met in a weekly seminar covering theoretical and practical aspects of ethical issues in medicine. Two Fellows were non-physicians (a lawyer and a nurse); the five Fellows who were physicians represented the fields of primary care, psychiatry and neurology. Each Fellow worked on a special project and, toward the end of the year, each Fellow presented his or her project to the group. Karl Lauterbach, Allan Brett, Robert Truog and Lynn Peterson also participated in the seminar.

Walter Robinson, one of this year's Ethics Fellows, had been with the Division as a Fellow in Medical Ethics last year. Next year, Richard Martinez, currently a Fellow in Medical Ethics, will join the central Ethics Program. The connection between the two programs enhances the strengths of each. For the Fellows in Medical Ethics, it offers an additional year to complete their research, as well as an opportunity to study ethics more broadly in

the interdisciplinary seminar the university-wide Program provides. In turn, that Program benefits from the presence of physicians trained in medical ethics.

The Division's Fellowship Program remains one of its most important enterprises. It enables us to help train some of the next generation of faculty and scholars in medical ethics. The participants are better prepared to integrate the theoretical roots of ethics into arenas of practical medical problems at both the level of individual patient care as well as the sociopolitical or institutional level. This next generation of scholars is crucial in enabling medicine as a profession and an institution to fulfill more effectively its ethical mandate.

In the Clinical Ethics Lectures, a series presented in the Harvard teaching hospitals, the speakers, who came from all over the country, included politicians, physicians, philosophers, administrators, and a priest. An important feature of the lecture series is the opportunity for those working in hospitals to question the speakers about some of the critical issues that arise on the front lines of health care. Because this opportunity for dialogue is at least as important as the lecture itself, we arrange several post-lecture meetings or dinners for participants.

The monthly faculty seminar includes people from the Division as well as visitors from inside and outside the University. Dan Wikler and Solomon Benatar (both Fellows in the central Ethics Program) gave talks in this series. In addition, we discussed issues in genetic screening and counselling, research ethics, the impact of managed care, withdrawing invasive therapies, and the impact of education on health. Our final speaker, Professor Arthur Kleinman, sharply criticized some of the presuppositions of the bioethics movement in the United States.

Our Program in the Practice of Scientific Investigation offered a complete sequence in training in scientific integrity. Trainees began with case-based discussions of data management, authorship, plagiarism, mentoring and conflict of interest. An advanced program dealt with the use of animals, human subjects, whistleblowing, and other issues in the ethics of scientific practice. The third segment of the program involved a day-long event at which leading scientists and policy makers addressed some of the key policy issues facing science.

Through the Student Journal Club, medical students continued the tradition of organizing bimonthly meetings to address some of the pressing ethical issues in medicine. One student was responsible for defining the topic, finding appropriate background articles and then leading the group discussion. Topics included the use of human embryos for research, genetic testing, and research on children. This lively forum gave students an opportunity to listen to each other and formulate their own opinions on these controversial issues.

This marks the fifth and final year of our grant from the Ira DeCamp Foundation. This award made possible many of the programs described above. The Foundation has generously given us a second grant to develop materials for teaching the ethical issues that arise in the environment of managed care. The Division will work with managed care experts, organizations and physicians in developing cases and associated background materials, which will be used for teaching medical students and physicians.

Linda and Ezekiel Emanuel have received funding from the Commonwealth Foundation to carry out a national survey on care near the end of life. The results of this important study will tell us a great deal about care delivery from the patient's point of view and help plan for the most appropriate kinds of care in the future, such as choices among hospice care, skilled nursing, and home care. Linda Emanuel was also awarded a Fellowship from the Human Genome Project, as well as a grant from the Culpeper Foundation to write a book on the definition of death.

The Division sponsored a continuing medical education course on care near the end of life. This course focuses on how understanding the ethics issues during this especially vulnerable time can improve patient care. Speakers included many of the Division's members as well as a patient's family, and the lawyers and physicians who played a role in shaping current practices.

The Department of Social Medicine recently established a Center for Research in Medical Ethics with Linda Emanuel as its Director. The Center will be closely allied with the Division. It will provide a means for organizing independent and collaborative research projects, retain top flight methodologists, and create a presence in ethics research in the Medical School and the field of medical ethics.

Both Kenneth Ryan, the Division's Steering Committee Chairman, and Linda Emanuel have been serving on a new national commission on research integrity organized by the U.S. Department of Health.

During the past year the role of ethics in medical education, practice, and research has taken a new turn, as medicine encounters serious problems in maintaining quality care in the face of competitive pressures and mounting costs. The atmosphere on the front lines of medical practice is distressing and unstable. Although more HMS students are seeking careers in primary rather than specialty care, the future seems less certain.

Ethics training cautions us not to expect medicine to remain unaffected by shifting social priorities. Some kinds of care regarded as "necessary" may need to be seen as discretionary. At the same time we will need to challenge some insurance companies and government agencies in order to preserve some of the less aggressive kinds of care (such as prevention and chronic illness) that have the capacity to provide substantial benefit. Inevitably the Division's research and teaching objectives will have to respond to the changing agenda that these issues present.

The School of Public Health (reported by Troy Brennan)

The School continues to require all of its students to take the course it offers in ethics. Now taught as three sections, one in the summer, and two in the fall, the course examines the most important assumptions that underlie the practice of public health. Students are introduced to notions of moral philosophy and distributive justice through a series of case scenarios, integrated with reading from the primary political and philosophical literature. Critical to the course is the question, what is ethical public health practice?

The School also offers an expanded course in research ethics, required for all students receiving any kind of federal support for their tuition. Attendance for this course has increased from 20 students to 98 students over the past three years. A group of the School's most senior faculty now deliver coordinated lectures on such issues as research fraud, mentoring, confidentiality, and protection of human subjects.

A host of elective courses address ethical issues in public health. For example, Professor Marc Roberts teaches an advanced seminar in ethics of public health for students who have completed the required course. Professor Troy Brennan's course, "Legal and Ethical Issues in Medical Practice," jointly offered at the Medical School, reviews a number of salient issues in medical ethics, and questions how the conceptual basis of the debate changes as health care institutions change. Professor Kathy Swartz's advanced course, "Health Economics," employs much the same strategy, evaluating how distributive justice modulates utilitarian presumptions in health care.

The Francois-Xavier Bagnoud Center for Health and Human Rights organizes many different kinds of sessions designed to explore ethics and international human rights. Courses include "Health and Human Rights" and "Child Rights/Child Health." The Center hosts speakers in a monthly seminar series on health and human rights issues. In September, the First International Conference on Health and Human Rights was held at Harvard with more than 350 participants from around the world. At the same time, *Health and Human Rights*, an international quarterly journal was launched and currently the first two issues are available. Dr. Jonathan Mann, Director of the Center, is also the vice-chair of a newly formed university-wide Committee on Human Rights Studies.

Public Lectures

The series of public lectures that the Program sponsors each year with the support of a Fund established by Obert Tanner helps forge intellectual connections that reach across conventional intellectual and geographical boundaries at Harvard. In the spirit of the collaboration you are encouraging throughout the University, the lecture series has

served as a model for several of the successful university-wide forums for intellectual interchange that are now flourishing.

The lecture series has won the respect of academics, and attracts overflow crowds from the University and the wider community. Invitations to the dinner seminars after the lectures are much in demand. Some of our most distinguished philosophers, notably John Rawls, make a point of attending regularly. Equally respected faculty from the schools of medicine, law, business, government and divinity also attend.

The speakers in this year's series were:

Alan Ryan, Politics Department, Princeton University
"Professional Liars: Doctors, Lawyers, Politicians and the Well-Told Lie"

Kathleen Sullivan, Stanford Law School
"Free Speech and Unfree Markets"

William Galston, Deputy Assistant to the President for Domestic Policy
"Moral Philosophy Meets Public Policy: The Case of Human Embryo Research"

Thomas Donaldson, Georgetown University
"Global Business Ethics"

Philippa Foot, Oxford University
"Acting Well"

Jean Bethke Elshtain, University of Chicago
"Ethics and the Public Intellectual"

Changes in the Roster

Our roster has changed little since the beginning of the Program, evidence (I trust) not of our conservatism but rather of the dedication of the faculty associated with the Program. We welcomed one new Faculty Associate this year: Cornel West, newly arrived Professor of the Philosophy of Religion and of Afro-American Studies. A preeminent scholar of race and culture in America, West has long been interested in a broad range of ethical issues especially as they relate to democratic citizenship. Among his recent books are: *Race Matters*, and *Jews and Blacks: Let the Healing Begin*.

The recent death of Professor Don Price, one of our Senior Fellows, is a great and sad loss, not only to the Program but to the entire University community. Formerly Dean of the Kennedy School, teacher of the School's first course in ethics, and a long-time supporter

of teaching and research on ethics in public affairs, Price was a charter member of the Program. He will be greatly missed.

We are losing one Faculty Associate: Allan Brett, a former Fellow in the Program and an active member of the Division of Medical Ethics, will be the new Chief of the Division of Internal Medicine, and Associate Professor of Medicine, at the University of South Carolina. We will miss him, especially for the leadership he provided in the Fellowship Program in the Division. While the opportunity to help build a new well funded program in medical ethics at another institution is understandably attractive, we can take some comfort in knowing that he will carry the Program's message to another part of the medical community.

After many years of service as a research associate for the Program, Ted Aaberg is leaving the Program to pursue other opportunities. As you know, his position was eliminated as part of the adjustments in our budget for the next several years. Ted's contributions to generations of Fellows and in particular to my own research have been valuable, and we will miss him.

Although not officially on our roster, John McArthur, who is stepping down as Dean of the Business School, has been a strong supporter of the Program from the beginning. Few people are aware of the extent to which he helped the Program, especially in its early years. Beyond the important financial assistance the Business School provided, his own advice and encouragement, as well as his advocacy of our cause within the councils of the University and elsewhere, made an important difference both to the Program and to me personally.

Activities Beyond Harvard

At recent meeting of a committee of the Board of Overseers where I was describing ethics activities at Harvard, Tim Wirth, a Board member and currently Under Secretary for Global Affairs in the State Department, asked how much influence our Program was having outside of Harvard. Afterward, he suggested that I write him in more detail, and his request gave me an excuse to gather evidence from our faculty committee and associates about our effects on ethics beyond Harvard. I myself was happily surprised by the responses. What follows is based on the letter to Wirth, and summarizes only a portion of the information I received.

There are now more than 200 centers, programs or institutes dealing with practical or professional ethics, and at least another 40 in foreign countries. Most started after our program, and many of them consulted us at one time or another or in other ways drew on our experience in designing their own programs. Directors of other programs have told us that our early success encouraged their universities to follow suit. Simply the fact that Harvard was prepared to establish such a program, they say, gave legitimacy to the

enterprise of practical ethics, and showed that it could be a respectable academic endeavor.

We have spent many hours meeting with the directors of other ethics centers, or deans and faculty who were planning to start centers — more than a dozen in the past year, including visitors from Australia, England, France, and South Africa. In addition, representatives from corporations, professional associations, government agencies, and health care organizations have made what is beginning to seem like an obligatory pilgrimage to our Program's offices. Most recently, five leading officials from the governments of Bolivia, Mexico, Panama, Peru, and Venezuela visited the Program as part of a United States Information Agency project on "Ethics in Government: Professionalizing the Civil Service." I have not myself taken our message to as many exotic locations this past year as in some previous years. However, I did accept an invitation to Walla Walla, Washington, to consult with the President of Whitman College, their faculty, and a potential donor about establishing a program similar to ours.

With the support of the \$1.5 million grant we received from American Express several years ago to integrate ethics into courses in various departments in the College, some 44 new courses were developed in twenty different subjects, ranging from biology to psychology. We have made the syllabi and other course materials available to the many teachers at other universities who have requested them. One of our more popular and successful pieces of propaganda is a 30-minute video featuring scenes from the largest ethics course at Harvard, Michael Sandel's "Justice," which regularly enrolls more than 800 students. Many other teachers have told us that this video has inspired them to try to teach ethics in large classes.

Some of our influence has been more indirect. My Harvard colleagues and I played a role in starting the Association for Practical and Professional Ethics, which brings together teachers and scholars of ethics not only in universities but also from government, business and the professions. Begun four years ago, it now has some 500 individual members, and 90 institutional members. Next fall we will host, for the second time, a meeting of the Association's Executive Committee. In an early issue of its newsletter, the Association used our Program's statement defining the field and setting the agenda for its future. The Association also makes available to its members, and the general public, information about our Program, courses at Harvard, and research that our faculty and students are conducting.

In addition to the general influence of the Program, many of our affiliated faculty have spread the gospel, both in this country and beyond, through their writings and their participation as invited speakers at conferences and workshops around the world. Here are a few examples of the influence some of our former Fellows are having:

- Lt. Col. Terry Moore, an officer with combat experience and also a doctor of philosophy, is teaching the required course in ethics to the cadets in the Air

Force Academy, and has started a new program on "Leadership and Character" which draws on the work he accomplished during his time as a Fellow in the Program.

- Zeke and Linda Emanuel proposed in an article in the *Journal of the American Medical Association* a new form of "Living Will" (in which individuals can designate in detail the kind of treatment they would wish to receive if they became incapacitated). More than a half million readers requested reprints. The article and the proposed Will were key factors leading to the passage of the Patient's Self Determination Act, landmark federal legislation in this field.
- Joe Badaracco, named a "top prof" by the *U.S. News & World Report* in its survey of business schools, has recently published a casebook based on his successful course on ethics in our Business School. The casebook is already changing the way business ethics is taught in many other schools. Since 1993, the Business School has sold more than 10,000 books and 300,000 cases on ethics to students and faculty at other colleges and universities, and to major corporations such as AT&T.
- John Kleinig, who now teaches ethics to active New York City police officers at John Jay College, has just completed a book on police ethics, which is likely to establish him as the leading scholar on this subject in the country.
- The ethics curriculum in the Kennedy School, developed by Arthur Applbaum and Fred Schauer, has become the model for new public policy programs in many countries throughout the world – most recently in one of the largest universities in Chile.
- David Wilkins is directing a project on the ethical responsibilities of general counsels in large corporations. General counsels from more than a dozen major corporations are joining with Harvard faculty to develop standards in this relatively neglected but increasingly important area.
- Even some graduate Fellows are already having an impact outside Harvard: Andreas Follesdal as the staff ethicist for Norway's research council; Steve Latham as an instructor in professional responsibility at Berkeley's law school; Harold Pollack as the Robert Wood Johnson Fellow in health policy at Yale University; and Steven Klasen as an economist at the World Bank.

Problems and Prospects

As long planned, the financial subsidies from the schools of business, law, medicine and government came to an end this year. These subsidies, specifically limited in time, were intended to put the Program on a firm basis to enter the campaign to seek funds that should make the Program self-supporting in the future. For the immediate future, your commitment to continue to support the Program at current levels is welcome. The Program is the beneficiary of a charitable remainder trust, which should cover a substantial portion of our core expenses, but its proceeds will not be available for many years.

Our financial needs then are, if not urgent, great; they are of two kinds: term funds for the core activities to supplement your support; and endowment for these activities as well as plans for expansion such as increasing the number of Fellows or mounting short-term training sessions for faculty or practitioners. Furthermore, because the health of the central Program depends on maintaining strong ethics programs in the schools, we consider their needs to be an important part of the University-wide planning in this area. In particular, there is need for additional professorships for faculty who specialize in ethics in several of the schools (especially the Medical School and the Kennedy School). Our hope is that the occupants of these chairs would also be able to devote some of their time to University-wide activities in ethics. Most of these needs are described in more detail together with estimates of their costs in the statement for the campaign submitted to both of you.

We were pleased with the positive reaction of the Deans, Development Officers, and the Provost after the review this fall of the Program and its campaign plans. I also appreciated the favorable responses we received when we presented reports on our activities and future plans at a meeting of the Corporation and later to members of Board of Overseers. Designating ethics as one of the five interfaculty initiatives in the campaign, as you have done, is encouraging both to us as well as to potential benefactors. The appointment of Janet Averill to head the development efforts for the five initiatives is a welcome step. She has already given new life to our fundraising endeavors. Although we have yet to receive any new gifts in the campaign, we are already in contact with several potential donors, some of whom have visited the Program. We are planning several events in the future to bring the activities of the Program to the attention of the increasing number of alumni and friends who have expressed an interest in ethics at Harvard.

Although our financial problems are serious, I do not want to dwell on them. They seem less important when I reflect on the achievements of the Fellows, faculty and staff of the Program, as (only partly) presented in this report. The Program is flourishing beyond what its resources should lead one to expect—largely because of the dedication of our staff, the Fellows, and the faculty associated with the Program. We can all take satisfaction in knowing that ethics is now receiving the serious scholarly attention it deserves at Harvard and at many other colleges and universities. The challenge for the future is to sustain the quality of teaching and research so far achieved while seeking to reach an even wider community.

Appendix I
Fellows in Ethics
1995-96

Rajeev Bhargava is Associate Professor at the Jawaharlal Nehru University, New Delhi, where he teaches courses in the history of political thought and contemporary political philosophy. He was educated at the University of New Delhi and Oxford University, and received his D.Phil from Oxford in 1988. He is the author of *Individualism in Social Science: Forms and Limits of a Methodology*, and *Modernity and Its Discontents*. The deterioration of Hindu-Muslim relations in India focused his attention on religion and politics in multi-religious societies, an issue on which he has written extensively. During his Fellowship year, he plans to explore the resources of liberalism for a coherent and philosophically defensible formulation of secularism. Professor Bhargava will also be affiliated with the Harvard Center for Population and Development Studies.

Richard Martinez is Associate Clinical Professor in the Program in Ethics and Medical Humanities and in the Department of Psychiatry at the University of Colorado School of Medicine. He was educated at Tulane University, the University of Colorado, and received his M.D. from Louisiana State University Medical School. He is a psychiatrist, and teaches literature and ethics to medical and premedical students. He also writes poetry and fiction, writes and lectures on the narrative approach to medical ethics, and is interested in the impact of technology and health care reform on the physician-patient relationship. During his Fellowship year, he will study the place of ethical theory in concepts of professional identity and relationships. He will also continue to study the experience of death and dying in the setting of the pediatric intensive care unit. Dr. Martinez was a Fellow in Medical Ethics in 1994-95.

William Mayer is an assistant professor of Political Science at Northeastern University. He received both an undergraduate degree and a Ph.D. in Political Science from Harvard University. His principal areas of research include public opinion, voting and elections, political parties, and media and politics. He is the author of *In Pursuit of the White House*, an edited volume of essays about the presidential nomination process; and *The Divided Democrats*, a study of the ideological divisions within the Democratic Party. During his Fellowship year he will work on a book about how to improve presidential election campaigns, while examining the related ethical issues.

Jerry Menikoff received his M.D. from Washington University (St. Louis), and is a resident in ophthalmology at the New York Eye and Ear Infirmary. He graduated from Harvard College with an A.B. in mathematics, and, through Harvard's Law and Public Policy Program, received joint J.D. and M.P.P. degrees from the Law School and the Kennedy School of Government respectively. He served as a judicial clerk for Chief Judge Irving R. Kaufman of the U.S. Court of Appeals for the 2nd Circuit, has taught at the University of Chicago Law School, and was a Fellow in the MacLean Center for Clinical Medical Ethics. During the Fellowship year, he will explore the area of "medical futility" and attempts by patients to demand care that physicians deem unnecessary.

Austin Sarat is the William Nelson Cromwell Professor of Jurisprudence and Political Science at Amherst College, where he is currently Chair of the College's Department of Law, Jurisprudence and Social Thought. He holds a Ph.D. in Political Science from the University of Wisconsin, and a J.D. from Yale Law School. He is the author (with William Felstiner) of *Divorce Lawyers and Their Clients: Power and Meaning in the Legal Process*; co-editor (with Thomas Kearns) of *The Rhetoric of Law and Law in Everyday Life*; and (with Susan Silbey) of *Studies in Law, Politics, and Society*. His current research focuses on moral commitment and professional identity, the relationship of law and violence in the context of capital punishment, and the legal ideology of the welfare poor. During his Fellowship year he will work on a book on the death penalty bar, tentatively titled *Lawyers for the Condemned*.

Suzanne Uniacke is Senior Lecturer in Philosophy at the University of Wollongong in New South Wales, Australia. She received a B.A. (honors) and an M.A. in Philosophy from LaTrobe University, and a Ph.D. in Philosophy from the University of Sydney. Her areas of teaching and research specialization are theoretical and applied ethics and the philosophy of law. She has acted as Honorary Consultant to several law reform commissions in Australia. Her published articles address issues such as the right to privacy, euthanasia, the doctrine of double effect, the public funding of IVF, the nature of partial legal excuse, and how the law ought to respond to killing under duress. Her recent book *Permissible Killing: The Self-Defence Justification of Homicide* focuses on the principles relevant to self-defence as a moral and legal justification of homicide. During the Fellowship year she will work on a book, *Permissions and Constraints*, which aims to develop and defend a particular specification of rights, and to explain and defend related general moral constraints, such as those against intending harm and doing harm.

Appendix II
Graduate Fellows in Ethics
1995-96

Carla Bagnoli, a Visiting Fellow in Philosophy, is a Ph.D. candidate in Philosophy at Università di Milano. Her doctoral dissertation explores the consequences of recognizing the possibility of moral dilemmas for ethical theories. In making sense of moral dilemmas, she defends a pluralist theory of ethical reasons that is objective, but neither realist nor cognitivist. Bagnoli received a European Community Erasmus Fellowship to study at Middlesex University, London, where she completed a thesis on R.M. Hare's meta-ethics. After graduating *summa cum laude* in 1991 from Università di Firenze, she was awarded a Fellowship in Ethics from Istituto Universitario Benincasa of Naples. Bagnoli has published papers and reviews in Italian philosophical journals, and has recently translated Ronald Dworkin's Life's Dominion into Italian.

Talbot Brewer is a Ph.D. candidate in Philosophy. His thesis, written under the guidance of Professor Thomas M. Scanlon, explores the moral relevance of involuntary character traits such as feelings and desires. The central claim is that desires and inclinations enter into our moral assessment of self and others as signs of the depth of our commitment to our values--that is, as signs of our integrity. If this is so, then integral commitment to values can be viewed as a kind of consent, upon which obligations are founded. Brewer graduated from Duke University in 1983, and worked for five years as a journalist. Before coming to Harvard, he received an M.A. in Philosophy from Tufts University. He has served as a teaching fellow in moral reasoning, and has taught an introductory class in Philosophy at Tufts Summer School.

Lisa Fishbayn, an S.J.D. candidate at the Law School, is writing about norms of equality at the intersection of customary and constitutional law in post-colonial societies, such as Canada and South Africa. After studying philosophy and women's studies at the University of Toronto and Carleton University, she received an LL.B. in 1991 from Osgoode Hall Law School in Toronto, and an LL.M. from Harvard in 1993. A member of the Bar of the Law Society of Upper Canada, she was law clerk to the Honourable Frank Iacobucci, Justice of the Supreme Court of Canada, and has done research and representation on behalf of victims of domestic violence. While at Harvard, she has been a teaching fellow in moral reasoning for Professors Frank Michelman and Seyla Benhabib, and a research assistant to Professor Martha Minow.

Andrew Sabl, a Ph.D. candidate in Government, is writing a thesis entitled "Political Offices and American Constitutionalism" in which he argues that we should regard the holders of formal and informal offices under the American regime (community organizers as well as senators) as having privileges and duties defined by the needs and goals of the constitutional order. Thus, Ralph Nader, Jesse Helms, and the average citizen would benefit from reading Aristotle, Madison and Tocqueville. Sabl graduated *summa cum laude* in Government from Harvard College in 1990, and has been awarded the National Science Foundation Graduate Fellowship and the Arthur Maass Fellowship of the Government Department. He has also worked as a researcher and proofreader for *Harper's* and *Daedalus*.

Appendix III
Reports of the Fellows
1994-95

Report on Fellowship, Program in Ethics and the Professions 1994\95

Solomon R Benatar MD

This year at Harvard has been one of the most exciting and privileged years of my academic career. Twenty three years ago I had the good fortune of spending 2 years in London as a Research Fellow in Pulmonary Diseases. The immediate benefits were obvious but it was the basis the research experience formed for intellectual growth that sustained two decades of medical practice, teaching and research in the challenging environment of a South African Medical School in a difficult era.

The opportunity to live and work in the rich intellectual and social environment of Harvard and Cambridge during this academic year has now provided me with deeper exposure to the philosophic method of inquiry that is an essential basis for new directions in my work in Cape Town - involvement with a multidisciplinary bioethics group and contributing to a social medicine program as a component of necessary changes in medical education and practice in South Africa. Inspiration for the next phase of my work and life at this time of exciting and challenging transition in South Africa will, I hope, be sustained by a growing understanding of the many important topics I have been able to study this year.

Participation in the Program's weekly seminars, based on a wide range of scholarly writings has provided me with many new insights. Interaction with my distinguished colleagues from other professions has been an enlightening and stimulating experience. Acquiring a deeper understanding of how they think, of the methodology used by their disciplines and debating with them has not been easy, in particular for a physician from a very different society, unfamiliar with American history and the political philosophy and legal system that form part of a powerful culture. I have however greatly enjoyed and benefited from our interactions. I am appreciative of the group's tolerance of my tendency to provoke (perhaps irritating) digressions from

theoretical considerations towards the harsh realities that pervade a practical world from which I have had difficulty abstracting myself.

Auditing Tim Scanlon's course on Moral Reasoning: Reason and Evaluation in the Fall Term and Christine Korsgaard's course on The History of Modern Moral Philosophy in the Spring Term were additional opportunities to learn some philosophy and to enjoy the excellent teaching offered by Harvard staff.

The benefit derived from the specific topics of each PEP seminar has been enriched by the stimulation to read widely around many issues of great theoretical and practical importance in a rapidly changing world. I refer here to contemporary thought in political philosophy, with particular reference to: challenges to long held and highly valued liberal traditions as viewed through the rationale for and structure of the intense debate between liberalism and communitarianism; the rise of various resistance movements - feminism, multiculturalism, post-modernism; trends in international relations and a deeper understanding of the sociological effects of pervasive discriminatory and economic practices on intra and international disparities and tensions. The Distinguished Visiting Lecturer Series and most enjoyable associated dinners were greatly appreciated academic and social highlights of the Program.

Preparation for and participation in the weekly academic staff seminars in the Department of Anthropology, and interaction with another group of colleagues having very different academic approaches to contemporary problems, added another perspective to my studies of the above listed topics. Involvement with the Department of Social Medicine and its Division of Medical Ethics has been yet another source of stimulation, an opportunity to meet some Harvard medical colleagues, and to observe and participate in the teaching of ethics in the Harvard Medical curriculum.

Invitations to give lectures and clinical medicine seminars at Harvard, Tufts and Boston University Medical Schools, and at Medical Schools in several American and Canadian cities were welcome occasions on which to try to crystallise new thoughts, to share experiences in medicine, and to debate with colleagues challenges facing medicine in South Africa and how these compare with the forces influencing academic and clinical medicine in the US.

There was both diversity and considerable overlap between many of the activities in which I have been involved during the year. While the range of activities I pursued detracted somewhat from in depth pursuit of some of the topics I had hoped to research, I have worked on and modified several previously submitted articles that have recently been accepted for publication, initiated and completed a manuscript on the 15th Brompton Lecture given on the occasion of the 150th Anniversary of the Brompton Hospital in London in December 1994, and I hope to begin and complete at least one more article before leaving Boston at the end of July.

The variety of perspectives I have been exposed to at Harvard, through living in the US and getting to know some American history, together with the wide range of readings I was stimulated to pursue have contributed to a mosaic of experience that few physicians (or others tightly confined within the enclaves of their discipline) are privileged to enjoy. In the context of my broad range of interests and the special requirements for rapid change in South Africa, this eclectic exposure to fields of endeavour that are increasingly impinging on medicine and health care delivery, together with direct exposure to the context of the debate on health care reform in the US (and why this has failed) will be of great value to me. I hope that I shall be able to use my experience profitably in our society as we grapple with complex issues demanding understanding and carefully crafted plans both for immediate action and for meeting longer term aspirations.

Two other major benefits of being in Cambridge have been the availability of so many book shops and books at prices that have enabled us to acquire a collection that we could not have obtained easily at home, and the opportunity for my wife to audit a range of excellent courses at Harvard. She has enjoyed and benefited enormously from these. Attending many extramural lectures, browsing in bookshops and having time to read voraciously during this year have given us independent and shared pleasure that will remain vivid aspects of our lives.

I should like to make a few comments about the organisation and management of the Program in Ethics and the Professions. First I should like to thank Jean McVeigh and Helen Hawkins for their kindness, efficiency and willingness to provide whatever advice and help I needed in the office. Friendly assistance from Simone Sandy and Ted Aaberg are also gratefully acknowledged. The photocopying and fax facilities, access to all required office equipment, the availability of a research account and ready access to my office over weekends and to all the Harvard Libraries were all greatly appreciated, and made me feel most welcome in the Harvard academic community.

Then I must express my thanks for the computer and e-mail facilities made available to me. These together with the friendly, enthusiastic and expert advice provided by Shelley Coulter enabled me to rapidly progress from total unfamiliarity with all such equipment to a respectable level of working competence. Acquiring these skills has been liberating, a source of added pleasure to a very different working day and an investment that would have been difficult to make during a normal working week at home.

In conclusion I should like to express my deep gratitude to the Selection Committee for giving me the rare opportunity to participate in this prestigious program, to Harvard for the financial support that made this possible, to Dennis Thompson for his encouragement, leadership and willingness to read and comment on draft

manuscripts, to my fellow Fellows for their stimulating friendship and to Lynn Petersen, Arthur Kleinman and so many colleagues who extended warm friendship and hospitality to me and my wife. As foreigners we feel particularly grateful for having have been given this wonderful opportunity. We hope that many of our old friends and the new friends we have made in Boston will visit South Africa over the coming years. We look forward to having them participate in our academic activities and to reciprocating their kindness. I am not sure how I shall cope with responsibilities at home after this wonderful experience. We will remember our year at Harvard as the most privileged in our lives.

Articles Accepted for Publication

Prospects for Global Health: Lessons from Tuberculosis. Thorax (in press 1995)

Health Care Services in the New South Africa. Hastings Centre Report (in press 1995)

Global Disparities in Health and Human Rights: a Critical Commentary. Health and Human Rights. (with revisions requested - in press 1995)

Invited Presentations

Clinico-pathological discussion. Massachusetts General Hospital. New England Journal of Medicine. (in press 1995)

Change and Coping with Change. 15th Brompton Lecture. (J Royal College of Physicians of London)

Articles Submitted and Under Consideration

Towards Social Justice in a New South Africa.

Articles in preparation

Promoting Medical Ethics as an International Endeavour

Some Challenges for North American Bioethics

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May 8, 1995

My year at Harvard has been wonderful. It has opened up whole new areas of inquiry for me. Though I've ended up doing work that is very different from what I planned to do when I arrived, I believe that the work that I have done grows logically out of the work that I planned, and that I am exploring more interesting and far-reaching issues than those that I had initially contemplated.

My project, when I arrived, was to expand to book length an article on abortion that I had published in 1990. During the summer, I had written a critique of certain Catholic natural law theorists' views on sexual ethics. While doing that, I had begun to worry about how political theory could cope with the enormous plurality of irreconcilable, often religiously based moral perspectives that prevail in contemporary society. That issue is hardly a new one, of course, but as it arose in my own work, it became clear to me that my views on the issue were underdeveloped and shallow. I did not know how to respond to recent criticisms of the liberalism that I espoused.

Specifically, it was unclear to me how one could sustain the traditional separation of church and state without implicitly taking some kind of theological position that supported that separation. To the extent that such a separation had historically prevailed, this was, I thought, the consequence of a sort of "overlapping consensus" among religious factions. Now that factions are emerging in the contemporary United States that do not share that consensus, it is beginning to unravel. Theorists who seek to defend the status quo (for that is what I am doing) need to say that those illiberal theologies ought not to govern our political life. And it is not clear how we can say that without saying something about the religious claims that underlie those illiberal theologies. The issue has obvious implications for the case of abortion, but it also reaches far beyond that case.

So when I arrived, I quickly decided that my most troubling area of ignorance concerned religion -- setting aside politics for the moment, and considering it on its own terms. So I decided to become a student again, and let myself be schooled in the basics of a subject. I took two classes in the Divinity School: "World Religions: Diversity and Dialogue," taught by Prof. Diana Eck, and "Belief, Experience and Symbol: The Interpretation of Religion," taught by Prof. Richard Niebuhr. In both classes, I attended discussion sections as well as the lectures, and I did all the assigned reading and some of the suggested reading. Both classes taught me a great deal, but I was particularly impressed with Prof. Eck, whose masterly survey of comparative religion taught me as much about teaching itself as it did about religion. By the end of the semester, I had begun to think about theology in an informed way.

In the spring, I took on several new projects. The study of religion had left me curious about how enlightenment liberalism dealt with religious issues. Luckily for me, Prof. Christine Korsgaard of the Philosophy Dept. was offering a seminar on "The Political and Religious Thought of Kant," in which I learned one of the most sophisticated answers to that question that has yet been devised. Prof. Korsgaard is an extraordinarily gifted teacher and scholar, and I am very fortunate to have had the opportunity to work with her.

Also in the spring, I wrote a paper entitled "Same-Sex Marriage and the Idea of Nonestablishment" which is a preliminary attempt to answer the theologico-political question with which I began the year. I circulated it fairly widely in order to gather comments, but by happenstance one of those I showed it to, Prof. Martha Nussbaum of Brown University, was organizing a conference on a related topic and asked me to present it there. It is now slated to appear in a volume of conference papers, which Prof. Nussbaum is editing.

Finally, during spring break, using the research stipend which came with my Harvard fellowship, I travelled to Hawaii to conduct a series of interviews on the same-sex marriage issue in Hawaii politics. In May 1993, the Hawaii Supreme Court held that the state constitution might require recognition of same-sex marriages. This year, I published a 90-page defense of that decision in the New York University Law Review. That article addressed the substantive legal issues raised by the case, but did not discuss the politics, which has played out in surprising ways. Public opinion in Hawaii runs two to one against same-sex marriage. The decision had few defenders. Some called for amending the state constitution to overrule the court. Yet the reaction in Hawaii turned out to be quite mild. No constitutional

amendment was enacted. A bill did pass purporting to overrule the court, but it was so weak that the lawyer for the plaintiffs in the same-sex marriage case quietly supported it in order to forestall stronger measures. Even legislators who oppose the decision are offering a compromise whereby Hawaii recognize domestic partnerships statewide, which would be a greater step toward recognition of same-sex couples than any other state has yet taken. I wanted an answer to these puzzles.

I cannot summarize my findings here, but I learned a great deal. I interviewed a number of legislators, lawyers, and lobbyists, and a short version of my findings will be published shortly in The New Republic. I am working on a longer version, which I hope to submit soon to a political science journal.

This year has left me with a continuing interest in religion and politics, and I am planning to teach a new course on that subject next year at Princeton. Eventually, I hope to have a firm enough grasp on these issues in the abstract to be able to return to the abortion issue and have something genuinely interesting and new to say about it.

I have had a wonderful year at Harvard, and I am very grateful to Dennis Thompson and the Program in Ethics and the Professions for making it possible.

The Program in Ethics and the Professions

Harvard University

I consider this an interim, rather than final report, as I intend to continue my activities here through the summer. I had set for myself an ambitious agenda for the fellowship year. Lacking experience in ethics research and teaching and any formal training in ethics, my mission was to learn enough to teach and perform scholarly research in business ethics. It is hard to imagine a better environment for this objective than the fellowship program. While it would be counterproductive at this point to declare victory, the program has allowed me to make substantial progress. My core activities have consisted of background reading programs in ethics and in professions, observation of classes in business ethics, and of course the seminar activities, including writing.

The Harvard Business School is rich in courses in business ethics, both in terms of quantity and quality. I attempted to observe them all, subject to scheduling conflicts with the seminar. This has given me access to valuable curriculum materials, along with demonstrations of their use. The teaching I observed there by Professors Joseph Badaracco, Lynn Sharp Paine, and Gregory Dees present standards of excellence for me that I shall be hard pressed to achieve, try as I will.

For me, the preparation of seminar materials for the other fellows to read was a consuming and worthwhile activity, as it forced me to quickly assess themes in the business ethics literature worthy to present to scholars in other areas. I gained a great deal as well from the material presented by my them, and the ensuing discussions. While I was eager to participate in a multidisciplinary program for the sheer love of gaining insight to other fields, I also expected to see some useful connections which could be applied to business. I was not disappointed. In studying business ethics, I came to realize how choices in ethically sensitive areas are constrained by law. It has thus been useful not only to understand legal ethics, but to understand the nature of legal argument, as some reform in business can require either a change in law or in its interpretation. At first I thought politics and its ethics had not much to do with business, but I have come to

realize that problems in business ethics, such as considering the rights of heterogeneous groups of shareholders with divergent interests, can be illuminated by political theory. Finally, while there do exist pure medical ethical problems, many issues in the ethics of medicine involve a commingling of medical and business considerations.

Of the two papers I have written this past winter, one ("The Interests of Shareholders") corresponded to my research plan as I entered the program, and the other ("Strategy and Ethics of Professional Cartels") was inspired by some of the seminar discussions. In "The Interests of Shareholders", I criticize the dominant model of what constitutes the interests of shareholders of modern corporations. In particular, I look at the implications of widespread diversification in the composition of shareholder wealth. In such a world, the firm's own stock price is not a sufficient measure of the financial interest of shareholders, let alone the general interest of shareholders. I go on to argue that more cooperative, less adversarial relations with business partners, customers, and even competitors can serve the financial interests of a corporation's shareholders, even when they do not improve its profit or increase its stock price.

In "Strategy and Ethics of Professional Cartels", I look at how a profession's ethical standards support the economic interest of its members. First, I discuss characterizations of professions and differentiate professional transactions on a number of dimensions, such as multiplicity of clients and third party interest. Second, I articulate a general model for the competitive strategy of a profession, which includes considerations of creating value for clients, scarcity, and protection of boundaries. Third, I consider how ethical standards can support these strategic elements. Finally, I discuss the limitations of a purely strategic approach to ethical standards, particularly regarding professional motivation and public relations.

For me, the value of the fellowship has been not so much in additional time for writing - such time is quickly absorbed by the wealth of classes, seminars, speakers, etc. that Harvard has to offer - than in the seeds planted for future work. My task for the next few years will be to cultivate them in a way that will do justice to the privilege of participation in and support from the program.

Dorothy E. Roberts
Report on Fellowship Year
May 8, 1995

The fellowship has been a productive and enjoyable adventure for me. By the middle of the year, everything -- the seminar, lectures, conversations, classes, and my projects -- seemed to be working together in harmony. One of the graduate fellows told me this phenomenon is called "convergence."

Projects. During the first months of the fellowship, I finished work on a major article, "The Genetic Tie," which was published in the winter 1995 issue of University of Chicago Law Review. I presented the article to seven audiences -- the PEP seminar; legal theory workshops at Cornell Law School, University of Miami School of Law, Boston University School of Law, and New England Law School; an International Symposium on Women, Sexuality and Violence at the University of Pennsylvania; and a lecture sponsored by the Harvard Black Law Students Association.

During the second semester, I spent much of my time writing and speaking about welfare reform. I wrote an article, "Irrationality and Sacrifice in the Welfare Reform Consensus," for a symposium on New Directions in Family Law, sponsored by the Virginia Law Review and the John M. Olin Program in Law and Economics, at the University of Virginia School of Law. The article will be published in Virginia Law Review. I wrote another article, "The Only Good Poor Woman: Unconstitutional Conditions and Welfare," for a conference on Unconstitutional Conditions Doctrine at the University of Denver School of Law. PEP Faculty Associate Fred Schauer was also a participant. That article will be published in Denver University Law Review.

In addition, I spoke about welfare reform at the Critical Legal Studies conference on the Politics of Class and the Construction of Identity, at a symposium on Welfare as We'd Like It To Be at the Woodrow Wilson School at Princeton University, and at a symposium on Martha Fineman's new book, The Neutered Mother, The Sexual Family and Other Twentieth Century Tragedies at Columbia Law School. My review of Fineman's book will be published in Columbia Journal of Gender and Law next fall. Also on the subject of welfare, I wrote a review of Linda Gordon's Pitied But Not Entitled and Jill Quadagno's The Color of Welfare, which was published in the January 1995 issue of Contemporary Sociology. (I have begun expanding that piece into a lengthier book review for Yale Law Journal.) I also completed a short comment on Martha Minow's article, "The Welfare of Single Mothers and Their Children," both of which were recently published in Connecticut Law Review.

I have scheduled for the month of June three presentations on welfare and reproductive rights -- I will

Dorothy Roberts, Fellowship Report

give the keynote speech at the Planned Parenthood of Metropolitan Washington, D.C. annual meeting; present "The Only Good Poor Woman: Unconstitutional Conditions and Welfare" at the Feminist Legal Theory Workshop at Columbia Law School; and moderate a panel on The Status of African American Women's Reproductive Rights at a National Conference on African American Women and The Law sponsored by the Lawyers' Committee for Civil Rights Under Law.

Finally, I had two opportunities to speak about race, reproduction and criminal law. I presented "The Criminalization of Black Reproduction" at a conference on Criminology in the 1990s at the University of London. I also discussed my ideas on this topic at a symposium on Race and the Criminal Justice System, sponsored by the Boston University Black Law Students Association.

Despite this full platter, I was able to make substantial progress on my main enterprise, my book, Race, Reproduction and the Meaning of Liberty. One of the greatest benefits of the fellowship for me was that it gave me the space finally to launch the project. I was able to spend several weeks at the outset organizing the book, writing a lengthy proposal, laying out what I'd already completed, and preparing a detailed research outline. I structured all of my other activities so that they could be incorporated in the book, principally the chapters on welfare and reproductive rights; criminal punishment of reproductive decisions; new reproductive technologies; and a redefinition of reproductive liberty. I hope to complete a draft of the manuscript by the time I leave Cambridge at the end of July.

All of these projects were greatly aided by Simone Sandy's research assistance, supported by my fellowship stipend. Ted Aaberg, Shelly Coulter, Helen Hawkins, and Jean McVeigh helped everything run smoothly and made the PEP enclave a delightful place to be.

Classes. The fellowship gave me the chance to attend and participate in several university classes. I regularly audited Michael Sandel's celebrated course Justice and attended a few sessions of Ralph Potter's Christian Social Ethics. The syllabi for both were very helpful in guiding my reading in moral philosophy. I was also invited to speak at two Harvard Law School classes. I presented the lawyer's perspective on genetic screening at a seminar for law and medical students taught by Linda Emanuel and David Wilkins, Ethical Dilemmas in Clinical Practice: Doctors and Lawyers in Dialogue. I spoke to Lucie White's Social Welfare Law class about constitutional arguments for welfare rights.

Dorothy Roberts, Fellowship Report

Dialogues. A huge part of the joy of the fellowship year was the opportunity for conversation with unusually interesting people. Each of the fellows played a special part in my work. My discussions with Marion Smiley about welfare and paternalism were particularly helpful to my writing concerning welfare reform. Marion and I discovered that our projects were very complementary and we shared papers and ideas throughout the year. I enjoyed many stimulating conversations with Walter Robinson about bioethical dilemmas. (A discussion of genetic testing just days before my presentation at the seminar on Ethical Dilemmas in Clinical Practice was especially fortunate.) Andy Koppelman and I batted around several strategies for progressive law reform. I learned a lot from Solly Benatar when we collaborated on the readings for the seminar on multiculturalism. Dan Wikler gave me several helpful sources and suggestions for my work on genetics. And I cherished hallway chats with Richard Pitbladdo and Larry Temkin on topics ranging from Kant to kids. I also discovered that several of the graduate fellows had research interests similar to mine and benefitted from the exchange of work and ideas.

The seminar was very successful and had a real influence on my thinking. The best part was that everyone had something engaging to contribute on just about every topic. Although the debates were often intense -- even passionate -- I cannot think of a single session that was not marked by hearty laughter. Dennis Thompson deserves credit for steering the seminar in this positive direction. The readings introduced me to unfamiliar perspectives and yet offered something each week that was relevant to a project I was pursuing. The sessions on multiculturalism, group representation, political liberalism, and law and morality were especially valuable to my overall inquiry into whether liberalism can take account of group oppression.

There were also special dialogues outside the Program. The most outstanding was a reading group I joined which meets once a month to discuss issues of race and includes former PEP Acting Director Martha Minow and former fellows Larry Blum and David Wilkins. I was also able to catch up with a number of scholars I'd met at conferences over the years who also happened to have Harvard fellowships this year or teach at schools in the area.

I've left out many other wonderful aspects of the Program, too numerous to recount in a brief report. Suffice it to say that they all "converged" sublimely. I would never have been able to accomplish so much without the retreat and the wealth of intellectual resources that the Program provides.

Annual Report 1994-95
The Program in Ethics and the Professions

Walter Robinson, MD, MPH

My year in the program has been immensely enjoyable and educational. The time away from my "beeper" has been precious: few physicians have such an opportunity for quiet reading and reflection, and I am grateful to the Program for this gift of time.

I spent the first part of the year working on a difficult case (described to me by former PEP fellow Bob Truog) of allocation of resources in the pediatric intensive care unit. I chose to focus not on comprehensive theories of justice but on the difficult decisions faced by the physician at the bedside in an imperfect world. Comprehensive theories may help us construct just institutions, but their usefulness at the level of microallocation is unclear--at least to me--and so I struggled to devise methods of decision-making for physicians working in the admittedly unjust world of medicine today. The result is a long paper detailing several alternate models of microallocation used by physicians. After some thought, I have decided to split up this paper into smaller segments to be submitted to the medical literature, with the hope that it will find its best audience in that forum.

My other interests this year have been varied. I have worked extensively on a paper on the doctrine of double effect as it is applied at the end of life in my field of medical specialization, pediatric lung disease. I delivered this paper in January at Children's Hospital to an audience of physicians, nurses, and others involved in the chronic care of extremely ill children.

I have also written a short paper on the justification of tobacco restriction policies, and plan to expand this paper into a broader examination of the political nature of moral responsibility and public health. On this front, I have greatly benefited from discussions with Marion Smiley on the nature of paternalism.

Finally, I completed two papers for submission, one on chronic pain therapy in cystic fibrosis and the other an empirical study of the use of morphine at the end of life in cystic fibrosis.

In addition to working on these papers, I had the chance to attend several interesting conferences on medical ethics, and chaired a seminar at the Association for Practical and Professional Ethics on virtue ethics and physician decision making.

This coming year I will return to medicine as a staff physician in the Division of Pulmonary Medicine at Children's Hospital; I will

also become Associate Medical Director of the pediatric lung transplantation program. I will remain active with the Division of Medical Ethics at Harvard Medical School and will join two former PEP fellows (Bob Truog and Christine Mitchell) on the Ethics Advisory Committee for Children's Hospital.

I would like to state my appreciation to the other fellows this year for providing such stimulating company both in and out of the weekly seminars. I have greatly enjoyed both their input and their humor, and I have benefited from their diverse areas of expertise. In particular, I enjoyed Dorothy Roberts' fascinating work on the meaning of "the genetic tie" and our discussions on the intersection of disability and abortion were some of the highlights of the year.

Once again, let me express my appreciation to the Program for its generous support and for the precious gift of uninterrupted time for contemplation.

To: Dennis Thompson
From: Marion Smiley

Professional Activities 1994-5

I have greatly enjoyed my year in the Ethics and the Professions program. I have profited in particular from both the program seminar and the many exchanges that I have had with Harvard University faculty in my field and fields related to my current research. The staff has been unusually pleasant and helpful.

I have spent the bulk of my time on three general projects: a book length manuscript on political theory and the welfare state (Private Lives and Public Welfare. Rethinking the Welfare State); two essays on moral responsibility and public affairs; and a series of conference papers on feminist political theory to be given at a later date..

While much of my energy has gone into reading and writing, I have also been able to take advantage of the wealth of scholars here at Harvard and at other Boston area universities who work in the fields of political theory, philosophy, law, and women's studies. I have participated actively in seminars and colloquia in the Law School, the Center for European Studies, and the Government Department. I have exchanged writings with a dozen or so scholars now working on issues associated with welfare state policy. I feel particularly privileged that one of the most important among these scholars -- Dorothy Roberts -- is also a PEP fellow.

I.)Publications/ I have completed two articles for publication this year:

- A.) "Battered Women and Burned Out Cities. A Question of Responsibility." forthcoming. Midwest Studies in Philosophy (University of Minnesota Press: 1995).
- B.) "Moral Inquiry Within the Bounds of Politics," The Revival of Moral Inquiry, ed. Jean Bethke Elshtain and Richard Fox. forthcoming (Cambridge University Press: 1996)

II. Writing in Progress:

- A.) I have completed two substantive chapters of Private Lives and Public Welfare. Re-thinking the Welfare State. One is on state paternalism, the other on private and public boundaries.
- B.) I am in the process of turning both into shorter articles for publication. The first article is presently entitled "State Paternalism and Liberal Patriarchy," the second "Private Spheres, Public Boundaries and the Welfare State."
- C.) I shall also be rewriting at least two of the conference papers listed below for publication.

III. Papers Given (and Written) During Fellowship Period/

- A.) "Moral Inquiry and Public Deliberation," Conference on the Revival of Moral Inquiry, Woodrow Wilson Center, Washington, D.C., October 1994.
- B.) "Private Lives and Public Welfare. The Concept of State Paternalism Re-constructed," Political Philosophy Colloquium, Yale University, February 1995.
- C.) "Does the Modern Concept of Responsibility Have a Soul?" Divinity School, Yale University, February 1995.
- D.) "Private Spheres, Public Boundaries and the Welfare State," Center For European Studies, Harvard University, scheduled: May 1995.
- E.) "Collective Protection and the Value of Privacy," Smith College, scheduled: May 1995.

IV.) Other Professional Activities:

- A.) I have organized two panels for the upcoming American Political Science Association Conference (Summer 1995), one on the concept of privacy in feminist theory, the other on historical views of patriarchy. I shall be giving papers on both panels.
- B.) I continue to advise the twelve University of Wisconsin/Madison Ph.D students on whose dissertation committees I serve.
- C.) I have reviewed numerous articles and book length manuscripts for major journals and university presses.

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Report on Fellowship Year

Larry S. Temkin

May 8, 1995

This has been a terrific year for me--interesting, stimulating, and richly rewarding. It has also been extremely frustrating. The opportunities accompanying a year at the Program in Ethics and the Professions are enormous, and I wanted to take full advantage of them. Alas, being mortal, I only did a fraction of what I would have liked to. I completed lots of research, attended numerous lectures, met many very smart people, and learned a great deal from the Program's Seminar. But in all these respects there is so much more I would have liked to accomplish, if only there had been more time. In short, this has been a wonderful year. But it has gone by far too quickly. Perhaps if I had ten more years in the Program I'd be able to do full justice to all the opportunities it offered me. But I doubt it.

I shall organize my comments around three topics.

Research.

1. I worked throughout the year on a major project, tentatively titled "Rethinking the Good, Moral Ideals, and the Nature of Practical Reasoning." I made significant progress, but much work remains. I spent 15 years writing my first book, Inequality, and although my current project should come to fruition in less time, it will be a while before my year's research results are fully realized.

2. I completed final revisions and page proofing of "Justice Between Generations" to appear in "Justice and Equality: Some Questions about Scope," in Social Philosophy and Policy 12, no. 2, eds. Paul, Ellen F., Miller, Fred D., and Paul, Jeffrey, pp. 72-104, Cambridge University Press, 1995.

3. I substantially revised and completed page proofing "Weighing Goods: Some Questions and Comments" (Philosophy and Public Affairs 23, no. 4, Fall, 1994, pp. 350-380).

4. I wrote a major entry on Equality to appear in Dictionary of Business Ethics, eds. Freeman, R. Edward and Werhane, Patricia H, Blackwell Publishers. The final copy-edited version has already been corrected and returned to the editors.

5. I wrote a preliminary draft of a long article "Continuum Arguments and the Threat of Intransitivity" to appear in a volume honoring James Griffin, edited by Roger Crisp and Brad Hooker, and published by Basil Blackwell. I hope to polish this draft before my term as Fellow is over.

6. Finally, I have carried on a fairly heavy level of correspondence with philosophers and economists in Canada, Great Britain, and the U.S. regarding my work on both inequality and intransitivity.

Professional Development and Contributions.

1. Partly by design, and partly because of health problems (involving a painful cyst on my vocal cords that eventually required surgery), I kept my lecturing to a minimum. Still, besides several "local" presentations, I conducted an all day seminar on "Moral Dimensions of Leadership" for the American Leadership Forum, in Houston, Texas; led a discussion of my research for the Society of Ethics and Legal Philosophy, and delivered lectures at NYU, Brown, and UMASS.

2. In addition to the Program's Seminar and Lecture Series, I attended a large number of lectures. It would be ludicrous to name them all, but they included lectures at MIT and Tufts University, as well as the Tanner Lectures, and lectures sponsored by the Medical School, Kennedy School, Law School, Divinity School, School of Public Health, Government Department, and Philosophy Department. At times I felt I could easily spend the bulk of my year going to one important lecture after another. Now, as the year draws to a close, I am painfully aware that, on the one hand, I guarded too carefully against that eventuality and, on the other hand, I may not have guarded against it carefully enough!

I also attended the Fall meetings of the Philosophy Department's Workshop on Moral and Political Philosophy, and the Spring meetings of Derek Parfit's graduate seminar on metaphysics. I had hoped to attend classes by Amartya Sen, Michael Sandel, and Joe Badaracco (whose class on Business Ethics looked directly relevant for my lectures to business audiences) but, unfortunately, scheduling conflicts prevented me from doing so.

3. This year has afforded me an invaluable opportunity to renew old contacts and establish new ones. It would be easy to exaggerate the importance of this, but perhaps even easier to underestimate its long term importance. Unfortunately, substantiating this claim sounds like little more than an exercise in name dropping. Nevertheless, it is a plain fact that, in addition to my colleagues in the Program and the Program's lecturers, being here this year has introduced me to Jack Rawls, Robert Nozick, Christine Korsgaard, Charles Fried, Martha Minow, Michael Sandel, Frank Michelman, Cass Sunstein, Jonathan Bennett, Michael Stocker, David Estlund, Liam Murphy, and a host of outstanding Harvard graduate students. Moreover, my fellowship has enabled me to renew acquaintances with Derek Parfit, Tim Scanlon, Amartya Sen, Thomas Nagel, Bernard Williams, Philippa Foot, Francis Kamm, David Gauthier, Dan Brock, Norman Daniels, Jeremy Waldron, Jean Hampton, and Thomas Pogge. And, of course, these lists are woefully incomplete, and don't begin to convey the extent that I have benefited, and may benefit even more in the future, from such contacts.

4. I am a very slow reader, and never have enough time for reading. This year, I made a concerted effort to do some "catching up," and probably read more books and articles than I had during the previous four years combined. Among other things, I worked my way through several piles of manuscripts that colleagues had sent over the past years, and responded--belatedly!--to many of these.

5. Most years I jealously guard my research and teaching time by regretfully declining most requests to do peer reviews. As a Fellow in the Program, I felt I had more time--and hence a stronger obligation--to accept such requests. This year, I served as an outside reviewer for Oxford University Press, Wadsworth, Economics and Philosophy,

Philosophy and Phenomenological Research, and Ethics (twice). In addition, I agreed to serve on the editorial board of a newly relaunched British Journal, Utilitas. This has been fairly time consuming, as I take such requests very seriously. So, for example, I twice sent eight pages of single-spaced comments, and in one case thirteen pages of single-spaced comments, on articles where I recommended against publication. I want the journals, and more importantly the authors, to fully understand the bases for my recommendations.

The Program.

1. The seminar was interesting and important. The topics covered were germane to both the theoretical and practical problems relevant to ethics and the professions. The readings were long, but serious, and generally of very high quality. I have already used some in a seminar I led, and expect to use others in my teaching and research.

Dennis Thompson worked hard, and in my view with great success, to effectively introduce topics, and keep discussions focused and rigorous. Thompson was constantly pushing the group to make genuine progress—at least in their own minds—about the topics discussed. He wanted to know what we really should say about the issues in question. But he never lost sight of the complexities of the issues, or of the fragile but crucial relation between theory and practice. Paraphrasing Kant, one had the sense throughout the seminar that theory without practice is sterile, but practice without theory is blind. That is, I believe, exactly the right view to hold regarding ethics in general, and ethics and the professions in particular.

The seminar also significantly benefited from Arthur Applbaum's contributions. Arthur consistently offered penetrating criticisms with intelligence and wit. He demanded rigor and arguments, but always in a way that combined fair-mindedness with moral and intellectual concern.

I have participated in numerous interdisciplinary groups. Some have been interesting and worthwhile, but most have been terribly disappointing. Often discussion takes place at the level of the lowest intellectual common denominator. Worse, too often the discussion degenerates into ideological posturing. As a result, I generally enter interdisciplinary debates with cautious hopes, but low expectations. This year's seminar met my hopes, and significantly exceeded my expectations. It was, indeed, far and away the best interdisciplinary seminar I have been in. This is a great testimony both to my colleagues and Thompson. (A self-conscious caveat. My judgment of the seminar's value may be influenced by the fact that I am an analytic philosopher, and most interdisciplinary groups view analytic philosophers with grave suspicion, if not contempt. The group in general, and Thompson in particular, seemed genuinely open to the possibility that I might have something to offer. I cannot express how refreshing that was. In the complex world of ethics there is a crucial need for clarity, distinctions, rigor, arguments, and reasoning (if not Reason). This seminar recognized that need. I realize that at many universities, and perhaps in many Harvard departments, these remarks will cast the Program in an unfavorable light. That is most unfortunate. I am convinced that in interdisciplinary debates, especially those concerning ethics and social and political philosophy, there is an important place for the skills and insights of analytic philosophy. Thompson, and my colleagues, seemed to recognize that place, even as they rightly recognized the relevance and value of other approaches and disciplines.)

2. At a beginning of the year get-together, someone asked Martha Minow if this year's group of Fellows had anything in common. She immediately responded "Yes. Excellence!" I thought this was a wonderfully politic answer; but, of course, didn't believe it for a second. (Like Mark Twain, I was skeptical of the quality of any group that included me as a member.) I owe Martha Minow an apology, and the entire selection

committee an enormous debt of gratitude for the time, effort, and care that they must have devoted to the selection process. I am proud to have been a member of this group.

Each of the Fellows brought considerable strengths to our discussions, and they shared in common intelligence, concern, openness, and honesty. Our discussions were notable for their remarkable lack of ideology, pretentiousness, or one-upmanship. I came away from this seminar with tremendous respect for my colleagues and, correspondingly, with increased appreciation for other disciplines and professions. Kudos to the selection committee for an important job well done. Keep up the good work!

3. The Program's Lecture Series is first-rate. It brings in major figures, and provides a format that gives Fellows and invited guests a rare chance to get to know the speaker, as well as each other. More importantly, while the format of the after-dinner "conversation" (interrogation is more like it!) comes perilously close to violating the spirit of the eighth amendment, it provides a wonderful opportunity to actually explore the speaker's views. Intellectually, this is easily the most satisfying and worthwhile speaker series I have witnessed. I would love to see this series serve as a model for a similar one at my home institution (Rice University), and plan to see what, if anything, I can do to bring this about.

4. One can tell a lot about individuals by the people they associate with. Correspondingly, Dennis Thompson gets high marks in my view in virtue of the staff he has assembled. Jean McVeigh, Helen Hawkins, Ted Aaberg, and Simone Sandy all personify and reflect the tenor of the Program. They are efficient, helpful, and supportive, but they are much more than that. They are all genuinely caring and decent human beings. As indicated above, I had minor medical surgery this year, and the way the staff treated me during this period was not merely as a Visiting Fellow, but as a friend. Frankly, I was not prepared for such a show of concern, and was a bit embarrassed by it. But it meant a great deal to me. Jean, Helen, Ted and Simone are exactly the sort of people one would want working at a Program in Ethics and the Professions. The Program is lucky to have them.

Concluding Remarks.

I applied to the Program believing that this was the best program of its kind anywhere, and that there would be no better place for me to spend a year doing research. Consequently, once I was offered a Program fellowship, I removed myself from consideration for a number of other distinguished fellowships. I have not been one bit disappointed with my decision. The Program is even better than I expected. It is a rare jewel in Harvard's crown—one that speaks volumes about the University's vision and direction. I am both grateful and honored to have been a part of it for a year.

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May 9, 1995

Final Report: Daniel Wikler

Report from Heaven:

Upon arrival at the World's Greatest University, you are given a spacious office in one of the very nicest buildings, with a view onto Harvard Square. Every member of the staff is wonderfully capable, efficient and---Harvard's reputation notwithstanding---friendly and welcoming. Your host is one of the world's eminent authorities on ethics and public service. Your fellow fellows are uniformly gifted and yet completely approachable; you wish each of them was your colleague back home. You have the run of the University---you can attend any class in any department and school, go to any lecture, use any library and facility. Everything (except the email system) is well-run. Your duties? To have lunch---an exceptionally nice lunch---once a week, an even nicer dinner several times a year, and to join these with some of the most stimulating professional discussions you have ever had. That's it. Nothing else you have to do. A calendar as empty or as full as you wish, time to read, to think, to talk, to listen, to write. The local professors envy you, as well they should. The demands of teaching, the cacophony of department meetings, distractions and disturbances of professorial life are all left behind. You relax deeply. You concentrate wonderfully. You rediscover the pleasure of ideas, of intellectual comradeship and discovery. You realize that this is what scholarship, the life of the mind, is all about.

With the unspeakable luxury of so much unscheduled time, time to do only what you most like doing, the year ought to pass by at a leisurely rate. But May arrives and you feel as though you've been propelled through the calendar by a cannon. It's over before you've begun. And you think: must this last only one year? I'll lock myself in, I'll chain myself to my desk, I'll do anything---just don't send me back to that tenured professorship at the major research university, the job so many academics would die for. I deserve this! But the fact is that you don't. It was a gift. Don't be petulant. Be grateful. Time to pass the gift on to the next fellows, time to return to a real job. Fortunately, the Program in Ethics and the Professions will have left its mark. Thoughts have deepened, new ideas have seeped in, lines of research have opened, new friendships and professional alliances have been made. The next best thing to having this fellowship is to have had it, and that experience lasts a lot longer.

My strongest feeling, as the fellowship year comes to a close, is one of gratitude. It has been one of the most stimulating and enjoyable years of my life, and for this I am in enormous debt to Dennis Thompson, to the staff, and to Harvard.

The fellowship permitted each of us to structure our year as we saw fit. The weekly seminar served, as it were, as the spine, organizing the week and providing a degree of common focus. Academic departments should operate like this but do not. The conversations over lunch, centered on the "ethics news of the week", provided delightful (and often very funny) repartee. The first group of seminars were devoted to role obligations, a concept which I, like many philosophers, had never found very interesting. Now I realize that it can be, and I will take what I have been exposed to here to my own teaching. Arthur Applbaum's manuscript on the real and imagined moral self-defense of the executioner of Paris was a revelation, staying one step ahead of the reader in puzzling through the moral dilemmas and showing how much intellectual progress could be made. The presentations of new research by fellows were equally valuable. I appreciated the willingness (not that any choice was given!) of my colleagues to read and comment on work of my own which was barely past the gestational phase. Their comments on my work on eugenics, which was particularly formless at seminar time, were exceptionally valuable, and the discussion of my paper on donor insemination will enrich further work on that topic.

A particularly valuable part of the fellowship was the series of afternoon guest seminars. The sessions with Bernard Williams and with Michael Sandel offered a chance for discussion with two of the most acute minds in contemporary ethics, and the afternoon with Nadine Gordimer was a special treat.

The evening lectures were varied, and my guess is that each fellow has his or her own list of favorites. Philippa Foot, my former teacher, gave a very fine paper, and I enjoyed also the chance to hear William Galston wrestle with the role problem of being a philosopher while in public service (he was a domestic affairs adviser to the President at the time), a set of dilemmas I recalled from my days with a Presidential Commission. The discussion following the papers, particularly those after dinner, were often as interesting as the papers themselves. And the dinners gave us the chance to discuss these issues with a host of Harvard luminaries.

My friends and colleagues who gave me advice on how to spend my fellowship year were split evenly on the desirability of taking courses. Some urged a full schedule, since I would never have the time or opportunity otherwise. Others pointed to the enormous reading load which must be maintained if the courses are to have value; students fill up their schedule, and then some, taking these courses and if I followed suit there would be no time left for anything else. In the end I settled for occasional classes, the philosophy department's weekly social and political philosophy workshop, and one wonderful philosophy seminar with Derek Parfit. Though I resisted all of Professor Parfit's conclusions, I could not answer his arguments, and for some time I will be rethinking much of my own work on the topics we discussed.

I was fortunate this year to have an appointment also in the Division of Medical Ethics in the Medical School's Department of Social Medicine. The monthly seminar was invaluable, offering the chance to hear from a number of the leaders in this field at Harvard and elsewhere. As with the Program in Ethics and the Professions, the discussions were as stimulating as the papers. In the Medical School, I had the chance also for informative conversations both formal and informal with most of the ethics faculty and with such heroes as Leon Eisenberg and Arnold Relman. It was a privilege to present a series of seminars, grand rounds, and classes at the Medical School, on topics ranging from rationing to the definition of death. Despite the fact that the Division of Medical Ethics has no philosophers on its faculty, I found the Medical School's students and faculty to be eager for philosophical exchanges on these topics, the more philosophical the better. The Division's commitment to social science research in medical ethics made an impression on me which I will bring to my home department.

Despite a firm resolution to cut professional travel to a minimum---for where would it be more stimulating and enjoyable than Cambridge?---Logan Airport became a familiar haunt. I began the year with an address on ethical issues in genetics delivered at Sophia University in Tokyo, followed not long after by a talk on eugenics at the American Association of Bioethics annual meeting in Pittsburgh. In the fall I also travelled to Mexico to address a congress on bioethics hosted by Mexico's health ministry, speaking on bioethics and international health, and to Buenos Aires, Argentina for the biannual Congress of the International Association of Bioethics, which I now serve as Vice-President. I addressed the Congress on ethical issues in health care reform, focussing on privatization. After the Congress, I delivered two addresses on ethics and health policy in the Senate of the Argentine Republic. During the remainder of the fellowship, I gave talks on eugenic values or rationing---the two subjects with which I was principally occupied during my fellowship---at Brown University, the University of Michigan, at Oregon Health Sciences University, at the semiannual Conference on Methods in Philosophy and the Social Sciences, in New York City, and here at Harvard. I continued work with several professional committees on which I serve, including the Bioethics Advisory Committee of the United States Holocaust Memorial Museum; a project on "Fate and Fairness: Genetic Information and Insurance", involving bioethicists and insurance executives; and program committees and executive boards for the International Association of Bioethics and its American counterpart.

The main business of the fellowship year, however, was research and writing. Again, advice received beforehand was evenly split: use the time to see old projects through to completion, use the time to initiate new lines of research. I did some of each. I was happy to have the time to continue earlier work on donor insemination policy, forthcoming in the *Stanford Law and Policy Review*, and on brain death, forthcoming in a volume on the subject published in the Netherlands.

Most of my time, however, was spent on initiating two projects with which I will be occupied for some time. Along with two former PEP fellows (Dan Brock and Norman Daniels) and a past PEP lecturer (Allen Buchanan), I am writing a book entitled *In the Shadow of Eugenics*. One of my assignments has been to read widely through the old

eugenics literature to identify its core moral doctrines, to determine whether today's genetic medicine has rejected or is in harmony with these doctrines, and to determine whether any part of the eugenic creed deserves fidelity in the genetic age now upon us. I have found this a terribly daunting task, not only because I am not by profession an historian but because the eugenic movement as a varied and complex phenomenon which stoutly resists the distillation to essences of which philosophers are professionally fond. Nevertheless, in conversations at Harvard and in a series of (I hope) decreasingly incoherent presentations on the subject around the country, the project is taking on some shape and with luck will form a central part of our projected volume.

The second of my major concerns during this year was democracy and health care rationing. With the central dilemmas of health care rationing resisting reasoned solution even by the most able philosophers, interest has grown in a democratic solution according to which those affected by the rationing make their own choices. The state of Oregon is thus far the only place in which this attempt has been made. My own approach takes me once again outside the usual philosopher's role. In addition to reading through the literature on rationing, and some associated theoretical work on participatory democracy, I have spent many days interviewing those who took part in the Oregon project. Most of this occurred during two research trips to Oregon, and I am grateful to the Program for the time and, in one case, the travel funds. My aim is to document precisely what actually occurred in Oregon---a subject on which misinformation is common---and to assess the value of participatory approaches which attempt to learn from Oregon's successes and errors. The result will be a long article or perhaps a short volume.

Though the above activities occupied 300% of the available time, I cannot conclude without mentioning the indescribable joy of participation in Harvard's intellectual environment. The Forum at the Kennedy School of Government---our own building---is so rich in its offerings that one could (and I almost did) spend the entire year without venturing far from the corner of JFK and Bennett streets. Presidents, generals, authors, critics, the famous and the infamous: no one turns down an invitation to speak in the Forum, and admission is free to those who, like PEP fellows, had the time to wait in line. Every department at Harvard has the same drawing power, and week after week I attended some of the most brilliant and important lectures I'd ever heard. My heart goes out to the Harvard faculty, who note in the Gazette each week's feast of intellectual offerings and lack the time to partake of them.

For all this, and for the memories of all this which I will treasure: thank you.

Appendix IV
Reports of the Graduate Fellows
1994-95

James Dawes

Perhaps the best way to assess the value of the fellowship of the Program in Ethics would be to compare two abstracts: the abstract of the dissertation I would have written without the intellectual guidance and the financial resources of the Fellowship, and the abstract that I am preparing now.

Pre-PEP: I will analyze two novels by Hemingway to see how his use of light imagery reveals his deep castration anxiety. I will also show why critic A is wrong about some very trivial point.

Post-PEP: I will analyze representations of suffering as they are used in a variety of fields, including art, government, and medicine. Representations of suffering are ideologically neutral; in other words, they are dense emotional signifiers that can be deployed to serve a multiplicity of purposes. Giving voice to pain brings incalculable benefits to the psyche, but may also intensify suffering, causing shame and approximating an almost physical violation. Understanding the sometimes infinitesimal difference between these two possibilities, between making and unmaking, healing and harming, is essential not only to the physician, but also to the artist, the politician, and the teacher.

The Program in Ethics has created an ideal intellectual environment: this, truly, is how a university should always be, but seldom is. Its interdisciplinary focus, its commitment to issues of social importance, and the brilliance of those who have designed it make it a program Harvard should cherish.

I have used the fellowship year to complete my dissertation in philosophy entitled, "Reasons, Motives, and Moral Justification". The dissertation is a study of the nature and source of moral reasons and how moral reasons can be used to justify actions. It takes up the question whether morality's claims upon us stem from something beyond reason itself, such as our desires and commitments, a metaphysical order independent of human nature, or the natural order of causes. I argue that the claims of morality are not best understood by looking to their grounding in something beyond what can be justified by reason. How, then, can reason be said to obligate us to act morally?

I argue for a constructivist approach to analyzing the content and normative authority of the claims of morality. This approach argues that the content and authority of moral reasons can be derived by reference to what would motivate us provided that we act reasonably. Constructivism elaborates this idea by setting forth an account of reasonable requirements on the point of view from which agents construct principles and ideals that generate reasons for action. Importantly, the constructivist argues that we are capable of abstracting from our personal projects and commitments in order to ask, what is it reasonable for us to think we can justify to others? A constructivist account of the nature of moral justification amounts to a defense of the role of practical reasoning in moral thought.

I am very grateful for the fellowship I received from The Program in Ethics and the Professions. It was of tremendous use to me in several ways:

The seminar covered philosophical topics directly relevant to my thesis, as we discussed in detail many themes concerning the nature of reasons. For instance, we discussed the relation between reasons for action and roles (professional and other), whether morality requires us to be impartial, whether apparent conflicts between reasons for action can be settled by reference to rational principles, and whether reasons supplied by morality are socially and culturally relative. The discussions were stimulating and challenging, and I learned much from all the members of the seminar. Arthur Applbaum was a skillful leader. His clear and incisive remarks and presentations guided us through much thorny territory. I believe there was a consensus amongst our group that the seminar was highly successful.

The gathering of fellows in Taubman fostered a sense of community, and thus the fellowship provided a wonderful opportunity for informal conversation and intellectual exchange with the other fellows (post-doc as well as graduate).

Each of the lectures and dinners throughout the year were exciting and thought provoking, and the opportunity for discussion with faculty associates of the program was an excellent one.

The monthly stipend enabled me to focus on my dissertation and fellowship duties full-time. Freedom from the need to teach or to take on other responsibilities enabled me to be much more productive in my work than I otherwise would have been.

I also greatly appreciated the office space I was offered. The comfortable working space certainly helped me to move ahead with my work. The facilities, including the lounge and library were great resources. The staff (Ted Aaberg, Greg Dorchak, Helen Hawkins, Jean McVeigh, and Simone Sandy) were all wonderfully helpful and friendly.

This has been a wonderful year. The Program in Ethics and the Professions lived up to my idealistic expectations. It has been a year of intellectual growth and excitement, a year that has surpassed any I could have imagined when entering graduate school. Quite simply, it has changed the way I think about business, organizational behavior, and practical ethics.

I have learned to ask new questions, to examine old ones in new ways, and to search for answers in different places. The Program gave me the opportunity to develop my thinking about business ethics as I wrestled with ways of integrating philosophy and social science in order to understand and investigate actual business conduct. I now appreciate both the power and limitations of philosophical thought, and I have a richer sense of how philosophy and social science complement one another, especially in questions of practical ethics. Even the frustration of looking for convergence, exploring divergence, and confronting incongruities among ethical theory, social science, and real practice has been stimulating. The fellowship has thus been perfect preparation for writing my dissertation. It has given me a platform from which I can plan and execute a dissertation grounded not only in organizational theory and empirical methodology but, now, in ethical philosophy as well.

I have used the fellowship year to take philosophy courses (four in addition to our weekly seminar) and to continue research into the concept of dignity and its relevance to business organizations. I am deeply indebted to Professor Chris Korsgaard, whose courses in political philosophy, Kant's religious and political philosophy, and the history of modern moral philosophy all contributed immeasurably to my intellectual development. Our weekly Program seminar forced me to analyze problems with greater precision, to confront a variety of perspectives and arguments, and to defend as well as scrutinize definite positions on

difficult issues. To acknowledge the intractable nature of many practical dilemmas, I learned, does not imply resignation. In fact, it inspires further intellectual effort. In essence, the fellowship has equipped (and motivated) me to push further: to inquire into the source of the ethical difficulties that arise in the course of professional practice, and to imagine ways of addressing those difficulties. After many challenging discussions about the nature of professions and their ethics, I have come to frame my own work as a search for conceptions of the good that might guide people engaged in business.

The Program's greatest influence upon me and my work has come through the remarkable people I have met, heard speak and debate, and had class with. I am especially grateful to Arthur and the other fellows -- Tamar, Erin, Angie, Jim, and Sanjay. They have each served as my teachers and in the process become friends.

ANNUAL REPORT, UNIVERSITY ETHICS PROGRAM

ANGELIA K. MEANS

1 JUNE 1995

During the academic year 1994-95, I was, concurrently, a fellow in the University Ethics Program and a fellow in the law school's legal professions program. Since the Kech Foundation not only funds a postdoctorate in law, but also allocates project funding, I decided to take advantage of this unique funding opportunity, and organize a conference. During the fall term, I worked extensively with Kech Director, Professor David Wilkins, on issues regarding the theme, budgeting and logistics of the conference. After settling on the theme--"the right to have rights"--I turned to soliciting participants. Having never organized a conference before, I was initially overwhelmed by the amount of work involved. In the end, however, all the hard work culminated in a quite successful two-day spring conference co-sponsored by the University Ethics Program. Our key-note speaker, Frank Michelman, drew an audience of several hundred, and provided a provocative introduction to discussing the relationship between human rights and the rights of citizenship. Fortunately, this tempo was maintained during the next day's panels. The conference also managed to accomplish another one of my goals, namely, bringing together political and legal philosophers and practicing lawyers to discuss the shifting boundaries of citizenship. (A copy of the conference outline is attached.)

While the conference did monopolize my time, and I, at first, feared it would distract me from dissertation work, it ultimately proved complementary to my written project. The conference, like my dissertation, broaches a topic which has long been an intellectual passion. In a world faced with the crisis of statelessness, and resulting debates about the just distribution of membership and the meaning and rights of sovereign nation states, I would precisely like to explore the implications (the possibly foundational implications) of such questions for the discipline of political theory. Through the conference I met (and have set up subsequent exchanges with) a number of important contributors to the debate. Moreover, shaping the panel questions prodded me to refine my thinking in more precise and articulate terms. In particular, this allowed me to finetune my thesis outline.

In addition to working on my thesis and the conference, I also worked on a paper on postmodern legal theory. More precisely, I consider Lyotard's contribution to legal theory, and subject Lyotard's view of justice to a Habermasian critique. I am still at work on this paper, and hope to complete it this summer. In general, this was a busy and productive year. On a final note, I benefitted greatly from the Ethics Program's weekly discussion sessions, directed by Arthur Applbaum, as well as from energetic engagement with my peers.

**The Right to Have Rights:
A Discussion between Political Philosophers and Lawyers**

1. Scheduled Events. The conference is scheduled to begin at 4 p.m. Friday, April 7 and to conclude at 5 p.m. Saturday, April 8. The following is our preliminary schedule:

Friday, April 7: First Address & Dinner, co-sponsored by the Ethics and Professions Program

4 pm First Address, delivered by F. Michelman
 Location: Austin North

5 pm Questions & Responses to First Address

6 pm Dinner & Discussion
 Location: Pound 335

Saturday, April 8: Panel Discussions

8:30 am Coffee and Donuts
 Location: Austin Alcove

9 am Panel 1: Liberalism & Exclusion
 Location: Austin East

11 am Break (Refreshments)
 Location: Austin Alcove

11:30 am Panel 2: Nations & Persons
 Location: Austin East

1:30 pm Lunch

3 pm Panel 3: Rights and Non-Citizens
 Location: Austin East

5 pm Cocktails & Cheese
 Location: Hauser Faculty Lounge

Participants

Deborah Anker (Harvard Law School)
Immigration and Refugee Law

Sissela Bok (Harvard University, Center for
Population Studies)

Moral Philosophy; Human Rights Law and Humanitarian
Law

Peter Berkowitz (Harvard University)
Political and Legal Theory

Joseph Carens (University of Toronto)
Political Theory

Bryan Hehir (Harvard University, Divinity School)
Moral Philosophy and Theology

Ira Kurzban (Kurzban, Kurzban & Weniger)
Lawyer, specializing in the litigation of Haitian
refugee and asylum claims

Frank Michelman (Harvard Law School)
Political and Legal Theory

Martha Minow (Harvard Law School)
Political and Legal Theory

Jennifer Moore (United Nations High Commissioner for
Refugees)
Lawyer, specializing in gender and refugee issues,
and in the region of Africa

Rogers Smith (Yale University)
Political Theory

Yasemin Nuhoglu Soysal (Harvard University)
Sociology and Social Theory

Henry Steiner (Harvard Law School)
International and Human Rights Law

Dennis Thompson (Harvard University, Kennedy School)
Political Theory

Bernie Yack (University of Wisconsin)
Political Theory

Panel 1 Liberalism and Exclusion

1. Can liberalism justify limits on the acquisition of citizenship? Does the liberal tenet of respect for all human beings as free and equal moral persons result in little or no justification for restrictions on membership? Does it altogether invalidate the use of force to keep out non-belligerent newcomers?

2. Does liberalism's allegiance to mutual consent, by free and equal persons, result in little or no justification for the attribution of citizenship by birth or any other ascriptive trait? Does it justify limiting citizenship to those who affirmatively assent to the values of political liberalism and/or those who are accepted into membership by the existing liberal community? If the rule of affirmative mutual assent is justified, should it apply to all "newcomers" to a liberal community, including those born to citizens, as well as to all immigrants and to all those born to non-citizens within the territorial jurisdiction?

3. In general are there any criteria, consistent with political liberalism, which can justify the exclusion of some persons from the liberal polity? Are "liberal" criteria of exclusive citizenship analogous to the criteria employed by other, non-liberal political theories? (For example, are all forms of ascriptive citizenship, whether by birth within a territory or by virtue of ethno-linguistic ancestry, ultimately analogous?) Are liberalism's best reasons for exclusion purely strategic and pragmatic, "reasons" lacking in arguments grounded in reasonable and fair justification? Does liberalism as a political philosophy [necessarily] invoke its own form of "unreasonable" exclusion?

4. What is the relationship between political/legal personhood and moral personhood? What are moral persons, irrespective of political status, entitled to in a liberal state? Are all persons entitled to citizenship in some state? Is moral personhood a meaningful denomination for a person lacking the capacities of legal persons in a just state? Assuming, arguendo, that we can speak of a "right" to membership in a just political community (a right without which other rights are incapacitated), can we speak of a correlate duty to grant membership on behalf of a particular community?

Panel 1 Members: Carens, Smith, Berkowitz, Hehir

Panel 2 Nations and Persons

1. Are recent experiences with ethno-nationalism (and the loyalty of persons to ethno-nationalist identity) simply extreme variants of the "norm" of connectedness between cultural identity (ethnos) and identity deriving from state citizenship? If the normal case is a moderate form of nationalism, what follows for the right relation between nations and persons? If the integration of particularist cultural identity and particular demarcations of state sovereignty is the "norm," does it justify excluding persons who cannot or will not assimilate to a particular cultural identity? If we accept that the nation-state, as a form of social organization, bears a family resemblance to (ethno-linguistic) nationalism, do we lose the critical capacity to interrogate the legacy of nationalism implicated in the exclusion (or annihilation) of persons demarcated Other? In what sense can we speak of the integration of culture and state, of ethnos and demos, as a "norm"? Is this a "norm" in the sense of a descriptive fact, or is it a "normative" evaluation that we ought respect the integrity of particular states, with at least partial connection to cultural particularity?

2. If, instead of telling the story of normal ethnonationalism, we tell the story of emerging postnationalism, what follows? Do we in fact inhabit a world in which the West exemplifies a) moderate ethnonationalism (Yack), b) nation-states which have effectively sublimated the aboriginal meaning of nation (ethnos) such that persons need only identify with or consensually recognize the law and public ethos of the constitutional state (Habermas), or c) postnationalism, i.e. a context in which the borders of ethne and states (as well as personal identity) are porous and unstable in the face of global structural and technological transformation? What implications, for the rights of persons, follow from the description of the current relation between persons and nation-states?

3. Are the nation-state system and political identity transformed by the emergence of trans-national regulation and economic cooperation, and the increasing scope of international law, in general? When law, at least partially, operates at multi-dimensional levels--international, regional, national, sub-national--what are the consequences for legal personhood and membership in particular communities? Can we speak of overlapping (perhaps even validly competing)

spheres of political and legal membership? Will the notion of territorial citizenship, grounded in the national dimension, be eroded by the prospect of fracturing sovereignty, and the emergence of multi-dimensional law and identification?

4. What is the sociological status of territorial citizenship? What is its normative status? Is national territorial citizenship a pre-condition of the ordered society? Is it only one contingent mode of ordering, bearing no necessary relation with democratic state sovereignty (i.e. political identity as imbedded in self determination)? What is the relation between territorial citizenship and ethno-linguistic citizenship? Can we make an argument that both forms of ascription "necessarily" work tandem with consent based views of citizenship? Are either or both in total conflict with consent based views of citizenship? Can we justify excluding some persons from membership in a polity based on territorial ascription, anymore than on the basis of ethno-linguistic ascription?

5. What is the status of persons who are "proximate" to a state's territory, but not actually within its borders? Does proximity generate any special entitlement or obligation? Does "extra-territorial" jurisdiction make sense? What are the implications, and limits, of extra-territoriality for persons and rights, states and duties?

6. Ought practicing lawyers ask questions like the ones proposed in questions 1 through 5 or is this the province of political and social theory? To what extent should practicing lawyers be permitted or obligated to formulate arguments about matters such as the legitimacy of the relationship between territory and legal personhood? In terms of a lawyer's ethical obligations, do lawyers engage in "frivolous" argumentation when they press fundamental questions, like the ones regarding the nature and justification for the boundaries of citizenship?

Panel 2 Members: Yack, Steiner, Bok, Kurzban

Panel 3 Rights & Non-Citizens

1. What are the entitlements of resident aliens within a particular territorial jurisdiction? To what degree ought their legal status determine the limits of entitlement? To follow T.H. Marshall's famous division of rights, are aliens entitled to civil rights? political rights? social rights? On the issue of social rights, is Proposition 187 unjust? Are such social rights connected with the other two spheres of rights or are they discontinuous, even if pragmatically associated, categories? Does the degree of connection between the three areas of rights, determine whether or not we deem the denial of social rights to be unjust?

2. To what extent ought rights be linked to the fact of presence or residence within a community (denizenship)? (Here, "community boundaries" might be drawn wide or narrow, that is construed in terms of national or municipal "denizenship".) Does the fact of presence (or proximately), which de facto subjects one to a given structure of law and administration, invoke the right to participate in the formulation of that law? Do persons have a right to participate in the making of laws which govern them, irrespective of how they come under the authority of those laws? Do persons have a right to participate in multiple spheres of lawmaking, if they are in fact substantially governed by multiple jurisdictions? So, for example, can a state legitimately insist that recent immigrants with stakes in other communities renounce prior citizenships? Does it make sense to think of overlapping citizenships? Is it unjust to deny participation in overlapping citizenships?

3. Assuming some historical coincidence between entrenched borders and the desire to control the mobility of the poor on the international level (Brubaker), and the intra-national level (Edwards v. California (1930)), can we justify this historical legacy or is it a legacy without justification? Are restrictions on the mobility of poor persons in effect our version of "poor laws"?

4. Assuming liberals accept that intra-jurisdictional discrimination between persons as citizens is invalid, what distinguishes inter-jurisdictional discrimination? In Michaelman's terms, assuming there is "a right to equal footing in whatever politics there are in one's neighborhood," is the next move the construction of a "right to politics"---a right of participation

for those who find themselves on the periphery of a jurisdictionally bounded neighborhood, and who find themselves substantially influenced by the decision making of the abutting jurisdiction? Can we speak of a "right to politics" as a constitutional right? as a human right? What would be the limits of a "right to politics"? Ought it be limited to those who already share in social membership, even if they fall out of bounds for this particular sphere of decision making? Ought it be limited to those who, if they fall outside of social membership widely understood, are at least proximate (in a cultural or spatial sense)? Ought it be limited to those who contribute to the particular community's well-being and who are either present in the community or proximate to it? Ought it be limited to those who contribute to the particular community's well-being, irrespective of proximity? Ought it be delimited on the basis of demonstrated or potential significant, extraterritorial effects of a government's laws and regulations?

5. Are ideas like "the right to politics," "denizenship," and/or "postnational citizenship" utopian? emerging realities? Again, what is the role of practicing lawyers in "constructing" such notions?

6. Can we speak of a "right to politics" as unlimited, and inalienable? What would be the status of a "right to politics" in relation to other "human" rights like the right to free speech? What is the status of human rights in the absence of a "right to politics"? Can we speak of stateless persons (i.e. persons lacking membership in a political community) as possessing human rights?

Panel 3 Members: Minow, Anker, Moore, Soysal [Benhabib]

Final Report.

(Sanjay Reddy, Graduate Fellow, Program in Ethics and the Professions, 1994/95).

I am pleased to state without hesitation that my participation as a Graduate Fellow in the Program in Ethics and the Professions has been the single most valuable institutional academic experience I have had at this university, whether as an undergraduate or a graduate student. My participation in the Program has been consistently intellectually challenging and enriching, and deeply personally rewarding. The discussions which took place in this year's graduate seminar have been consistently among the most intellectually sophisticated, nuanced, and creative that I have participated in in any institutional setting. This is not a coincidence, but is rather a product of the extraordinarily high intellectual tenor of the Program and the unusual warmth and commitment of its participants.

In addition to the Graduate Fellows, each of whom brought to the Program (and in particular to the graduate seminar) a certain gravity and seriousness of purpose, Arthur Applbaum was instrumental in keeping the seminar tied to a rigorous yet flexible and workable agenda. His insights and judicious interventions were often invaluable, as were those of each of the Graduate Fellows at different times, from each of whom I have learnt a tremendous amount.

I have been personally enabled by the fellowship to immeasurably strengthen my intellectual foundations in ethics, which were initially rather ad hoc (given my own background in other disciplines - economics, mathematics, and social anthropology). I leave the Program with a renewed commitment to engaging in applied and abstract ethical enquiry in the course of my subsequent work, and with an enormously strengthened basis upon which to fulfil this commitment. Less tangibly, the fellowship year gave me a sense of what it is like to do work in ethics, of the social context of such work, and of the personal and social qualities required in it. It left me with a renewed appreciation for the highest intellectual values, of respect amidst disagreement, and of rigour amidst confusion, as well as of the possible social limitations of such values. This understanding is itself I feel of profound value.

During the Fellowship year I have accomplished a significant amount of my own work. In particular, in addition to my ongoing work in economics, I have extensively revised two papers: on risk assesment, and on the idea of collective rights. I am extremely grateful to Arthur Applbaum, and to the Program, for offering me a Graduate Fellowship despite my being at an early stage in my graduate career, unlike many of the other fellows. In my case

the timing of the Fellowship was particularly appropriate in the unfolding of my own work and intellectual commitments.

I would like to address my deeply felt thanks to the staff of the program, and in particular to Jean McVeigh, Helen Hawkins, Shari Levinson, Ted Aaberg, Simone Sandy, and Greg Dorchak. Every one of the staff members has been enormously cheerful, cooperative, and helpful, often well beyond the call of duty. The Program is lucky to have these staff members. Finally, the success of the Program, manifested at the level of detail in my own tremendously positive experience of it, must have much to do with the leadership of Prof. Dennis Thompson. Among other good things, he set an indispensable welcoming tone of collegiality and friendliness throughout.

Year End Report
Program in Ethics and the Professions, 1994-95
Tamar Schapiro

The Program in Ethics and the Professions gave me exactly what I needed to be productive this year: freedom from distracting obligations, a quiet space, and a provocative community of scholars. I had an office door which I was able to shut when necessary, and a terrific group of colleagues with whom I could share ideas and work-in-progress. The balance was right for me, and I was able to write drafts of two dissertation chapters. The dissertation as a whole tries to answer worries about rigorism in Kantian moral theory by showing that something analogous to what Rawls calls "nonideal theory" can be worked out within Kantian ethics. One of the chapters I wrote this year shows how Kantian theory might make sense of the experience of "tragic" moral conflict, and the other offers a Kantian interpretation of the moral status of children. In the course of writing both drafts, I received helpful feedback on my work from the other graduate fellows and from Arthur Applbaum. I am grateful to all.

More generally, I found the weekly graduate seminar a very welcome source of stimulation; it worked both to challenge and to clarify my previously-held views. In particular, it was beneficial to me to be forced to articulate philosophical positions which I thought I understood to the non-philosophers in the group. In responding to their questions I always gained new insight into the view I was trying to explain. Some weeks, I was left impressed by the power of philosophical theory to illuminate questions which arise in the context of professional practices. Other weeks, I was struck by its limits. I still cannot say I have a clear view of exactly where the power and the limits lie. In terms of personal growth, however, the seminar did a great deal for my confidence insofar as it forced me to become more comfortable stating my ideas out loud to others.

I must say that throughout the year I especially enjoyed the talks and the dinners which followed. These gave me an opportunity to get to know the senior fellows and the affiliates of the program in a deeper way than I would have on an ordinary social occasion. I was able to form friendships with some of the senior fellows which broadened my community within the program. I should also mention that the staff of the program -- Helen, Jean, Simone, Ted, and Greg -- were not only terrifically helpful, but became supportive and valued friends. Needless to say, I am extremely grateful to have had the opportunity to participate in the program this year, and I am very, very sad that my term is over.

Appendix V
**'On the Occasion of Finishing a Fellowship in Ethics (or, what I learned in a
year at Harvard)'**
by Walter Robinson

On the occasion of finishing a Fellowship in Ethics
(or, what I learned in a year at Harvard)
by Walter Robinson

I sing a song of scholars eight
who to fair Cambridge did migrate
to argue quarrel and debate
the world of modern ethics.

We came from near and far by plane
(though one just came by car or train)
We've gathered hoping to explain
the world of modern ethics.

Who are these men and women here?
What made us come from far and near?
And why do we want to persevere
in the world of modern ethics?

Why spend our time all locked away?
At computer screens we work all day
to think up thoughts that might hold sway
in the world of modern ethics.

Don't we have jobs or some career
that makes a contribution clear
instead of wasting one whole year
in the world of modern ethics?

Well, we do have jobs, we work quite hard--
(we've reputations to safeguard)
But still we eloped to Harvard Yard,
to the world of modern ethics.

What goes on on Taubman 4?
Do we just eat lunch behind a closed door?
What in the world is an ethicist for?
Do we make up new laws for all to see?
Do we talk about manners for taking tea?
What good is this to you and me--
This world of modern ethics

Whose values should we emulate?
Who guides us in our long debate?
Who calms us when we agitate?
When we would like to strangle
who urges to conciliate?
To comfort and illuminate, corroborate, consolidate,
accentuate, adjudicate, articulate, arbitrate!?
Why, we have our own high potentate
in the world of modern ethics.

On Taubman's heights--that's where we are,
gathered round a samovar,
we're in good hands, our seminar is guided by the "Ethics Czar!"
And this czar--we call him Dennis--thinks of ethics quite like
tennis,
In his serves he often aces, as he shows you what the case is.

In his manner acrobatic Dennis renders problematic
all our thinking too dogmatic with his discourse so Socratic!
He disperses thoughts fanatic in a manner diplomatic
to convince you--quite emphatic--that your thinking is erratic.
In matters all too cynical, in conundrums mostly clinical,
Dennis leads us to the pinnacle
of the world of modern ethics.

But Dennis is no lonely czar in shepherding this flock
he has a young assistant (whom he makes work 'round the clock)
He is the "knight" of ethics, brave Arthur him we call
his job is to revitalize when reason's engines stall.
And though he worries quite a bit about the duties of a butler,
Arthur's main objective is to make our theories subtler--
He'll challenge much too clearly all we cagey academics
and make us use our reason when we'd far prefer polemics.

Now though it's true that these smart two are justly Harvard's
flower,
there are four more who run the place--who really wield the
power;
It's Jean and Ted and Helen too--let's not forget Simone--
This quartet holds the reins of fate behind the ethics throne.

So now we know the cast and crew: you may well ask--what do
we do?

Well, we discuss executions and ties that bind,
we argue forever about what we would find
behind veils and positions and things of that kind.
We worry about virtues and statements paternal
emotions and duties and feelings internal,
our endless discussion can seem quite infernal!
What a world is modern ethics!

We banter and bicker bout thugs of old France,
We burble and babble bout reason and chance,
we yammer forever of killing and dying,
of cheating and stealing and bribery and lying.
We've talked about sin and we've talked about grace
We argue forever about what is the case
about torture and pleasure and which you'd prefer
(about which we still won't agree to concur.)
We talk about sex and abortion and crime--
We'll dissect genetics if given the time--
we argue of theories and justification,
of values and virtues and mystification.
We've talked about smoking and baster-bred babies,
we've gone through the oughts and the shoulds and the maybes.
For all that discussion, all that blissful hot air
you may rightly ask: did we get anywhere?
Did we solve all those problems so pressing, so tough?
Where are the answers to all the hard stuff?

There's thousands of people--well, more than a few,
who wait for the answer to: "What should I do?"
When professionals wonder how to act in the right
should they follow the reasons we ethicists cite?
What do they think?--those lawyers and doctors--
when ethicists tell them they're nothing but schmooctors!
What can the diligent bureaucrat do
when faced with instructions from our sort of crew?
Run and hide, you may say--there's so much to lose
when asking an ethicist which choice to choose.

It's true we are learned and we often confer,
We can argue precisely--but we never concur.
We've been here nine months with nary consensus,
the details of ethics seem just to incense us!
For every conclusion we bring to the floor,
there's always a joker with one comment more!
We rarely could focus on one single point,
No one ethical theory could we agree to anoint
as the "really true" answer that should guide the way
to make us more moral at the end of the day!

Oh well-- no big deal--we just can't expect
in only nine months we eight to perfect
a theory of ethics for now and all time
to redress all wrongs with reason sublime.

But we'll end with a promise we hold quite sincere:
We'll keep right on working--we quite like it here,
Our minds aren't depleted, we've ideas galore--
Do you think we could manage to stay one year more?

No? Oh well, just asking, thought we'd give it a shot,
we sort of expected the answer we got.
Our year here has ended and though we may grieve
we've jobs to return to and so we must leave.
There's just one last word we'll say as a friend,
and that's to say thank you--so: "Thank you."
The End.