

Harvard University
The Program in Ethics and the Professions
Annual Report 1995-96

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HARVARD UNIVERSITY

The Program in Ethics and the Professions

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To: President Neil Rudenstine
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From: Dennis Thompson

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

Date: July 15, 1996

From the beginning the Program has encouraged the developing interest in practical and professional ethics in other countries by assisting new ethics centers, advising ethics committees and welcoming applications from foreign scholars. This year we took our most ambitious step yet toward internationalization by bringing to the Program scholars from five foreign countries — Australia, Canada, India, Israel, and Italy. Their contributions to the intellectual life of the Program and that of other parts of the university were substantial. Instead of only reading about multiculturalism, we experienced it. The rest of us learned not only more about the problems of ethics in other cultures, but also, because of the comparisons our visitors' presence stimulated, more about ethics in our own.

Our visitors report that they also benefited from the experience here. As they return home, I fully expect all of them to lead efforts to give practical ethics a more prominent place on the intellectual agenda in their respective countries. If the Program can take some small credit for the contributions they will make, that may go some way toward compensating for the political losses that coincided with their absence. While they were gone, conservative parties took control of the governments in Australia and Israel, religious nationalists gained seats in the Indian and Israeli parliaments, and officials leading the fight against corruption in Italy were forced to resign. Reversing these changes will not be easy, but one should never underestimate the capacity of a PEP Fellow.

The ethics movement continues to grow, not only abroad but also at home. Faculty and students in nearly all the schools at Harvard are now engaged in serious teaching and research on issues in practical and professional ethics. Ethics activities are now so extensive here that those of us in the central Program, who once had to goad the schools to act, find it a challenge to stay informed about all their activities. Some of the ethics programs in the schools are now issuing their own annual reports. Nevertheless, it is still useful, I think, to provide an overview not only of the activities of the central program but also of those of the various schools, even if neither can be comprehensive.

In preparing this report, I benefited from not only the contributions of our fellows and faculty but also our dedicated staff, who helped prepare and distribute the report while carrying out the move of

our Visiting Scholar in Ethics, Yuli Tamir not only played an important role in the seminar for the Graduate Fellows, but also presented papers in many different parts of the university, including the Middle East Seminar, and the Seminar on Ethics and International Affairs.

All the Fellows return to full-time teaching and research, and in various ways will be leading efforts to give practical and professional ethics a more prominent place on the agenda in their own disciplines and in their home institutions. As an important scholar of political campaigns, Mayer is now focussing his research on ethical aspects of campaigning. Bhargava resumes his teaching and research at Jawaharlal Nehru University in New Delhi, where he is determined to make academic philosophy more relevant to the problems that contemporary Indian society confronts. In addition to his clinical work at the University of Colorado, Martinez will assume a leadership role in his institution's Program in Health Care Ethics, Humanities and Law. Menikoff has accepted a new appointment on the faculty of the Law School at the University of Akron, where he will also continue his work in bioethics. Uniacke returns to teaching theoretical and applied ethics and the philosophy of law in Australia at the University of Wollongong, continuing her consulting activities on legal reform (but not, I trust, her correspondence with the convict at Wallkill Prison in New York who recently wrote expressing great interest in her book, *Permissible Killing*, which he said was inexplicably missing in the prison library). Back in Israel teaching at Tel Aviv University, Tamir is starting a new "think tank" for developing public policy positions for the Labor Party.

The New Fellows

In honor of the exceptional representation of the legal profession in next year's class, no lawyer jokes will be permitted (unless they are very funny). Because the pool of applicants in law was unusually strong, we offered Fellowships to three lawyers, a record number for the Program. One is an assistant professor in our own law school, and two are from the University of Chicago; all three have unusually broad-ranging interests (one specializes in bioethics). For the first time, we will have two philosophers who work in business ethics, one a leader in the field in this country and the other a director of an ethics program in England who also writes more generally on applied ethics. A political theorist joins us from Toronto to work on problems of representation and impartiality, both of which relate in various ways to research in which the other Fellows are engaged. Three of next year's class are women. (For biographical notes on each of the new Fellows, see Appendix I.)

The new class was selected from a pool of more than 100 applications, a substantial increase over last year. The Program is now well known in most of the colleges and universities from which we wish to recruit, and it is becoming known in many foreign countries. We will soon have our own home page on the internet, and are looking forward to inquiries and perhaps even applications from cyberspace.

For next year's class, we received completed applications from faculty at 57 different U.S. colleges and universities. The 22 applications from overseas represented 16 countries (Belgium, Canada, People's Republic of China, England, France, Germany, Greece, Hungary, Israel, Japan, Netherlands, Nigeria, Philippines, Russia, Switzerland, and Ukraine). The applicants ranged in age from 26 to 67, with an average age of 43. Twenty women applied (19 per cent of the total). More applicants came from Philosophy (34 per cent) than any other field. Among other fields represented were: Government

Two of the Graduate Fellows will remain at Harvard next year. Bagnoli successfully completed her dissertation, and will be appointed as a visiting scholar. Sabl will remain in the Government Department, where he is finishing his dissertation on "Political Offices and American Constitutionalism." In the fall, Brewer takes up an appointment as Lecturer in the Department of Philosophy at the University of Pennsylvania. Fishbayn will go to Johannesburg, South Africa, as a Visiting Researcher in the Gender Research Project at the Centre for Applied Legal Studies at the University of the Witwatersrand.

Faculty and Curricular Development at Harvard

The Program does not try to oversee all of the activities in ethics at Harvard. We provide advice and encouragement, educational programs, and structures for interdisciplinary collaboration. Nearly all of the faculties have now created their own programs and courses, and are developing their own group of faculty who specialize in ethics. As a result of connections made through the Program, individuals and programs within each of the Schools are increasingly joining together in curricular development and research projects. In this respect, the Program exemplifies, I think, the kind of university-wide collaboration you are seeking to promote.

In my own schedule, I try to include some time each year for participating in activities in several of the major faculties associated with the Program. This year I taught a course on law and morality for students in the College. I also taught a session in David Wilkins' Law School course on professional responsibility, and another, in the Kennedy School, on congressional ethics. Developments at the Medical School in the Division of Medical Ethics, including the external review of the Division, took some of my time. In addition, I participated in several conferences, courses, and personnel decisions in the schools of Law, Business, and Medicine. Because I can no longer keep up with all the ethics activities around the university, I have again asked colleagues who have more first-hand knowledge to provide reports on their respective faculties.

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

Ethics continues to flourish in the Faculty of Arts and Sciences. The lively interactions that occur among the various departments and the central Program represent a strong commitment to ethics by both faculty and students. The Philosophy Department, for example, jointly sponsored lectures with the Program, and several of the graduate students from Philosophy and Government held Graduate Fellowships in Ethics. A highlight of the year was the luncheon seminar with Onora O'Neill from Cambridge University, the scholar invited to deliver the Tanner Lectures on Human Values. Ten graduate students from Philosophy and Government, who are working on ethics-related topics, spent a productive session with O'Neill and Robert Adams of Yale University, one of the commentators for the lectures. Two of the Ph.Ds awarded by the Philosophy Department this year were in ethics (one to former Graduate Fellow Erin Kelly), and currently eleven graduate students are writing dissertations in ethics.

In the undergraduate curriculum, the Moral Reasoning component of the Core Curriculum is the home of some of the College's most popular and substantial introductory courses. In the Fall, Tim Scanlon offered a new course on "Issues in Ethics," and in the spring, he taught "Equality and

During the last academic year, Paine served as course head for the first-year ethics module *Leadership, Values, and Decision Making*. She will continue in this position next year while Joe Badaracco assumes responsibilities for the required, first-year *General Management* course. As a result of these two assignments, all Harvard MBAs will begin and end their first-year in the degree program with courses that concentrate heavily on the responsibilities of managers and their firms. This promises to give business ethics its most prominent role in the MBA curriculum in the history of the school. Also during the year, the Business Ethics group continued its work on course development and research planning, as well as organizing presentations to a variety of groups.

Several writing projects of the ethics faculty are coming to fruition. Paine's case book *Leadership, Ethics, and Organizational Integrity*, will be published in July 1996. Badaracco has nearly completed the first draft of a book on the personal aspects of ethical decision-making by business managers, tentatively entitled *Defining Moments*, which is expected to be published during 1997.

The new Dean, Kim Clark, has indicated that he intends to encourage more teaching and research on health care management, and is welcoming collaboration with the Medical School. To further this work, he met with Dennis Thompson, MGH Chief of Medicine John Potts, and former Business School Dean John McArthur in the spring to discuss ways of bringing together his faculty with Ezekiel Emanuel, who is leading a major project on the ethics of managed care.

The Divinity School (reported by Marcy Murningham)

The Divinity School moved significantly forward in developing new and ongoing activities to examine the ethical and values realm of public policy and professional practice. Through its courses, special projects, interfaculty seminars and the Center for the Study of Values in Public Life (CSVPL), a common theme is the challenge of strengthening civil society and public life in a fragmented era characterized by increasing levels of interdependence. During the year the role of theology and religion in contributing to civil society was explored from a variety of curricular and research perspectives, including environmental and economic values; human rights and international relations; faith communities, political rhetoric and public life; and media and communications. In November, the School sponsored a conference on public leadership and civic renewal held at the American Academy of Arts and Sciences. The keynote event was a public lecture given by Peter Jennings, ABC World News Tonight anchor and an Advisory Council member of the CSVPL, on "The Media's Challenge in Covering Religion."

Topics receiving curricular attention include the values dimension of the environment, changing patterns of international relations, economic decision-making, cultural criticism and urban transformation, and civic renewal and political discourse. This spring, the second year of the interdisciplinary course entitled "Topics in Environmental Ethics" drew undergraduates from the Environmental Studies and Public Policy major as well as graduate students from the Design School, the Government and Anthropology departments at FAS, the Kennedy School, and the Divinity School. The course is a collaborative endeavor involving Tim Ford from the School of Public Health, Bruce Hay from the Law School, and Lawrence Sullivan from the Divinity School. Tim Weiskel of the CSVPL coordinated the course and delivered several lectures on the ethical dimensions of

Within the Divinity School, the Religion and Society Colloquium met monthly throughout the academic year. Hosted by Harvey Cox, the Colloquium provided doctoral students, post-doctoral fellows, and faculty with the opportunity to share recent research and conversation on topics addressing market values and human values, artificial intelligence, morality in society, and liberation theology.

Finally, with support from the Lilly Endowment and the Henry Luce Foundation, the School moved forward with two important initiatives. A new Fellows program, under the auspices of the CSVPL, is slated to begin in the fall of 1997. It will support practitioners and scholars in the realm of civil society and the renewal of public life. A summer leadership institute for Black Church leaders, focussing on urban renewal, is to be inaugurated in 1998.

The Kennedy School (reported by Mark Moore and Fred Schauer)

The required ethics course at the Kennedy School, led this year by Fred Schauer, continues to thrive. The circle of faculty members involved in its teaching is expanding. Joining the roster next year will be Jane Mansbridge, newly recruited from Northwestern University. She will share the teaching responsibilities with Arthur Applbaum and Cary Coglianese.

Mark Moore saw the publication of his new book, *Creating Public Value: Strategic Management in Government*. The work develops a conception of what public sector managers should do, informed by principles of democratic theory, as well as conceptions of executive responsibility. Moore's ideas about connecting the techniques of effective management and virtue in public sector jobs have been incorporated into the core management course in the public policy program.

While on leave, Arthur Applbaum continued his work on the morality of roles in politics and the professions, and made further progress on his book, *Ethics for Adversaries*. His article "Professional Detachment: The Executioner of Paris" appeared in the *Harvard Law Review*, and was the subject of a panel discussion at the Law School (described below in the school's report). His "Racial Generalization, Police Discretion, and Bayesian Contractualism" appeared in *Handled with Discretion: Ethical Issues in Police Decision Making*, a volume edited by former Fellow in Ethics John Kleinig; and "Rules of the Game, Permissible Harms, and the Principle of Fair Play" appeared in *Wise Choices*, published by the Harvard Business School Press. Having written about the morality of butlers and executioners, Applbaum is turning his attention to spies, and is now serving as a consultant to the government on the ethics of espionage.

Fred Schauer has been involved in legal and constitutional development efforts in Australia, Chile, Estonia, Mongolia, and South Africa. 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. "Giving Reasons" (*Stanford Law Review*), and "Opinions as Rules" (*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, was published in January, and *Legal Theory*, the journal he founded,

structure of legal practice. The School also sponsored a two-day conference on "Political Lawyering." The conference attracted more than 200 academics, practitioners, and activists from around the country, who discussed a wide range of issues relating to the practical and ethical problems confronting lawyers for poor people.

Finally, the Program on the Legal Profession and the *Harvard Law Review* co-sponsored a panel discussion entitled "Lawyer as Executioner?: A Forum on Professional Ethics." The focus of the discussion was Arthur Applbaum's "Professional Detachment: The Executioner of Paris." Applbaum draws parallels between arguments that might be used to defend the actions of the executioner of Paris in the era of the French Revolution and those that are frequently offered on behalf of lawyers and other professionals. Judge Sandra Lynch of the United States Court of Appeals for the First Circuit, Bernard Nussbaum, partner at New York's Wachtell, Lipton, Rosen & Katz and former White House Counsel to the President, and Robert Bennett (see above) all commented on Professor Applbaum's article. Wilkins served as the moderator for the event.

In addition to his activities at the Law School, Wilkins was involved in numerous ethics related activities at Harvard and elsewhere. During the fall semester, he was a Visiting Professor at the University of Chicago Law School, where he taught legal ethics, and a Visiting Researcher at the American Bar Foundation, where he conducted research on ethical issues confronting black lawyers in corporate law practice. Wilkins also presented papers on legal ethics at Yale, the University of Texas, University of Wisconsin, and William and Mary law schools. He lectured on legal ethics at the University of Bari and the University of Milan in Italy. In addition, he co-edited (with Tom Metzloff of Duke Law School) a special issue of *Law and Contemporary Problems* which is devoted to legal ethics. In January, the American Association of Law Schools' section on Professional Responsibility devoted its annual meeting to Wilkins' 1992 article "Who Should Regulate Lawyers?" The papers from this Conference will be published in a special issue of the *Fordham Law Review*. In May, Wilkins was appointed the first Kirkland and Ellis Professor of Law.

The Medical School (reported by Lynn Peterson)

One of the most significant events for the Division this year was the formal external review of the Division organized by the Dean's Office, which required several months of preparation. Edmund Pellegrino from Georgetown chaired the Committee, whose members included Daniel Callahan from the Hastings Center, Barbara Koenig from Stanford, and Rebecca Dresser from Case Western Reserve, a former Fellow in the Ethics Program. During the review, the Division's Members, its Steering Committee and medical students from all four years described how the Division functioned and what medical ethics had accomplished at HMS over the past six years. We were very pleased by the large and enthusiastic turnout of faculty and students who met with the Committee. Early indications are the review was highly positive, but the final report has not yet been released.

Another important event was the publication of the SUPPORT study, the largest randomized controlled trial ever conducted in medical ethics. Lynn Peterson was one of the investigators at the Beth Israel Hospital in Boston. The results of this 28-million-dollar multicenter study, which involved 10,000 patients over six years, demonstrated that critically ill, hospitalized adults are frequently not receiving the information and care they want and that specially trained nurses and simple feedback

Harvard community interested in ethics. This series has become a crucial part of our Division, adding to the intellectual life of our Members as well as giving junior faculty, students and Fellows a chance to meet leaders in medical ethics.

This year the Division's Faculty Seminar welcomed two senior university faculty who are affiliates of the Ethics Program. Tom Piper talked about teaching ethics in the business school, and Tim Scanlon discussed his work on the nature of morality. Both seminars were closely connected with our work in medical ethics. We face many of the same kinds of problems as the Business School as we seek to integrate ethics into professional education. We also find difficulty in sharply demarcating ethical issues from non-ethical ones in medical practice. Other subjects covered this year included physician-patient communication, ethics and economics, the use of chronic ventilators in pediatrics, ethics education, genetics, and allocation.

The Student Journal Club completed plans to publish the *HMS Journal of Medical Ethics*. The first issue will focus on ethical issues in genetics. Papers written by students in the basic ethics course will form the nucleus of the first issue. The journal will give students an opportunity to express their ideas in writing and have them read by fellow students and a wide range of faculty.

The Division's Program in the Practice of Scientific Investigation offered a sequence of introductory seminars on data management and conflict of interest, followed by a full day program of advanced topics including human subject research, animal use, and social responsibility in research. This program, now in its seventh year, introduces researchers to the complexity of ethical issues facing practicing scientists. As medical science expands and becomes more closely linked to commercial enterprise, preparation in ethics is increasingly important for maintaining the truth-seeking mission of scientific research.

In the area of continuing medical education, the Division successfully launched its first course last year, and next year will be offering two more. The 200 participants in the "Care Near the End of Life" course last June were a stimulating group of health care professionals who challenged the Division and guest faculty throughout the two day session. Next year we will offer a second version of that course, as well as a course on "Ethics and Professionalism in Managed Care."

Two changes in the roster of the Division should be noted. Linda Emanuel, the Division's Assistant Director, has begun a two-year leave of absence to take the new position of Vice President for Ethics Standards at the American Medical Association. This key leadership role will give Emanuel experience working on ethical issues with the premier American physician organization as it expands its ethics training and sets more specific standards for ethics in the profession. She will return with a wealth of knowledge about the profession and new ideas for teaching and research.

Pamela Barron, our Administrative Assistant, is taking a position in the Health Publications Group. Barron contributed greatly to the Division's growth over the past two and half years; she was efficient, pleasant in the worst circumstances, and competent in taking administrative responsibility for the Fellowship Program, the Faculty Seminar, and the Clinical Ethics Lecture Series, among many other duties. She played a key role in beginning our work in continuing medical education.

The Program's regular lecture series is supported by a fund also established by Obert Tanner, who shared the Program's aim of encouraging philosophical reflection on problems of human values in contemporary society. Our series continued this year in the spirit of the collaboration you are encouraging throughout the university. As in previous years, it attracted overflow crowds from the university and the wider community.

The speakers in this year's series were:

K. Anthony Appiah

Professor of Afro-American Studies and Philosophy at Harvard
"Against National Culture"

Kent Greenawalt

University Professor at Columbia University
"Freedom of Association and Religious Association"

Amelie Rorty

Professor of the Humanities and the History of Ideas at Brandeis University
"The Virtues of Compromise"

Alasdair MacIntyre

Professor of Philosophy at Duke University
"Compartmentalization, Fragmentation and the Unity of the Moral Life"
[Sponsored jointly with the Department of Philosophy]

Jeffrey Abramson

Professor of Politics and Legal Studies at Brandeis University
"The Jury, the Press and Democracy"

Susan Wolf

Professor of Philosophy at John Hopkins University
"Meaning and Morality"

Activities Beyond Harvard

In last year's report I described in some detail the astonishing range of contributions that our former Fellows and affiliated faculty are making to the study of practical and professional ethics beyond Harvard. Although nearly all of these activities continue, many in even more vigorous form than before, I shall let the previous account stand for the record, and mention only a few new efforts to promote the cause of practical ethics beyond our walls.

Two took place on campus. In the fall, the Program hosted a meeting of the executive committee of the Association of Practical and Professional Ethics, a national organization with 500 individual and 90 institutional members, which we helped found five years ago. To supplement the business meeting, we arranged a substantive discussion of an issue of general interest — affirmative action.

We have received several small but important gifts so far – important because as unrestricted grants they express confidence in the general purposes of the Program. In the fall, we expect to announce a significant gift, which will fund a Graduate Fellowship in the Program for five years.

Until this year, the University Development Office has concentrated on the needs in other areas of the University, but now seems to be giving greater attention to the presidential initiatives, including the Ethics Program. Janet Averill helped lay the groundwork for a strong effort on these initiatives, and we are hoping that the newly appointed Director of Leadership Gifts will now move forward with vigor.

As in the past, I stand ready to travel (almost) anywhere to talk to prospective donors. More helpfully, I am prepared to recruit my colleagues in the Program who are able to speak eloquently on ethical issues that should be of interest to a wide variety of audiences. The Program is well situated to organize panels and presentations on timely topics featuring faculty from all parts of the University.

We are also planning several events on campus 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. For the tenth anniversary of the Program this year, we hope to have a two-day celebration in the spring, at which former Fellows and faculty associates will present research and discuss current ethical issues in sessions that will be open to the public.

Designating ethics as one of the five interfaculty initiatives in the campaign, as you have done, has given us and our supporters confidence that our efforts in this past decade are being recognized. The challenge now is to find the resources to maintain and expand the teaching and research in ethics in the future.

Appendix I
Fellows in Ethics
1996-97

NORMAN E. BOWIE is the Elmer L. Anderson Professor in Corporate Responsibility at the University of Minnesota, where he holds a joint appointment in the departments of Philosophy and Strategic Management and Organization. He previously taught at the University of Delaware, and at Georgetown University as a Visiting Professor. He was educated at Bates College and received his Ph. D. in Philosophy from the University of Rochester. His research focuses primarily on business ethics, on which he has written numerous books and articles. His most recent book is *University-Business Partnerships: An Assessment*. During his Fellowship year he will develop a book entitled *A Kantian Theory of the Firm*.

LAWRENCE LESSIG is Professor of Law at the University of Chicago Law School. He studied economics and management at the University of Pennsylvania, and took an M. A. in philosophy at Cambridge University. After receiving his J. D. from Yale Law School, he clerked for Judge Richard Posner on the Court of Appeals for the 7th Circuit, and Justice Antonin Scalia at the Supreme Court. His principal areas of research are comparative constitutional law, contracts, and the law of cyberspace. During the Fellowship year, he will examine ethical issues raised by the emerging technologies of cyberspace.

ARTI K. RAI is a Fellow at the University of Chicago's MacLean Center for Clinical Medical Ethics. She also teaches at the University of Chicago's Law School and the University's Harris School of Public Policy. She received an A. B. in Intellectual History and Biochemistry from Harvard College, and was a medical student at Harvard Medical School. After receiving her J. D. from Harvard Law School, she served as a federal judicial clerk and as an attorney in the U. S. Department of Justice. During the Fellowship year, she will explore the conflicts between individual privacy and social utility raised by the development of automated health data information networks.

THOMAS E. SORELL is Professor of Philosophy at the University of Essex, Colchester, England, where he directs the doctoral program in Ethics, Politics, and Public Policy. He was educated at McGill University and the University of Illinois, and took a D. Phil in Philosophy at Oxford University. He teaches courses on the application of moral theory and has lectured in the U.K., Ireland, Spain and China on various aspects of applied ethics. His *Moral Theory and Capital Punishment* appeared in 1987, and he is the principal author of *Business Ethics*, as well as numerous articles. During his Fellowship year he will work on a book tentatively entitled *Moral Theory and Anomaly*, which explores areas in applied ethics where orthodox theories in moral philosophy appear to work unsatisfactorily.

CAROL S. STEIKER is an assistant professor at Harvard Law School, where she teaches courses and does research in the areas of criminal law, criminal procedure, and capital punishment. She received her A. B. in History and Literature from Harvard College and her J. D. from Harvard Law School. After clerkships with Judge J. Skelly Wright of the U. S. Court of Appeals for the D. C. Circuit and for Justice Thurgood Marshall of the U. S. Supreme Court, she worked as a public defender for the D. C. Public Defender Service, representing indigent defendants. During her Fellowship year, she plans to explore how the work of moral philosophers on the definition and justification of punishment can help clarify the distinction between criminal and civil justice.

Appendix II
Graduate Fellows in Ethics
1996-97

Agnieszka Jaworska is a Ph. D. candidate in philosophy. Her dissertation, entitled "Rescuing Oblomov: A Search for Convincing Justifications of Value," explores the role of the agent's conception of practical identity in grounding values. Jaworska received a B. S. E. in computer science from Princeton University in 1987, and worked for a year at Princeton's Cognitive Science Laboratory. At Harvard, she has taught in a number of ethics and political philosophy courses, and has served as a research assistant to Professor Thomas M. Scanlon. She received a Charlotte W. Newcombe Dissertation Fellowship in 1995-96.

Patchen Markell, a Ph. D. candidate in government, is studying the relationship between political identity and cultural membership. His thesis draws on nineteenth- and twentieth-century German political philosophy and cultural politics and on recent debates over German national identity. Markell received his B. A. with Highest Honors in Philosophy and Political Science from Berkeley in 1991. He has recently published an annotated bibliography on Hannah Arendt and feminism and a review of Arendt's *Essays in Understanding*. His first article, on the role of consensus in Arendt and Habermas, will appear in the fall.

Daniel Markovits, Visiting Graduate Fellow in Ethics, is a D. Phil candidate at Oxford University and a Senior Scholar at Christ Church College. Markovits' doctoral thesis defends toleration, which he presumes to be central to legitimate government on grounds that are independent of both pluralism and other sectarian views. After graduating *summa cum laude* from Yale University in pure mathematics, Markovits took up a Marshall Scholarship. He received an M. Sc. in Econometrics and Mathematical Economics from the London School of Economics and a B. Phil. in Philosophy from Balliol College, Oxford.

Alec Walen, a J. D. candidate at the Law School, is writing about when the numbers count: the conditions under which it is morally and legally appropriate to consider how many people will be affected by a choice. He held an Andrew Mellon Fellowship in the Humanities at the University of Pittsburgh, where he received a Ph.D. in Philosophy in 1993 with a dissertation entitled "A Kantian Criticism of Consequentialism." His first publication, "Doing, Allowing, and Disabling," appeared in *Philosophical Studies* in 1995. Walen was a Visiting Assistant Professor of Philosophy at Lafayette College from 1993-94.

Appendix III
Reports of the Fellows
1995-96

Ethics Program: Final Report

Rajeev Bhargava

The year at the Program in Ethics and the Professions has been an extremely enriching and instructive one. Enriching because I learnt about new issues, instructive because it helped straighten out the old rough edges in my ideas. The more time I spent here, the better I realised what a terrific piece of good fortune it is to have been able to spend a whole year at Harvard. It has been frustrating as well to discover that a year is too short to even partially utilise the opportunities offered by the program.

My main project this year was to complete a rough first draft of a book on a viable model of Secularism for India by deploying the philosophical resources of western liberalism - to examine the more recent work on political values associated with the liberal tradition and to explore the extent to which it illuminates and contributes to the understanding of an appropriate relation between religion and politics. There is no better place than Harvard for anyone doing this kind of work but perhaps to underscore why it is important specially for me to have got this opportunity, I need to talk a bit on the academic context in India.

Liberalism continues to be dismissed in academic circles in India as naive, vacuous or downright hypocritical. Among the many reasons for this at least one is the virtual absence of interest in political philosophy among contemporary philosophers and social scientists. Philosophers in India, reinforcing a long history of neglect, side step reflection on social and political issues. Social scientists, on the other hand, are dominated by a model of social science singularly obsessed with the scientific explanation of social and political reality and insensitive to conceptual and normative issues. So, lot of very good philosophy exists in India and a great deal of sophisticated social science but precious little social and political philosophy. In this climate indifference or misconceived hostility to a liberalism nourished by the resources of political philosophy is inevitable. I do not wish to exaggerate the importance of political philosophy or of liberalism but can't help believing that this is terrible and damaging to the growth of a deliberative culture in India. At the back of my mind then is this huge ambition (nothing short of the rehabilitation of political philosophy!). I hope I am not misunderstood, however. I do not think my own abilities are equal to this ambition, which anyway needs the life-time labour of a whole community of scholars. At the same time given my own judgement about its importance, I feel compelled to contribute toward realising this project. I hope this makes clear why the fellowship, by giving me the opportunity to interact with scholars with a long-standing interest in the philosophical resources of liberalism, has meant so much to me.

What did I achieve here? Given the tedious business of settling with a family into a new environment and in face of the bewildering variety of equally tempting academic opportunities, it was always going to be difficult to finish writing all that I had planned. Even so I look back with satisfaction with what I accomplished. I completed a paper on Free Speech and Censorship written originally for a conference in Taiwan and which is to appear in the Tamkang Literary Review. I also wrote up the introduction to a book on Secularism I am editing for Oxford University Press. In addition, I finished writing rough drafts of three papers: one on Rawls's idea of Public reason, which I presented at the PEP seminar and which I shall also deliver at the next meeting of the APA. The other two are philosophical explorations of concrete themes directly concerning India, one on separate personal laws for religious minorities and the other seeking a philosophical explanation of the failure of political imagination among Hindu and Muslim elites to conceive a genuinely multi-religious political community. I presented versions of these papers not only at the PEP seminar but also at Harvard, Tufts,

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Report on 1995-96 Fellowship in The Program in Ethics and the Professions:

Richard Martinez

As a member of the 1995-96 PEP Fellowship, I reach the end of the year with gratitude to Dennis Thompson, Jean McVeigh, Simone Sandy, Marlene Gray, and Helen Hawkins, and appreciation for one of the most stimulating and enjoyable years of my professional life. The opportunity to read, reflect, think, discuss, and write in such an extraordinary place leaves me with considerable reluctance to end the year and return to Colorado. From the first day, Dennis Thompson and the supportive staff create a warm, kind, and nurturing environment where creativity and productivity can flourish.

I will divide comments into several categories:

Research:

1) I completed an article, "Literature and Ethical Medicine" for *The Journal of Medicine and Philosophy* (Summer, 1996) on the relationship between narrative and ethics in the clinical medical setting. This was co-authored with several others interested in the place of narrative in medical ethics.

2) I completed an article, "An Alternative to Boundary Dilemmas: Professional Ideals in the Physician-Patient Relationship." This article critiques current notions of boundary crossings and boundary violations in the patient-physician relationship. This article is part of a more ambitious project of examining the concept of boundary in professional-client relationships both in medicine and in other professions. The article has been submitted to *The American Journal of Psychiatry*.

3) Toward the end of the year, I have spent considerable time at Children's Hospital in the MICU interviewing professionals on emerging attitudes and management of end of life issues in dying children. This has been a particularly poignant experience, as I have had the opportunity to observe and discuss the processes involved in what are often difficult and tragic events involving children and their parents. Applying a narrative perspective to these events, I have begun work with Dr. Robert Truog, the Director of the MICU, on an article that examines a narrative paradigm in the training and education of medical students, residents, and faculty who face these decisions.

4) For *Academic Medicine* (May, 1996), I published a short article on the place of humanities in a medical school elective that I and a student began several years ago at the University of Colorado. "A Student-Run Course in the Medical Humanities," argues for the importance of such opportunities in medical education.

The Lectures:

For me, the invited guests, their lectures, and the dinners were a major highlight of the program. Anthony Appiah and Alasdair MacIntyre were particularly memorable. The exposure to such creative, imaginative, and forceful minds is an immeasurable benefit of the fellowship. Many who are invited to the fellowship, do not have this opportunity of exposure in a consistent and predictable way in their home institutions.

I also appreciated the opportunity to meet and talk with Senior Fellows, members of the Faculty Committee, Faculty Associates, and other interested Harvard faculty. These lectures and dinners allowed for a sense of intellectual community to emerge, and grounded the program in some important structure and curriculum. With few exceptions, I found most from the Harvard community, friendly, available, and generous.

Conclusion:

This has been a most extraordinary experience. I am grateful to have had the opportunity, and know that it will impact my work for years to come. In my application to the Fellowship, I expressed the wish to increase understanding in moral philosophy and ethics in order to deepen and critique my own work in literature and medicine. I leave feeling confident that I accomplished this end, and hopeful that I left something helpful with each of my colleagues.

As a non-traditional candidate, I encourage Dennis Thompson and the Faculty Committee to continue creating such an interdisciplinary opportunity for those who have come to these concerns and problems by way of an unusual path. This opportunity from Harvard University, the Faculty Committee, Dennis Thompson and the Program, to work and create in such an environment will always be appreciated as a unique gift.

Lastly, a poem to say thankyou:

Report on Fellowship Year
by William G. Mayer

On the whole, my experience as a Fellow in the Program in Ethics and the Professions was a very positive one, and I think it has provided a very good foundation for the work on ethics and campaigning that will probably be my principal research focus for the next 5-10 years.

Probably the greatest thing I gained during my fellowship year was an introduction to and greater appreciation of a considerable array of issues and topics in practical ethics, primarily as a result of the reading and discussion we pursued during the weekly seminar. Most of this material did not deal directly with the problems that I am currently working on; but given my own background and training, I think I needed a more general grounding in ethical theory and method, and I definitely believe that I made considerable progress in that direction this year.

My principal disappointment may, ironically, be traceable to the same source: I made substantially less progress than I had hoped in the research and writing of the book on improving presidential campaigns that I had set forth in my fellowship application. Perhaps this is an inevitable problem: Almost everyone I know who gets a fellowship or sabbatical year comes back saying that they wish they had accomplished more. But it was also my experience -- and that of several other fellows I spoke with -- that the weekly seminar proved to be a good deal more time-consuming than we had originally expected. To do the reading well usually took a day and a half or two days; and a good part of another day was then taken up with the seminar itself.

This does not necessarily mean that I would recommend shortening or modifying the seminar: Whether this is advisable or not depends on what the Fellowship is primarily designed to accomplish. If the principal intention is to help provide the Fellows with a set of ideas and tools they can then use for future research and teaching, then the Program is quite well-structured. If, however, the purpose is to give the Fellows an opportunity to do a substantial amount of their own research, then I think you might want to consider providing more "free" weeks, especially during the second semester.

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Report on Fellowship Year

Jerry A. Menikoff

May 10, 1996

It is fortunate that even the economist/mathematician in me believes that the whole is greater than the sum of its parts. Thus do I attempt to excuse the fact that this recitation of various segments that made up my fellowship year fails to do justice to the full extent of this experience: a wonderful year in so many varied ways.

Projects

My major project this year has involved an attempt to clarify the extent of the obligations that physicians have to patients with regard to aspects of "ordinary" medical care that is requested by patients, yet the physician deems unnecessary (for a variety of possible reasons). I hope to use this analysis to provide some insight on the heated debate regarding the "less ordinary" care that currently is discussed under the rubric of medical futility. This year has finally enabled me to delve deeply into the growing literature on futility. While bits and pieces of the final work are gradually emerging, much of the task of putting it all together still remains before me. One portion of my ideas which has so far emerged is "The Role of the Physician in Controlling Costs", which will be appearing in an upcoming volume of Ophthalmology Clinics of North America devoted to Ethics, Law and Managed Care.

I also had an opportunity to revisit two previously unfinished pieces. An article entitled "A Typology of Advance Directives," which attempts to create a theoretical framework for categorizing the various forms of advance directives, is in its final stages, and should be submitted for publication within the month. My exploration of routine care for patients in persistent vegetative states (co-authored with Greg Sachs) received a major reworking this year, and, greatly benefited by the criticisms of the seminar participants, also should soon be in submissible form.

A new line of research I have begun exploring relates to issues surrounding the definition of death. I hope to argue that changing attitudes toward decision making regarding end-of-life issues suggest that we should revisit the determination of death

People

Taking advantage of the resources provided by any program of course requires a solid foundation, one which can eliminate the distractions that are otherwise prone to wreak havoc with one's attempt to be productive. Dennis Thompson and his superb staff --Jean McVeigh, Helen Hawkins, Simone Sandy and Marlene Gray--were able not only to provide such support, but to make day-to-day life in Taubman a most pleasant experience.

It is fitting that I close this brief report by saying something about the informal contacts that occurred among the fellows and Dennis Thompson outside of the formal aspects of the program. During her program-sponsored visit, philosopher Susan Wolf discussed aspects of what constitutes a "meaningful" achievement. The discussions that evening made it very clear that we are far from coming to any consensus on what makes something meaningful. But on one point I have no doubt: that many of the most meaningful aspects of the year took place outside of the classrooms and the libraries, and often far from the Harvard campus: in apartments and homes, in the rain and the woods. It is the friendships formed, and the memories made, that I will most treasure from this wonderful year.

REPORT ON FELLOWSHIP IN THE PROGRAM IN ETHICS AND THE PROFESSIONS 1995-6

Suzanne Uniacke
May 1996

A wonderfully privileged and stimulating academic year is drawing to a close. I expect to feel its ramifications on my research and teaching in ethics for quite some time to come.

My research project was to begin a book, provisionally entitled Permissions and Constraints, which develops a distinctive account of moral rights, and grounds and defends non-consequentialist restrictions such as the constraint against harming unoffending persons. I barely sketched the basics of such an account in my book Permissible Killing: The Self-Defence Justification of Homicide (CUP 1994). Part of the purpose of the book on self-defence was to indicate the type of moral theory that I believe needs to be developed, and which I wish to develop in the second book. So although I began the Fellowship with an idea of the challenging issues that I would need to grapple with, in many respects I was beginning from scratch on the research project. Early on I found the difficulty and complexity of the issues somewhat daunting. Obviously I needed to find a central but manageable 'way in'. The first few months I spent on concentrated reading and reflection. This is almost indispensable for sustained writing in moral theory, and it is very difficult indeed to accomplish alongside a full teaching commitment. The Fellowship afforded me precisely the type of research freedom and support required to orient myself in a new and difficult project, and it allowed me to delve deeply into the issues. Nevertheless, for some time I felt that my research efforts lacked the sort of focus that would (very soon!) be necessary for effective writing. It was participation in the PEP seminar that helped me in this respect. My reading and preparation for my seminar presentation on the nature of moral conflict gave me a way into the maze of issues that I was grappling with in my own time. I also saw how I could, and should, bring together my work on moral constraints with my long-term interest in the conditions of agent responsibility. I then wrote a paper on agent responsibility and compliance with categorical norms ("Absolutely Clean Hands?") that I presented at the seminar. This paper is now much longer, and has developed into what I hope will be (before the end of the Fellowship) drafts of two chapters. I am due to present this work at several universities in Australia on my return. I should particularly like to thank two of the Graduate Fellows, Carla Bagnoli and Talbot Brewer, for their interest in my research and for their helpful comments.

(I know that at least some of them appreciated the discussions with us too!) I was also delighted to meet occasional 'blow ins' such as Larry Temkin.

On the wider Harvard scene I was pleased that one of the Program's incoming 1996-7 Graduate Fellows sought me out and gave me the opportunity to read and comment on his work. I attended papers by visiting speakers in the Department of Philosophy, the Philosophy of Law Society, and a number of other Harvard programs and schools. It was very fortunate from my point of view that my Fellowship year coincided with the Tanner Lectures given by Onora O'Neill.

I kept travel to a minimum during my time here. (Given the research priorities that I set myself, the early PEP seminar reading on the nature of practical conflict and regret was very apt!) I attended a series of philosophy lectures by visiting speakers and faculty at Boston University, and I got to know some of the faculty in philosophy at Boston University and at Wellesley College. I accepted an invitation to give a talk ("Can Acts of Necessity be Crimes?") to the New York Society for Philosophy and Public Affairs, at NYU in November 1995. I attended the conference of the American Philosophical Association in NYC in December 1995. Unfortunately my scheduled visit to read a paper in the Philosophy Department at the University of Illinois (Urbana/Champaign) in April 1996 was scuttled by a freak hail storm at the Chicago airport! In May 1996 I briefly visited the Philosophy Department at Johns Hopkins University in Baltimore. One of the benefits of the Fellowship for me has been access to, and a better understanding of, the academic world in the United States. I hope very much that the contacts I have made here will be maintained when I return to Australia.

The year has been socially very enjoyable. This has made living so far away from home much easier than it might otherwise have been. A group of Fellows from very diverse backgrounds found themselves easily brought together by a common interest in food, drink and film! Again, I hope the friendships that have developed here, and that we appreciated so much this year, will be kept up.

I thank Dennis Thompson sincerely for his amicable and judicious direction of our weekly seminar and of the Program more generally. I am grateful for the benefit of his thinking about a wide range of issues, and also of his experience as a teacher and moderator. His insights, openness, and hospitality were much appreciated. I thank the Program's administrative staff for their friendship and for the level of support they offered us. This was above and beyond what anyone could reasonably regard as the call of duty; it eclipsed anything I have ever experienced elsewhere.

Yael Tamir - Visiting Scholar in Ethics
Annual Report 1995-96

Let me begin by saying how wonderful these last few months were. The opportunity to have quiet time for research is generally a rewarding experience. The fact that I spent it at Harvard, at the Program in Ethics and the Professions, made it even more pleasant and valuable. My only regret was the shortness of time and the limited amount of work I was able to do.

The Program provides its fellows with ample opportunity for intellectual stimulation, including the fellows' seminar, guest speakers, the Tanner lectures, and a wide range of seminars, classes and talks at the University.

More important is the collegiality and support that develops among the fellows (which was greatly encouraged by Dennis Thompson's generous invitation to spend a weekend at his house in New Hampshire). Rajeev, Sue, Jerry, Rick and Bill were wonderful colleagues and companions. In the few months we spent together we shared higher and lower delights: philosophical discussions, nature trips, movies, dinners, and music. The friendly relations that evolved among the fellows created an environment where numerous discussions thrived, interesting ideas were exchanged and advice was always generously given.

I was also fortunate to be invited to participate in the graduate fellows' seminar, which allowed me to work with and learn from the exceptional graduate fellows who participated in the program this year – Carla, Tal, Andy and Lisa.

Through Carla I met some of the graduate students at the philosophy department and had several opportunities to exchange views with them and learn about their work.

All these benefits grew out of the outstanding efforts of the Program's permanent staff who is always there for the fellows, trying to make their year intellectually stimulating and productive (and also very pleasant).

I am grateful to Helen for finding me such a wonderful apartment, to Jean for her continuous support and help, to Simone for being so patient, even when the reading materials were submitted at the last moment, and mainly to Dennis for his endless support, advice and for the generous amount of time he spent with me. Our conversations helped me improve my work, and mellow some of my unreasonable positions (luckily not all of them). Dennis also helped me organize my thoughts regarding a collection of essays I plan to submit to Princeton University Press in the fall. His advice was very useful and allowed me to place each of the papers I am working on in a larger context and see the continuities and contradictions among them.

During the year I wrote several papers:

I thoroughly revised two papers I had started working on last year while I was a fellow at the University Center for Human Value at Princeton. The first, "Some Reflections on Collective Punishment and Collective Rights," was submitted for publication; the second, "Revisiting the Public Sphere," will be published in a volume edited by Amy Gutmann in *Associational Life in Liberal Democracy* (forthcoming, Princeton University Press).

I have also written three new papers. The first, "The Land of the Free and the Fearful," is forthcoming in *Constellations*; the second, "Tell Me Who Your Friends Are: Reflections of Friendship and Responsibilities," is to be published in a volume of collected essays on practical reasoning edited by Edna Ullman Margalit. The last paper,

Appendix IV
Reports of the Graduate Fellows
1995-96

PROGRAM IN ETHICS AND THE PROFESSIONS 1995-96

CARLA BAGNOLI

I am very grateful to Professor Dennis Thompson and all the Fellows for this stimulating academic year. The Program provided me with the perfect environment for working at my dissertation on "Dilemmas and the limits of ethical theory".

I was able to profit incredibly from the weekly seminar which was always provoking and lively. The material was closely related to my dissertation topic. In discussing the readings, each of us was propounding a peculiar view of the limits and the scope of ethical theory. Such diversity of theoretical approaches encouraged me to improve my argumentative skills. I found myself developing an idea of what means applying a theory in addressing practical questions and I started "using" the seminar to test the theses I was defending in the dissertation. The interchange with Ezekiel Emanuel, Yuli Tamir and the fellows kept me honest while I was writing.

I have to thank especially Ezekiel Emanuel for encouraging me to consider the question of normative determinacy from the point of view of role-morality, as a way to clarify this abstract criterion of adequacy of ethical theory. He lead the seminar in a wonderful way and was always very giving. Yuli was sympathetic and supportive; her comments and criticisms were constructive. Zeke and Yuli's generous presence had a major part in building up my self-confidence and helped me a lot in this early (and rather troubled) stage of my career.

I found very stimulating also the seminars with guest lecturers, such as Tim Scanlon, Dennis Thompson, Joshua Cohen and Robert Nozick who presented their own works in progress. Their material was always directly relevant to

since the first day in my office and helped me in finding the way out from many odd bureaucratic labyrinths.

I want to mention that the friendly and international atmosphere of the program was important for me also in another respect. When I arrived, I was an introvert and shy student with a very heavy accent. My accent is still heavy, but I became a very sociable person! I enjoy sharing the office space with Andy Sabl and having (occasionally philosophical) conversations with him. Tal was an interesting interlocutor; I appreciate his work and his contribution to the seminar was always stimulating. I spent most of my free time with Yuli and, later on, with Sue. I learnt a lot from their terrific works and their strong personalities. Their friendship means very much to me.

In few words, I found in the program the scientific community I have been dreaming of for years. I wish my country had a similar program. The encouragement and help I received here is something I could not possibly forget. I can honestly assess this has been the best year of my academic life.

Year End Report
Talbot Brewer
Graduate Fellow, Program in Ethics and the Professions
1995-6

I am very thankful that I have been able to participate in the Program in Ethics and the Professions during the past academic year. I found the program valuable both in helping me to articulate and refine my theoretical views, and in prompting me to think more carefully about how these views apply to the practice of law, medicine, politics and other professions. The fellowship also provided me with the time, resources and financial support needed to make progress on my dissertation. I now expect to complete the dissertation by September, when I will begin a one-year lectureship at the University of Pennsylvania Philosophy Department.

I have learned a great deal from the other graduate fellows and from the two senior members of our weekly seminar -- Zeke Emmanuel and Yuli Tamir. Although the graduate group was small, it included representatives from two professions and three academic disciplines, and our meetings provided for a valuable cross-fertilization of ideas and perspectives. Zeke Emmanuel kept our discussions lively, focused and clear, and he confronted us again and again with the challenge of connecting our sometimes-abstract theoretical debates to the concrete dilemmas faced daily by professionals. Zeke also deserves credit for crafting a syllabus that brought together some of the common threads in the work of the graduate fellows.

Thanks in large part to the efforts of Carla Bagnoli, we had a number of engaging visitors to our discussion group. I benefitted greatly from our meetings with Tim Scanlon, Josh Cohen, Michael Sandel, Dennis Thompson, Bill Simon and Robert Nozick, and I thank all of them for taking time to discuss their work with us. These visitors sparked discussions which continued long after they left.

This surrounding intellectual ferment provided a propitious background for my own work. During the year, I wrote two new chapters of my dissertation and revised a third. I presented one of these chapters to the graduate seminar and benefitted greatly from the feedback I received there. I also drafted a new essay on "dirty hands" -- a topic which seemed to captivate all of the fellows simultaneously during the early months of the winter.

I want to thank the program's staff -- Jean, Simone, Helen, Shelly and Marlene -- for helping to make my time at Taubman both enjoyable and productive.

Report on the Fellowship Year
Program in Ethics and Professions 95-96

Lisa Fishbayn

My year in the program has been one of stimulation and growth. I arrived having just completed my course work, with the intention of using the year to prepare for my oral exams in the jurisprudence of property, liberal theories of multiculturalism and legal anthropology. I leave having done this and having produced a draft of the first chapter in my thesis on the place of minority cultural identity in liberal and communitarian thought.

My year was a busy one. In addition to beginning to write, I audited courses in anthropology and critical race theory, taught a moral reasoning section on moral and legal theories of property, and did research on the politics of identity for Professor Martha Minow. I found the graduate seminars a challenging and engaging core for my work. Zeke Emmanuel was responsive to our interests and needs in identifying emerging themes and redesigning the syllabus to facilitate an ongoing dialogue and Yuli Tamir's insights and advice were particularly valuable to my project. The material covered was useful in exposing me to unfamiliar texts and to the nuances of familiar ones, to material which initially seemed too abstract for my pragmatic agenda but turned out to be precisely on point, and to perspectives on lawyering which will usefully complicate my own practice and research. The interdisciplinary composition of our group ensured lively debate and allowed me to see the commonalities between theoretical issues in law and philosophy such as problems of indeterminacy. I genuinely appreciated the intellectual rigour, discipline and good humour which my colleagues brought to the seminar. The level of attentiveness to the material and to each others ideas was unique among academic experiences I have had. Having to articulate and defend my positions to such a warm but critical group gave me a real sense of what a collegial environment could be and improved my ability to communicate my ideas and respond to questions.

The public talks sponsored by the program were uniformly impressive and the dinners which followed provided a welcome opportunity to chat informally with the associated faculty. I also enjoyed the joint program lunches with academics from Harvard and beyond. I am most grateful to have been part of this wonderful program.

Andrew Sabl
June 1996

Report on Fellowship Year: 1995-96

Successful academic scholarship, like a successful murder, requires motive, means, and opportunity. My year in the ethics program has provided all three. As a result, my thesis on "Political Offices and American Constitutional Democracy" has been all but completed (if not killed) in a single academic year, when I had only a single chapter, and a poor one, at the beginning. I give the program all the credit.

Motive: My work, which seeks to define the distinctive ethic appropriate to each of three political roles or offices in American political life (Legislator, Moral Activist, Organizer), continues to reveal fascinating problems and possibilities. But while love of knowledge is a powerful motivator, the day-to-day work of writing often requires more immediate spurs. This is where the seminar came in, providing a weekly incentive to hone ideas for discussion, frequent doses of unknown material to enrich my ideas or provoke a response, and a wonderful group of interlocutors with whom to talk ideas over in the hallway, swap chapters and comments, or simply provide examples of hard work to rouse a spirit of emulation. In particular, the material on legal ethics and the discussions it provoked suggested ways of linking professional ethics and constitutional theory that I would never have thought of and that became central to my first and fourth chapters.

Means: In a year in which I was not only working on my thesis but trying the academic job market for the first time, having office space, office supplies, free laserprinting, and photocopying and Fed Ex accounts was a godsend. While my departmental advisers claimed that one normally makes no progress on the dissertation while

