

HARVARD UNIVERSITY



The Program in Ethics and the Professions

ANNUAL REPORT 1998-99



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To: President Neil Rudenstine
Provost Harvey Fineberg

From: Dennis Thompson

Subject: Report of the Program in Ethics and the Professions, 1998-99

Date: July 16, 1999

At the annual meeting of the Committee on University Resources this spring, I acknowledged to the 300 loyal alumni and other major supporters in attendance that one of their distinguished predecessors had vigorously opposed the study of ethics, the subject of their day and a half gathering. "The employing of so much time upon ethics in our colleges," the alumnus had complained, "is very unwise." This, I assured them, was said long before their time: the alumnus, from the class of 1678, was the Rev. Cotton Mather, and it is well known what happened to him. After failing in his effort to become president of Harvard, he had to go down to New Haven and found his own, somewhat lesser institution. Such is the fate, the COUR members immediately saw, that awaits anyone who dares to oppose the study of ethics.

We have come a long way since then, and the COUR meeting itself stands as a testament to how significant ethics has become in the life of the University. This meeting was one of the major events of the campaign, and all the sessions were devoted to practical ethics as it is studied by the Program and the various

schools at Harvard. Six panels, led by faculty associated with the Program, featured some of Harvard's most distinguished professors, and included representatives from virtually every school at the University. The subject of the panels ranged widely: teaching values to young people, understanding the significance of gender, ethnic and religious identity in professional roles and public offices, managing ethics in managed care, confronting ethical challenges in the use of the internet, assessing the ethics of the media in covering scandals, and understanding the place of ethics in the global marketplace. (See Appendix I for the full program.)

According to the Development Office, the turnout was the largest in the history of the event, and the response to the panels was the most favorable they had ever received. All of us who took part were pleased by the enthusiastic and intelligent engagement shown by the COUR members, many of whom actively participated in the discussion that followed the presentations. We were all gratified to find that so many people share our conviction that the study of practical ethics is not only im-

portant but also intellectually exciting. The successful event enhanced the standing of the ethics initiative in the University and also served the more general purpose of demonstrating the value of university-wide efforts, including all the interfaculty initiatives.

The COUR weekend capped a year of significant activity by the Program and its associated faculty and institutions in the various schools. The rest of this report chronicles the achievements of the year, but a few highlights should be mentioned here.

Two of the faculty most closely associated with the Program from the beginning—Tim Scanlon and Arthur Applbaum—published their long-awaited books on ethics, each exemplifying in different ways the best of the kind of work we seek to encourage in the Program. A former Senior Fellow in the Program, Amartya Sen, won the Nobel Prize in Economics, in part for his contributions to making economics relevant to the ethical issues of our time. Faculty Associates Carol Steiker and Bryan Hehir took on major leadership roles in the University, in the Law and Divinity Schools respectively. Two former Fellows, Lisa Lehmann and Walter Robinson, were appointed Assistant Professors in our own Medical School, and will play important roles in the Division of Medical Ethics. And current Fellow, Steve Behnke, was appointed to head the Medical School's program in scientific integrity.

In the Program itself, the joint seminars which bring together both the Faculty Fellows and the Graduate Fellows became a regular activity, doubling in number with no decline in intellectual vigor. The Program's reputation abroad continued to grow, and the number of international applications increased; this

year applicants came from 18 foreign countries, a record number. The Program also marked its first full year online with its own up-to-date Web site, complete with a newsletter.

The faculty committee approved a change in emphasis in the criteria for selection of Faculty Fellows, giving preference to scholars who are no more than five years beyond their final degree. And the Program took a new name: the *Center for Ethics and the Professions*, better expressing its more permanent institutional character and signifying (pace Rev. Mather) that the study of ethics is here to stay.

The Current Faculty Fellows

In one of the earlier sessions of the seminar, Steve Behnke, the lawyer-psychologist who works with and writes about the severely mentally disturbed, introduced us to the ethical problems of dealing with multiple personality illness, or as it is now known, "dissociative identity disorder." The discussion brought out some neglected ethical issues in personal identity, criminal responsibility, involuntary commitment and the treatment of the homeless by social workers, therapists and the legal system. Behnke and Walter Sinnott-Armstrong, the Dartmouth philosopher in the seminar, were provoked by the discussion to co-author an article on the topic.

I mention this episode not only because it illustrates the wide range of the topics the Fellows were eager to consider this year, and their serious engagement with questions to which they had not previously given much attention, but also because it provides a metaphor for describing another distinctive feature of this year's Fellows—their own multiple personalities.

In Behnke's case it was revealed in an article of his own, which we read in the seminar, and in which he sharply criticized one of the dominant views of the field, expressed in another article, which had been co-authored by Behnke himself. Although this caused us some momentary confusion, we recognized it as a sign not of a disordered but an open mind. Behnke has been invited to join our Division of Medical Ethics and the Department of Social Medicine next year where he will direct the program in scientific integrity.

Sinnott-Armstrong, a theoretically inclined philosopher during the week (writing on logic and epistemology as well as legal and moral philosophy), is on some weekends a talk show host (arguing with callers about the ethical issues of the day ranging from abortion to suicide). His show, which some call "Philosophy Talk," is not yet as popular as "Car Talk," but the audience is reputedly growing. Despite his media responsibilities and his commuting schedule, Sinnott-Armstrong was one of the most active and helpful Fellows we have had in the Program. (You will notice that his name appears often in the reports of the *other* Fellows.)

Leora Bilsky, lacking none of the sharp intelligence and argumentative talent of the best academic lawyers, nevertheless seemed a gentle spirit, compassionate for example in our discussions of the homeless, and generally inclined to prefer more personal narrative than impersonal analytic approaches to ethics. But consider the topics she persuaded the seminar to study: war crimes, mass murder, torture, and other assorted atrocities better left unmentioned. She returns to Israel to teach law, in an ethically enriched form, at Tel Aviv Law School.

Annabelle Lever, a political theorist from Rochester, is completing a major work on privacy, which defends its value. If this suggests a retiring personality, shy about revealing her beliefs and passions, it is misleading. Lever may be a gifted philosopher of privacy by day, but she is a championship ballroom dancer by night—specializing in that least private of dances, the tango. Before returning to Rochester, Lever will spend the summer at Dartmouth at an NEH seminar on privacy.

John Tomasi, whose book *Liberalism Beyond Justice* was accepted this year by Princeton, lives the humane liberalism he espouses: he insisted, quietly but firmly, that we consider in our discussions of the ethics of practical affairs not merely what is just, but what is good, virtuous, decent (and their opposites). It was surprising then to learn that posters had appeared on the Brown campus, picturing him as if on a "wanted list," and warning students to "beware" of his liberalism: "you can never be sure just when friendly 'impartial' multicultural liberalism may 'evaluate' your program." Tomasi had simply raised some questions about a special program in which the enrollment had been limited to minority students. He returns to Brown, welcomed by many other students and by his colleagues, where he will play an important role in a new ethics program that has just been established there.

Walter Robinson, a Faculty Associate and director of the Ethics Fellowships Program in our Medical School, joined the seminar this year, bringing to the group a strong theoretical interest combined with extensive clinical experience. He also somehow combines in the same seemingly coherent personality the compassion and competence of the most skillful physician with a capacity to live

with the knowledge that virtually all of his patients will die while under his care. (As a pediatric pulmonologist, he treats mainly patients who suffer from cystic fibrosis.) Robinson returns to the Division of Medical Ethics, newly promoted to Assistant Professor.

The multiple personalities came together if not as a coherent collectivity then as a (reasonably) pluralist collection of individuals who created a lively and productive intellectual experience for everyone, including Applbaum and me. (For the Fellows' own account of the year, see Appendix IV). If there was unity, it was to be found in the Fellows' common commitment to serious intellectual inquiry and their spirited openness to new approaches and topics. They brought the same attitude to the many other activities in which they took part throughout the other parts of the University, including the departments of philosophy and government, the Law School, the Kennedy School, the Medical School, and several affiliated hospitals.

Returning to their own institutions (in two instances to Harvard), they will continue their work in practical and professional ethics. All hold positions in which they can influence other faculty as well as students—teaching new courses on ethics, directing programs or projects that introduce the consideration of ethical issues into the curriculum, and in other ways contributing to the promotion of the study of practical and professional ethics.

The Graduate Fellows

The ninth class of Graduate Fellows included two philosophers, two legal theorists, and two political theorists. Three have won Newcombe or Mellon Fellowships for the coming year, two

have been appointed to the University of Toronto faculty, and two have wed—but not each other. (See Appendix III for their individual reports.)

Notable topics of discussion this year were issues in the law of peoples, particularly secession, cultural rights, and nonideal theory; questions about legitimate authority and legal interpretation; and the relationship between moral reasons and motivations. The Graduate Fellows joined the Faculty Fellows for luncheon seminars with Harvard faculty five times during the year (see "Special Seminars" below).

Sujit Choudhry, a recent LL.M. graduate, presented to the seminar papers on antidiscrimination law and cultural rights. An article on the use of the constitutional jurisprudence of one legal system in the courts of another will appear in the *Indiana Law Journal*, and he is writing a paper on regulating the financial incentives of physicians under managed care. After his marriage, Sujit will take up a post on the law faculty of his alma mater, the University of Toronto.

Mary Clayton Coleman, a philosopher, has made good progress on her dissertation, "The Normative Stance: Reasons, Justification, and Motivation," in which she argues that having a good reason to act can motivate one to act. Mary is one of our Newcombe Fellowship winners.

Pamela D. Hieronymi, also a philosopher, was a Eugene P. Beard Fellow. She presented to the seminar chapters from her dissertation on "imitation virtue," or why one can't be good by trying. Her article, "Articulating an Uncompromising Forgiveness," will appear in *Philosophy and Phenomenological Research*. Pam has also been awarded a Newcombe Fellowship for the coming year.

Richard B. Katskee, a Beard Fellow, is a Yale-trained lawyer and a Ph.D. candidate in political theory. He spent the year pushing ahead on his research on civic education in a liberal democracy. Freed of big city distraction, Richard will complete his dissertation next year while honeymooning in Fargo, North Dakota.

Nancy Kokaz, a Ph.D. candidate in political theory and a citizen of Turkey, pursued her dissertation on the law of peoples. She presented to the seminar chapters on Thucydides, Locke, and Rawls. Nancy has deferred a teaching position in international relations at University of Toronto for a year while she completes her dissertation with the support of a Mellon Fellowship.

Nicholas Papaspyrou, an S.J.D. candidate at the Law School, developed a constructivist account of the division of interpretative authority in a constitutional democracy. A paper he presented to the seminar, "On the Nature of Jurisprudence," will appear in *Rechtstheorie*, and he has published several articles in Greek journals on political liberalism, doctor-assisted suicide, and topics in jurisprudence. He is on track to finish his dissertation by the winter, when he begins military service in his native Greece.

Through the generosity of Eugene Beard, we are able again to fund two additional Graduate Fellows for a total of six in 1999-2000. The incoming class contains a philosopher, a physician, a political theorist, and three lawyers. The graduate fellowships program continues to have a global flavor: one Fellow is British, one is Israeli, and two are German. (See Appendix III for their biographies.)

Special Seminars

The Faculty and Graduate Fellows joined forces five times this year to take on some of Harvard's most distinguished faculty in seminars devoted to lively and enlightening discussion of their recent work.

Michael Sandel defended his defense against the critics of his *Democracy's Discontent*. Tim Scanlon presented a preview of part of his new book, *What We Owe to Each Other*, which was published later in the year. (The discussion prompted several Fellows to organize a reading group, which met weekly in the spring to study the book, chapter by chapter.) Bob Nozick tried out some of his ideas from his book-in-progress on truth and objectivity in ethics. Frank Michelman sounded almost reasonable as he discussed "the reasonable," a fragment of his work on what he calls "liberal-minded political justification." David Wilkins discussed the latest version of his work on race and identity, showing its relevance for both philosophy and professionalism. Hagi Kenaan, a Professor of Philosophy from Tel Aviv University, discussed his paper on "The Philosopher and the Window: The Ethical Dimension of Vision."

Thomas Nagel, a professor of philosophy at New York University and former lecturer in the Program, accepted our invitation to discuss his article from *Philosophy & Public Affairs* on "Concealment and Exposure" and a subsequent journalistic piece relating it to the Clinton scandal. Also attending were several journalists, including Anthony Lewis and Marvin Kalb, as well as Sissela Bok (author of *Lying and Secrets*), colleagues from the Law School (Charles Fried, Martha Minow, Phil Heymann), and the philosophy department (Tim Scanlon and Chris Korsgaard). By the end of the discussion, the ethics of the

media did not look much better than the ethics of this President. The event was sponsored jointly with the Joan Shorenstein Center on the Press, Politics and Public Policy.

And at the last moment at the end of the year, in what might be called a rump session, I was called on to defend the very idea of deliberative democracy. The discussion was, if not deliberative, at least lively.

Public Lectures

In the spirit of interfaculty collaboration, the Program's lecture series brings faculty and students together for discussion of a variety of ethical issues. Supported by a fund established by the late Obert Tanner, the series encourages philosophical reflection on problems of human values in contemporary society.

As in previous years, faculty and students were joined in the audience by members of the wider community. Fellows and associated faculty plus a limited number of other guests were invited to a dinner seminar following each of the public lectures in order to continue the discussion in a more intimate setting. These sessions have proved to be an important—and popular—occasion for Harvard faculty from various parts of the University to meet together (sometimes for the first time).

In the series this year:

Henry Louis Gates, Professor of the Humanities and chair of Afro-American Studies, spoke on "Ethics and Ethnicity." (For more about the lecture, see Nancy Kokaz's report on page 2 of the Program's Spring 1999 newsletter on the Web site.)

Robert Post, Professor of Law at Berkeley, discussed the "Appearances of Discrimination: The Logic of American Anti-Discrimination Law." (This event was jointly sponsored with the Program on the Legal Profession at the Law School.)

Samuel Scheffler, Professor of Philosophy also at Berkeley, presented a paper on "Conceptions of Cosmopolitanism." (A summary of the lecture may be found on page 6 of the Spring 1999 newsletter on the Web site.)

Martha Nussbaum, Ernst Freund Professor of Law and Ethics, University of Chicago, spoke "In Defense of Universal Values." (See the report by Pamela Hieronymi in our Fall 1999 newsletter, also on the Web site.)

Robert George, Professor of Politics at Princeton University, explored aspects of the academy's own ethics in his talk on "Academics, Advocacy, and Ethics" (Nicholas Papaspyrou's report will appear in the Fall 1999 newsletter, also on the Web site.)

The Program also hosts, along with the President's office, the annual Tanner Lectures on Human Values. Their purpose is to advance scholarly and scientific learning in the entire range of moral, artistic, intellectual and spiritual values, both individual and social. This year's lecturer, Lani Guinier, newly appointed Professor of Law at Harvard, spoke on "Rethinking Power." The lectures were delivered to large audiences at Sanders Theatre. Students and faculty from the departments of philosophy, law, and government were joined by others from many parts of the University, as well as from the Cambridge-Boston community, and several other universities and institutions in the area.

At a seminar that was part of the three-day event, Guinier's lectures provoked lively commentaries by Michael Dawson of the University of Chicago, and William Galston of the University of Maryland. The seminar was moderated by Jane Mansbridge, a Faculty Associate of the Program and a Professor in the Kennedy School. At a lunch following the seminar, Professor Guinier engaged a group of graduate students in a discussion that further explored the issues raised during the event. (See the report by Sujit Choudhry and Richard Katskee in the Spring 1999 newsletter.)

Ethics Beyond Harvard

The U.S. Navy sailed into the Program offices twice this year, first in the form of the Secretary of the Navy, then the Director of the newly established Ethics Center at the Naval Academy in Annapolis. Both were seeking advice on plans for the new center, and we were pleased and honored to try to help. We also met with the Vice Provost of Cornell, who is working with the university's president to set up a university-wide ethics program there.

These visits were part of what has become a significant activity of our Program: responding to requests for advice and collaboration from other universities throughout this country and the rest of the world. During the year, we also met with representatives from several corporations, professional associations, government agencies, and health care organizations. Fortunately, we are able to call on colleagues in each of the schools, particularly members of our Committee and Faculty Associates, to help respond to these requests for advice.

Associates of the Program continued to play an important role in the Associa-

tion of Practical and Professional Ethics, the international organization that we helped establish. Applbaum organized a panel for the annual meeting of the Association in Washington on "Privacy, Perjury and the Presidency" The panelists were all former Fellows: Alan Wertheimer, Carol Steiker and Sanford Levinson. Another panel, led by Walter Robinson (a former Fellow and current Faculty Associate) was on "Medical Ethics and Managed Care" and included Ezekiel Emanuel, another former Fellow. I was re-elected to another term on the Executive Committee of the Association.

The Ethics Program has been a pioneer in practical and professional ethics but, until now, it has lagged behind in using information technology to spread the ethics word more rapidly beyond the University. We have certainly discussed the ethics of cyberspace (note the presentations by Larry Lessig and Arthur Applbaum during the spring COUR conference). But we have not collectively dared to go there, boldly or otherwise.

Now, thanks to Judy Kendall, our senior staff member who created and manages our new Web site, the Program has entered the cyber age. The purpose of the site is twofold: to provide information about our Program, and to help those who have been associated with us to stay informed about one another's activities and scholarship. In the early years, the alumni were small in number and close in location. But in this, the second decade of the Program, there are more than 100 former fellows and graduate fellows located in over 40 universities in the United States and many other countries (including Australia, Austria, Canada, England, Germany, India, Israel, Italy, Norway, The Netherlands, South Africa, and Switzerland).

Our newsletter, Ethics@Harvard.Edu, first issued last Fall, also offers a collegial link for these widely dispersed colleagues. Indeed, many have already seized this new cyber opportunity to exchange ideas and discuss topics of current interest. Former Fellow Allan Brett recently wrote from South Carolina:

"I enjoyed looking through Ethics@Harvard.Edu" . . . From your entries in "publications spotlight," it looks like [former Fellow] Jerry Menikoff (whom I don't know) is working on a topic similar to what I'm currently doing. Could you forward me his mailing address, phone number, and email address?"

The New Faculty Fellows

Next year's Fellows were selected from a pool of some 100 applicants. About 40 came from 18 foreign countries (Australia, Cameroon, Canada, Cuba, England, France, Germany, India, Ireland, Israel, Jamaica, Nigeria, Philippines, Scotland, Singapore, South Africa, Spain, and Turkey). The rest were from U.S. colleges and universities.

The applicants ranged in age from 28 to 70 years, with an average of 44. Thirty-seven women applied (about 37 percent of the total). More applicants came from philosophy (about 32 percent) than any other field. Among other fields represented were: government including political science (11 percent), medicine (11 percent), law (20 percent), education (4 percent), business (about 10 percent), and religion (1 percent).

Collectively the new class of Fellows represents a wide variety of fields: architecture, business, law, philosophy, and religion. (For biographical notes on

the new Faculty Fellows, see Appendix II.) With four lawyers, the class may seem too generously supplied with legal talent. But two of the lawyers also have doctorates in political theory, and incline more toward theory and policy than the study of the legal profession. The other two lawyers, like most lawyers in the Program in the past, have broad interests going beyond the law: one is concerned with the historical and ethical aspects of the ideal of professionalism, and the other with the role of the government in promoting personal responsibility.

For the first time, we have an architect who teaches ethics, and a business ethicist trained in engineering. Two Fellows are from overseas (a Spanish citizen who teaches applied moral and political philosophy in England, and an Israeli scholar of medical ethics). James Sabin, Associate Clinical Professor of Psychiatry who has been active in ethics education at our Division of Medical Ethics, will join the seminar as visiting professor.

The new Fellows' research interests cover a broad spectrum, including the environment, feminism, global justice, animal rights, constitutional law, welfare policy, and American legal history. Once again, we confront the challenge of creating some unity out of diverse intellectual interests. There is no doubt that this group is capable of meeting it.

The Faculty Fellows were selected by our faculty advisory committee who represent several of our professional schools and the Faculty of Arts and Sciences: Martha Minow (Law School), Thomas Scanlon (Philosophy), Lynn Peterson (Medical School), Michael Sandel (Government), and Joseph Bada-racco (Business School). I chaired the committee. Arthur Applbaum (Kennedy

School) and Jean McVeigh (our Administrative Director) also helped evaluate the applications, and sat with the committee.

Plans and Prospects

We have long felt that the opportunities presented by the Program's work and by the Harvard experience generally can greatly benefit those who are in their early years of teaching and writing. The quality of the Graduate Fellows has been especially impressive in recent years, and so has the quality of the applicants for Faculty Fellowships who are at an early stage of their careers. After considerable discussion, the Faculty Committee decided that, beginning next year, the Program will seek applications primarily from scholars who may be no more than five years beyond their terminal degree. We believe that the Program can have the greatest impact on scholars at this stage of their careers.

Because we are not certain about the effects that this change may have on the pool of applicants or the nature of the experience for those who are successful, the Committee regards the new policy as an experiment, subject to modification in the future. We are also telling applicants who do not strictly fit the new guidelines that they may apply and will be considered as possible exceptions. In addition, we will be able to invite at least one senior scholar to join the Program each year, ensuring that the seminar will have some additional members with longer experience in practical and professional ethics.

The Committee also recommended, and you approved, a change in the name of the Program: starting in September we will be known as the Harvard University Center for Ethics and the Professions. The change will help clarify some

confusing nomenclature (which now refers to various programs within the Program). More importantly, the change will better express the permanent character of the Program, now securely established as a university-wide institution.

We also considered further changes in our name (including more general terms such as "values" and dropping the reference to "the professions") to make more explicit the broader understanding of ethics in which the Program has been interested from the beginning. But following a trusty maxim of campaign consultants, the Committee decided that for the time being the value of name recognition argued in favor of appellative conservatism.

On other fronts, we have given more thought to how to take ethics education beyond the classroom. The Program has supported some "outreach" activities in the past. This year, for example, I took part in a program of ethics training for the career attorneys in the Office of the Massachusetts Attorney General, continued work on the South African Truth and Reconciliation Commission, consulted for the American Medical Association, taught a workshop in the Netherlands on "applied justice," and participated in a conference in Paris that brought together philosophers and experts on European social policy. Last year you will recall that we sponsored a seminar for New York City attorneys and physicians, as a prototype for a series of continuing ethics education, for which we expect to secure foundation funding in the future.

But as a Program we have not been as active in bringing ethics to the world of practice as have some of our sister institutions. With limited resources of faculty and funds, we have concentrated

on the development of teachers and scholars, believing that this activity has a multiplier effect that will eventually reach a larger number of future leaders in society. Yet there is no doubt that greater "outreach" is desirable, and we plan in the future to expand this aspect of the Program, as funds become available. The prospects are more favorable now that Lester Kissel, a long-time supporter of the Program, has added a provision to his trust that would establish a new initiative in "ethics and values" to encourage the teaching of ethics beyond the University.

As the University's capital campaign draws to a close, we are still short of our goal, and will no doubt need to continue our fundraising efforts well into the future. But we are now more secure in our support, at least at levels to sustain our current activities, than we have been since the beginning of the Program.

As for the future, we need term funds to strengthen our core activities, and endowment funds to support our plans for expansion. The most important needs in this respect are additional professorships for faculty specializing in ethics. In addition, we take an interest in the success of the Schools that are seeking funds for ethics. The health of our central Program depends on maintaining strong school-based ethics activities.

The opportunity to showcase ethics at Harvard to the COUR Committee raised the profile of the Program in ways that have strengthened previous contacts, and helped identify potential members for our Advisory Council. We are now working closely with the Development Office to recruit and establish the Council. When fully constituted, the Council will be an important source of advice from friends and supporters outside Harvard.

Two charter members, Michael Cooper, a senior partner at Sullivan & Cromwell, and Richard Joffe of Cravath, Swaine & Moore, stand ready to give counsel and support to our efforts. Eugene Beard, a New York businessman with a long-standing interest in ethics, continues to contribute to our Graduate Fellowships program. Lester Kissel has recently reaffirmed his substantial commitment to the Program by clarifying the terms of the trust he has established for a Harvard Fund in Ethics.

We are grateful for the assistance we continue to receive from the staff of the University Development Office. The Office's loss of Sean Buffington (one of our key contacts there in recent years) is not a loss to the Program. In his new position as Assistant Provost for Interfaculty Initiatives he will continue to work with us on our relations with potential supporters outside the university as well as on our plans within the institution.

More generally, I cannot emphasize too strongly how important has been the confidence that you and other leaders in the University have shown in the Program's effort. It reinforces our already strong conviction that we are engaged in an important mission for higher education.

Ethics in the Schools

Although the Fellows recently bestowed upon me a jeweled crown emblazoned with the title "Ethics Czar," the Program does not of course try to oversee all of the activities in ethics at Harvard. We provide advice and encouragement, educational programs, and structures for interdisciplinary collaboration.

All of the Schools have now created their own programs and courses, and have developed their own group of fac-

ulty 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 the kind of university-wide collaboration you are seeking to promote.

The last two schools to join the movement—Design and Education—now have at least one regular faculty member teaching ethics-related courses. Victoria Beach, a lecturer in the Design School, will be a Fellow in the Program next year. Catherine Elgin, a philosopher appointed to a professorship in the Education School this year, makes her—and the School's—first appearance in this year's annual report.

Arts and Sciences

(reported by Tim Scanlon and others)

Ethics and political theory continued to be an active topic of interest in many parts of the Faculty of Arts and Sciences. Both Philosophy and Government have made new appointments to provide greater faculty support to the Moral Reasoning Division of the Core curriculum. In Philosophy, Melissa Barry offered her course "Reason and Morality" in the Core for the first time, and Michael Blake, who recently joined the department, gave a course on morality and law, which will become part of the Core next year. Both courses attracted a wide audience and a favorable response from undergraduates.

The Philosophy Department also hired Susanna Siegel, from Cornell University, who has developed a course on political obligation which will be given next year. Her course begins with Socrates' argument in the *Apology* for obeying the

law even at the cost of his life, and goes on to consider not only other defenses of political obligation in the philosophical tradition, such as those given by Hobbes, Locke and Rousseau, but also arguments on both sides of the issue from Martin Luther King, Malcolm X, and Hannah Arendt.

The Philosophy Department's Workshop in Moral and Political Philosophy continued to be one of the most active elements of the department's program. Attended by twelve graduate students and four faculty members, it met nineteen times over the course of the year to discuss students presentations, and hosted two visiting speakers, Professor Joseph Raz of Oxford University and Professor Gary Watson of the University of California at Irvine.

Present or former members of the Workshop were offered tenure track jobs at leading universities, including Stanford, Michigan, Tufts, and the University of Washington at Seattle. Three of these job candidates, Agnieszka Jaworska, Tamar Schapiro, and Angela Smith, are also alumnae of the Ethics Program, demonstrating the beneficial interaction between the Program and the department and also the impact that the Program is having on institutions across the country.

"Ethics Education in the College," a fund recently established to encourage the development of moral reasoning courses for the Core curriculum, awarded its first grant. The recipient was Professor Russ Muirhead of the Government Department. He is developing a new moral reasoning course on "The Ethics of Everyday Life: Work and Family," to be offered in the spring semester next year. The aim of the course is to investigate the moral reasons that inform the ideals and practices of eve-

ryday life, with a focus on the central arenas of work and family. With readings selected from classical and contemporary political and moral philosophy, the course will explore ideals of self-reliance and the work ethic, the duty to work and work's service to others, conceptions of family and marriage, and the problem of work-family boundaries. Throughout, the course will inquire about the extent to which the morality that regulates public life also should—or should not—regulate the practices of everyday life.

The fund "Ethics Education in the College" was established through the generosity of Paul Josefowitz (AB '74, MBA '77) with the aim of encouraging the development of courses for the Core Curriculum. Grant applications are processed through the Ethics Program.

At the Weatherhead Center, the seminar "Ethics and International Affairs" continued under the leadership of Nancy Kokaz, a Graduate Fellow in the Ethics Program. This seminar brings together students and faculty from a variety of fields, from both within and outside Harvard, for stimulating and informative discussions. This year's presentations included Pratap Mehta on "Cosmopolitanism in Question," Elaine Scarry on "War and the Social Contract," Anne-Marie Slaughter on "Government Networks and Transgovernmental Ethics," Seyom Brown of Brandeis University on "My Brother's Keeper: International Rights and Obligations in 'Problem States'," Stanley Hoffmann on "Thinking About International Governance," Andrew Moravcsik on "The Origins of Human Rights Regimes: Liberal States and Domestic Political Uncertainty," Barrington Moore on "Cruel and Unusual Punishment in the Roman Empire and Dynastic China," Martha Nussbaum of the University of Chicago on

"Adaptive Preferences and Women's Options," Charles Beitz of Bowdoin College on "Second Thoughts on International Justice," Ethan Kapstein of the University of Minnesota on "Globalization and Democratization: Friends or Foes?" and Stephen Rosen on "The Strategic Behavior of Tyrants: A Neo-Classical Perspective."

Under the auspices of the Government department, the second annual Judith N. Shklar lecture was delivered by George Kateb, Professor of Politics at Princeton University. The title was "Can Cultures Be Judged? Isaiah Berlin on Human Diversity." The lecture honors the memory of Judith Shklar, a Senior Fellow from the beginning of the Program until her death in 1992, and a distinguished scholar and beloved teacher at Harvard for 36 years.

Michael Sandel, member of our Faculty Committee from the beginning and teacher of the College's most popular moral reasoning course, was named a Harvard College Professor in recognition of his teaching excellence. Selection for this five-year professorship is based on student ratings of individual professors, section and tutorial teaching, advising of senior theses and research projects, and service on committees that benefit undergraduate education.

Business

(reported by Joe Badaracco)

During 1999, the MBA program continued to be our principal teaching focus. The first-year module, "Leadership, Values, and Decision-Making" again received very high student ratings, and we continued to staff the course with faculty drawn from throughout the School. Approximately 250 students took one of the three ethics-related MBA

electives we offered to second-year students. This is the highest enrollment in our ethics electives since the early 1990's. The strongest demand was for two electives that use works of fiction, rather than traditional HBS cases, as vehicles for teaching about the ethical issues that managers confront in their work.

Our other teaching effort consisted of short required and elective modules in the Advanced Management Program and the Program for Management Development, the School's two long established executive programs.

As for research, Professor Joseph Badaracco has spent several months analyzing data for a new book, tentatively entitled *The Art of Quiet Moral Leadership*. The book will describe how managers at all levels of complex organizations think about and resolve the ethical issues that arise in their routine, daily activities. This research is intended to serve as a complement to much of the writing on business ethics, which deals with dramatic, high-stakes issues faced by senior executives—such as James Burke's decision on Tylenol—rather than the everyday problems faced by lower-level managers.

Professor Lynn Paine continued to develop new cases—8 to 10 during the past year—for her new second-year elective, "Globalization, Culture, and Management." During the year, she and Professor Thomas Piper published an account of the development of the current HBS ethics effort, entitled "Ethics, Organizations, and Business Schools" which will appear in a volume on the work of the School and its former Dean John McArthur during the 1980s and early 1990s.

Paine also gave eight conference presentations on different aspects of ethics and international business. This work took her to Hong Kong, Germany, and Malaysia, as well as to several cities in the U.S.

Design

(reported by Victoria Beach)

This has been a stimulating and productive period for ethics at the School. The principal ethics course, "Issues in the Practice of Architecture," one of the few courses of its kind in the country, has made progress and has shown notable improvements over the inaugural year. The course was first given in 1996-97, and was taught by Carl Sapers, adjunct professor, Mack Scogin, former chair of architecture, and Victoria Beach, lecturer, architect, and Yale-trained theorist, who will be a Faculty Fellow with the Program in the 1999-2000 academic year.

Victoria Beach prepares the case studies, which are based on actual episodes involving dilemmas faced by practicing architects. They raise issues such as the ethical limits on soliciting work, the nature of responsibilities to clients and colleagues, and various conflicts among obligations to clients, professional standards, and the community. Students are appointed to task forces and assigned further research on each case, after which they report back to the class. The architect featured in the case (among the best known and distinguished in the country) then meets with the class in person to discuss the issues the students wish to raise. In addition to these more specific team assignments, essays on more general themes in professional ethics are assigned to the entire class.

This year new case studies were added that address themes of design quality in circumstances of diminished project control, and the effects of professional specialization on fiduciary responsibilities. Issues surrounding international work will be introduced next year; the first will focus on the reconstruction of central Berlin by non-German architects. There are also plans to raise the academic level of the course by requiring student prerequisites or pre-approvals. These prerequisites are likely to be implemented in the new academic year.

Divinity

(reported by Betsy Perabo)

The Divinity School is engaged in the teaching of theologically-informed ethics and in research on the ethical dimensions of public policy and professional practice. In its courses, interfaculty seminars, and executive and public education efforts, as well as in the programs of the Center for the Study of Values in Public Life (CSVPL), the School has focused on the importance of religious ideas and institutions in contributing to public life from a variety of perspectives.

Subjects receiving curricular attention in the area of ethics include international relations, economic decision making, the environment, medicine, and civic renewal and political discourse. Bryan Hehir, while acting as Dean of the School, continued to offer courses on political and moral criteria for the use of force and Catholic social teaching. He also taught a course in the College on ethics and international relations with Stanley Hoffmann. Professor Preston Williams offered courses on human rights and on the ethical and religious teachings of Martin Luther King Jr. Tim Weiskel, Visiting Lecturer on Religion

and Society, offered "Topics in Environment Ethics" with affiliated faculty member Tim Ford of the School of Public Health. Arthur Dyck taught a course on human community and human rights, as well as a medical ethics class with Judith Kinley, R.N. and Richard Norton, M.D., visiting lecturers. Affiliated faculty member Charles Hallisey taught a course on Buddhist ethics, and Ralph Potter taught courses on social ethics, moralists, the ethics of relationships, and civility. Vittorio Falsina, a visiting fellow at the Center for the Study of World Religions, taught "Religious Ethics and International Political Economy," and Dr. Laura Nash, director of the Institute for Values-Centered Leadership, taught a course on religion and economic society. HDS Professor Harvey Cox and Chaplain Claudia Highbaugh offered "Preaching the Ten Commandments: Toward a Common Moral Theology," and Visiting Professor Eldin Villafane taught a course on theology and ethics for urban ministry.

The CSVPL has also been involved in executive and public education on key moral issues. In June the Summer Leadership Institute hosted fifty participants from across the country for a series of lectures, case discussions, seminars, and forums with nationally recognized experts, designed to sharpen the skills of clergy and lay leaders involved in local church-based community and economic development. Directed by Professor Preston Williams, this program builds on two decades of collaboration between the Divinity School and its African-American alumni and communities of faith.

The CSVPL Fellows program supports scholars and practitioners in the area of civil society and democratic renewal. The 1998-99 Fellows were Jon Gunne-mann, Professor of Social Ethics and Di-

rector of the Graduate Division at the Candler School of Theology at Emory University; Janet Jakobsen, Assistant Professor of Women's Studies and Religious Studies at the University of Arizona; Linda Nicholson, Professor in the Departments of Educational Administration and Policy Studies, Women's Studies, and Political Science at the University of Albany; Jeff Seglin, a noted business journalist and the Executive Editor of *Inc.* magazine; and Jim Wallis, Editor-in-Chief of *Sojourners* and Convener of "Call to Renewal," a network of Evangelical, Catholic, Black, Pentecostal and mainline Protestant churches and groups engaged in political action.

Next year the CSVPL Fellows will be: Mary Jo Bane, Professor of Public Policy and Management at the John F. Kennedy School of Government; Sylvia Ann Hewlett, the founder and President of the National Parenting Association and co-author of *The War Against Parents*; Young Hoon Kwaak, the chair and CEO of World City Network; Samuel M. Kobia, the Executive Director of the Cluster on Issues and Themes at the World Council of Churches; and Lucie White, Professor of Law at the Harvard Law School.

In response to the need for opportunities for leaders in business, government, media, and religion to reflect on their fundamental values and bring them to bear on leadership problems, the Institute for Values-Centered Leadership was created. Directed by Dr. Laura Nash, a nationally recognized teacher and writer on values and business leadership, the Institute began its "Critical Decision Series," a public lecture program which examines critical ethical challenges confronting business leadership. Elmer W. Johnson, Director of the Metropolis Project of Chicago and partner in the firm of Kirkland & Ellis, and

Margaret Loesch, President and CEO of the Odyssey network, were the first two speakers.

Two interfaculty seminars focused on ethics, values, and public policy. The Harvard Faculty Seminar on Public Life and the Renewal of Democracy, now in its third and final year, provided a forum for 25 University faculty members to share research on the health and future of American democracy, and to identify common points of investigation. Together these faculty members are completing a book entitled *Who Provides? Religion and Civil Society After Welfare*, which seeks to respond to fundamental questions concerning the capacity and moral responsibility of American institutions to secure conditions of just social provision in American democracy. Speakers this year included Ronald Thiemann, Lucie White, Anna Greenberg, Peter Frumkin, Doug Holt, Juliet Schor, and Christopher Winship.

In the Harvard Seminar on Environmental Values, faculty and practitioners examined the values that underlie their research on the environment and the ethical implications of public policy on environmental matters. Co-sponsored by the University Committee on the Environment and coordinated by Tim Weiskel, this year's theme was "Air—Breath of Life, Winds of Change: Toward a New Environment."

Education

(reported by Catherine Elgin)

Concern with ethics pervades the Graduate School of Education, for it is impossible to venture far into the study of education without encountering issues pertaining to equality, respect for individual differences, and the distribu-

tion of scarce resources. This year several courses addressed such issues directly. Julie Rubin's "The Elusive Quest for Equality" looked at how conceptions of equality have changed over time in America, and how the changes influence educational policy. Sunaina Maira's "Social and Moral Development" studied the influence of peers, family, school, and culture in moral reasoning and behavior. Catherine Elgin's "Philosophy of Education" considered such questions as: Why is education a good? Who is entitled to an education? How should scarce educational resources be distributed? Is moral education possible?

Diversity was a major focus of discussion throughout the School this year. In a variety of formal and informal milieus, students and faculty came together to discuss the importance of diversity not only in hiring and admissions but also in curriculum and classroom climate. The discussion extended beyond the issue of justice to take up the nature and value of community, and the importance of membership in a community for a good life.

Throughout the year both the Asquith Education Forum and the Philosophy of Education Research Center regularly sponsored lectures on issues having to do with ethics and education.

Government (Kennedy School) (reported by Arthur Applbaum)

Ethics at the Kennedy School this year was notable for the number of projects and events that engaged professors and students beyond the Ethics Program's core faculty and fellows. The recently established Human Rights Initiative, whose Executive Director is former Graduate Fellow Samantha Power, will

become the Carr Center for Human Rights Policy. Currently under the umbrella of the Belfer Center for Science and International Affairs, directed by Graham Allison, the new Carr Center will be inaugurated in the Fall of 2000, by which time the School will appoint the first Carr Professor of Human Rights to direct the Center. Among the projects already underway under Power's supervision is the first volume of a book series entitled *Human Rights Policy: What Works?* Contributors include Wei Jing-sheng, Jimmy Carter, Louis Henkin, Mary Robinson, and John Shattuck. In November, the Initiative hosted a conference and series of panel discussions to celebrate the 50th anniversary of the Universal Declaration of Human Rights. In the spring, groups of graduate students prepared working papers for the Year 2000 Project, a collaboration with the Lawyers Committee for Human Rights designed to serve as a foreign policy blueprint for the incoming U.S. administration. In addition, the Initiative sponsored several events in the Kennedy School's Forum, hosted informal lunchtime seminars, ran a film series, and held regular gatherings for members of the local human rights communities.

The new Women and Public Policy Program, chaired by Jane Mansbridge, is also in full swing. The Program hosted weekly invited speakers and a number of Forum events. Among its major initiatives, the Program has launched Project Protection, which will monitor legislative treatment of the commercial sexual exploitation of women around the world, and is preparing case studies of grassroots women's political movements in Cyprus, Northern Ireland, and the Balkans. All the Program's events are designed to provide maximum student exposure to women as policymakers.

Ethics issues were raised in several sessions at the School's faculty retreat at Bretton Woods last summer on Visions of Governance. One of the highlights was the E-mail response to Arthur Applbaum's paper on cyberdemocracy from none other than James Madison (a.k.a. Dennis Thompson).

Ken Winston, who began a new appointment this year as Lecturer in Ethics and Assistant to the Dean for Special Projects on International Ethics and Diversity, organized a university-wide study group on "International Ethics and the Professions." The group, which was supported by the Provost's Fund for Interfaculty Collaboration, brought together faculty from FAS and many of the professional schools.

The Kennedy School's core ethics faculty has not been idle on the research front either. Here is a sampling of published and forthcoming work:

Arthur Applbaum: *Ethics for Adversaries: The Morality of Roles in Public and Professional Life*; "Doctor Schmoctor: The Complications of Practice Positivism," in an AMA volume edited by Program graduates Linda Emanuel and Stephen Latham; and "Cultural Convention and Legitimate Law," in *Chicago-Kent Law Review*.

Frederick Schauer: "Principles, Institutions, and the First Amendment," in *Harvard Law Review*; and "Electoral Exceptionalism and the First Amendment" (with former Fellow Rick Pildes), in a Twentieth Century Fund volume on campaign finance reform and *University of Texas Law Review*; "Can Public Figures Have Private Lives?" in *Social Philosophy and Policy*. Schauer delivered the Moffat Lecture in Ethics at Princeton, entitled "Obedience to the Law, Obedience to the

Courts, and the Obligations of Citizenship."

Jane Mansbridge: "Should Women Represent Women and Blacks Represent Blacks? A Contingent 'Yes'," in the *Journal of Politics* and in *Citizenship in Diverse Societies*; "Everyday Talk in the Deliberative System," in *Disagreeing about Democracy*; "Altruistic Trust," in *Democracy and Trust*; and "Does Participation Make Better Citizens?" in *Citizen Competence and Democratic Institutions*.

Kenneth Winston: "Three Models for the Study of Law," in a volume on Lon Fuller; "Constructing Law's Mandate," in a volume on the rule of law; and articles on Ronald Dworkin, H.L.A. Hart, and Lon Fuller for the second edition of the *Encyclopedia of Ethics*.

Law

(reported by David Wilkins)

A strong group of ethics faculty is now in place at the Law School. It includes three former Fellows of the Program—David Wilkins, Carol Steiker and Larry Lessig; a Faculty Associate and former Visiting Professor in the Program, Richard Fallon, and Martha Minow, a member of the Program's Faculty Committee, and Acting Director of the Program in 1992-93. Together with other interested faculty and visitors, these professors continue to give ethics a central place in the Law School's intellectual life.

In addition to the normal complement of ethics courses, the Law School's curriculum featured two new ethics-related courses this year: Visiting Professor Susan Koniak, a co-author of one of the leading casebooks in the field, taught "The Law and Ethics of Lawyering," and Professors Alan Stone and David

Charny taught a seminar entitled "Law and Moral Decision," in which they explored how lawyers make fundamental personal and political choices.

The Program on the Legal Profession (PLP), directed by David Wilkins, continues to facilitate interaction and discussion of issues in ethics and professional responsibility among faculty, students, visiting professors, and practitioners. Jointly with the Ethics Program, PLP sponsored a lecture at the Law School by Robert Post (see "Public Lectures" above). Other speakers included Linda Kilb, a leading disability rights lawyer, who spoke about ethical issues in public interest litigation, and Craig Jacobsen, a global vice president of PriceWaterhouseCoopers, who spoke on ethical issues in multidisciplinary practice.

Wilkins is also working closely with the Dean and several other interested faculty members to give PLP a prominent role in the Law School's long-range planning process. To that end, the Dean has authorized Wilkins to hire a new Research Director for the Program and to begin working on a project investigating the ethical infrastructure of large law firms.

In addition to his work with PLP, Wilkins continues to publish and speak widely about ethics issues. Among his several articles are: "Fragmenting Professionalism: Racial Identity and the Ideology of Bleached Out Professionalism;" "Should Clients Have Ethical Obligations to Lawyers?;" and "Identities and Roles: Race, Recognition, and Professional Responsibility." This latter article was discussed with the Fellows in the Ethics Program (see "Special Seminars" above). Wilkins was also named Chair of the Advisory Committee for the Soros Program on Law and Society,

which is interested in supporting work in legal ethics.

The Constitutional Law and Legal Theory Colloquium, organized by Richard Fallon, Larry Lessig, Frank Michelman, and Larry Sager, presented an impressive array of speakers. Ronald Dworkin, Professor of Law at NYU Law School and Oxford University, gave a paper entitled "Justice for Hedgehogs." Bruce Ackerman, Sterling Professor of Law and Political Science at Yale, presented his paper on "Rethinking the Separation of Powers," which focused on the debate about the future shape of Western constitutionalism. The last speaker, Amy Gutmann, discussed her essay "Church and State in the United States: A Defense of two-way Protection." She developed a position which aims to protect both religion from the state and the state from religion, but which rejects an absolute separation of religion and politics.

Law faculty played an important role in the annual meeting of the Committee on University Resources (see the introductory section of this report). Larry Lessig joined forces with Arthur Applbaum to present a session on cyberethics. Presenting the issues in classroom style, Lessig and Applbaum provoked a lively debate with the members of the COUR Committee. In another panel at the same event, on the topic: "Identity Crisis: Personal Identity and Professional Ethics," David Wilkins joined other Harvard faculty members for a thoughtful and thorough debate of this timely subject. Martha Minow led a panel on the subject of teaching values to young people. The overflow audience, which included President Rudenstine, became fully engaged in the frank, and sometimes emotional, discussion of this timely and important topic.

Martha Minow continues to contribute to the ethics-related activities beyond her responsibilities to the Law School. Among other activities, she spoke at the Harvard Initiative on Human Rights conference, gave the Robert L. Levine Lecture at Fordham Law School, and the Brainerd Currie Memorial Lecture at Duke University School of Law. She published several articles, and produced a new book, *Between Vengeance and Forgiveness: Facing History After Genocide and Mass Violence*.

Carol Steiker has been appointed Associate Dean for Academic Affairs in the School, and will combine her administrative duties with her teaching, writing and research. This year, she taught, among other courses, a new offering on Capital Punishment. She gave papers at several symposia, including "The Future of Punishment" and "Privacy." And at the annual Association for Practical and Professional Ethics (APPE) conference, she spoke on prosecutorial ethics in the Starr investigation of President Clinton.

Medicine

(reported by Allan Brandt)

This academic year has been marked by substantial growth and increased activity within the Division of Medical Ethics (DME). In addition to conducting a nation-wide search for new junior faculty, we have significantly enhanced programs that have been developing over the last two years.

In particular, the Harvard Clinical Ethics Consortium came to fruition and the Faculty Seminar continued to serve a diverse and engaged constituency. Public Programs—a central aspect of our efforts to engage students, faculty, and the wider public—continued to be an expanding and vigorous component of

our ongoing activities. The current year has been characterized by a heightened presence within the formal and informal educational programs of the School, and by a growing recognition of our faculty and their practice and scholarship in medical ethics.

EDUCATIONAL PROGRAMS

The Division continued to offer its successful elective in medical ethics, under Dr. Lynn Peterson's direction, as well as a number of advanced courses. The entire Social Medicine curriculum is currently under review and a central goal of this process is to more fully integrate ethics throughout the electives, but, more importantly, throughout the four-year curriculum. The Division has played a major role in the proposed curriculum reform. Medical ethics will form a central component of a proposed "core" curriculum for first-year students. And, perhaps most significantly, a four-year integrated curriculum for students seeking a "concentration" in ethics has been developed.

Educational efforts for medical students take many forms. The Ethics Journal Club remains an extremely active and highly engaged forum for student-led discussions of ethical issues, with both financial and organizational support from the DME. The second annual Beecher Prize for the best student essay in medical ethics was awarded this spring. The prize committee is chaired by Dr. Edward Lowenstein. This award has been a useful vehicle for encouraging both student and faculty interest in conducting research on important ethical questions. The Ethics in the Clerkships program gives first- and second-year students the opportunity to hear about and discuss the ethical dilemmas that arise in the clerkship experiences of their third- and fourth-year counterparts.

Under the direction of Walter Robinson (Faculty Fellow 1994-95 and Visiting Fellow 1998-99 in the Ethics Program), the DME Fellowship program is in its eighth year. Fellows meet on a weekly basis to examine ethical topics in depth. Guest and visiting faculty attend seminars regularly to present cases and newly emerging material in the field. There is an expanded emphasis on mentored research so that each Fellow is encouraged to work closely with faculty in the Department of Social Medicine for in-depth analyses of their chosen area of investigation. The program has evolved into a substantial resource for members of the Harvard-affiliated hospitals who, over the years, have returned to participate more actively in hospital quality of care committees, ethics committees, and institutional review boards.

At the urging of former fellows, the Division sponsors an informal second-year program. At monthly meetings, these advanced fellows continue to pursue themes introduced in the first-year program and offer support to colleagues' on-going research projects.

Educational commitments, of course, have not been limited to undergraduate instruction. Marcia Angell, Executive Editor of the NEJM and Instructor in Social Medicine, continues to direct the Medical Ethics Faculty Seminar. Now meeting monthly, this year's program included: Sissela Bok, "On Lying;" Timothy Johnson, "The Ethics of Medical Reporting;" Arnold Relman, "Blowing the Whistle on Bad Docs;" Leon Eisenberg, "Hateful Patients;" Leonard Glantz, "The Tobacco Wars: Do the Ends Justify the Means?;" Lawrence Gostin, "Health Information Privacy;" Marcia Angell, "Premises of Medical Ethics;" and Robert Levine, "Revising the Helsinki Agreement."

The seminar has drawn a diverse constituency of Medical School faculty and others from across the University and the affiliated hospitals. We intend to maintain both the excellence and visibility of the seminar, which is an important intellectual resource for faculty, fellows, and other invitees throughout the School and affiliated hospitals.

The Program in the Practice of Scientific Investigation continued to fulfill the mandate of the National Institutes of Health to provide workshops and symposia on research ethics to post-doctoral research fellows working in the Medical School's research labs. This year the Program (with support from the Division of Medical Sciences and The Charles A. Dana Foundation) sponsored several training programs including a full-day symposium addressing "Responsibility in Authorship and Publication."

Among the goals for the program is to simultaneously serve the needs of trainees while developing a curriculum that heightens awareness and discussion of the complex issues of scientific integrity throughout the Harvard medical and scientific community. Ruth Fischbach, who founded this nationally recognized program, stepped down this year to take a position at the NIH. The Division has appointed Stephen Behnke, Ph.D., J.D., as its new Director. During the past year, Behnke served as a Faculty Fellow in the Ethics Program.

The Division sponsored two continuing medical education courses: a program on end-of-life care held in the summer and one on managed care presented in the fall. The latter, "Professionalism and Ethics in Managed Care," was held in Washington, and jointly sponsored by the Center for Ethics and Managed Care and the NIH Center for Biomedical

Ethics. These programs received outstanding evaluations from participants.

Dan Callahan, a visiting scholar this year, has been a most valued colleague in the life of the Division. Callahan conducted a graduate tutorial for doctoral candidates in the Health Policy Ph.D. program, an ongoing seminar for medical students, and a series of colloquia for faculty and fellows in Social Medicine. Callahan is leading a collaborative effort in bioethics that will bring together the Division with the Hastings Center and Oxford University. This group met in England in April 1998 and together will host a major conference to be held in Oxford in September. Additionally, Callahan has taken a leadership role in assisting the Division in identifying resources to support ongoing and new programs. He will continue to be active in the Division as a Senior Fellow in Medical Ethics during the coming year.

The Ph.D. Program in Health Policy under the direction of Joseph Newhouse, initiated a track in medical ethics. Students in this area of the program focus on the empirical investigation of contemporary ethics debates in health policy. The ethics track currently has enrolled two students who are completing their first year of study; a third student was admitted to the program this year to pursue a combined Ph.D./J.D. This program offers an important opportunity for medical students and physicians who seek ultimately to conduct independent research in medical ethics and health policy.

PUBLIC PROGRAMS

Under Joel Roselin's direction, the Division's initiative in developing an active program of public events in medical ethics continues to expand and to provide venues for discussion and debate for students, faculty, hospital-based pro-

fessionals, and members of the general public. The Division's Public Programs fulfill an important need in the Medical School, the University, the affiliated hospitals, and the community. This year's schedule of events has included public forums, lectures, and symposia on a wide array of topics.

The Program has responded quickly to emerging issues with several interdisciplinary public forums. Within two weeks of the tragic shooting death of a physician in upstate New York, the Division mounted "Doctors in Danger: Violence Against Physicians," a panel discussion on the general issue of violence toward health care workers, its causes, and potential solutions.

In response to the controversial firing of the editor of JAMA, the Division invited the editor, George Lundberg, and others to discuss such issues as the relationship between a medical journal and its publisher at "Medical Publishing: Politics, Profits and Professionalism." When Jay Kaufman (a Medical Ethics Fellow and a Massachusetts State Representative) introduced a bill on protecting the privacy of medical records, the Division assembled a panel made up of consumer advocates, public health professionals, legislators, and others to debate the issues in the forum, "Privacy v. Public Health: Whose Privacy, Whose Health?" Finally, "Managing IRB's: Challenge and Conflict in Clinical Research," provided the community with insight into the goals and processes of hospital institutional review boards.

The Division has continued to attract important lecturers to the campus to address significant issues in medical ethics. This year's endowed lectures brought distinguished scholars to Harvard Medical School. As the George W. Gay Lecturer, Nobel Laureate Elie Wie-

sel addressed an overflow crowd with his talk, "Lessons from the Doctors' Trials at Nuremberg: Medicine and Humanity in the Wake of the Holocaust."

Lawrence Lader, Lecturer in Family Planning and Reproductive Rights, and Adrienne Asch, the Luce Professor in the Biology, Ethics and Politics of Human Reproduction at Wellesley College, spoke on "Licensing Parents: Fertility Clinics as Social Police." Roger Allan Moore Lecturer, Leon Eisenberg, the Presley Professor of Social Medicine and Faculty Associate of the Ethics Program, addressed "Should the Right to Grow Old be Rationed? Fundamental Ethical Values and Unprecedented Demographic Change."

Two half-day conferences demonstrate efforts to explore important issues in depth. The fall program, "Health Promotion and Disease Prevention: Ethical and Social Dilemmas," brought together ethicists, social scientists, public health professionals and others from around the country for a conference presented by the Division in collaboration with the Hastings Center and the Stanford University Center for Biomedical Ethics. The spring program, "Priority Setting in Health Care: Can it be Done? Ought it to be Done?" brought national and international experts in priority setting to the campus to look at problems and solutions to this growing dilemma.

Other Division programs include the popular "Cinema Veritas: the Social Medicine and Medical Ethics Film Series," which presents Hollywood representations of doctors and patients along with dinner and discussion for Medical School students; and a variety of luncheon seminars on topics ranging from aging and allocation of health care resources to the history of bioethics.

Future plans for the Division include: reaching out to other departments in the University, as well as to other hospitals and institutions for more co-sponsorship opportunities; an interactive Web site on medical ethics; and a newsletter.

HOSPITAL LIAISON

The division moved ahead with development of the Harvard Clinical Ethics Consortium, the purpose of which is to provide opportunities for collaboration among the clinical ethics programs of the affiliated hospitals. The Consortium has been meeting each month for a luncheon conference, with an agenda to discuss and critique some of the ethics consultations performed at each of our institutions.

Typically, a member from the ethics committee of one hospital presents a recent case on which their committee was consulted. A member from the ethics committee at another hospital acts as respondent, commenting on the case and discussing how it might have been handled at this second institution. The meeting is then opened for general discussion. The responsibility for presenting the cases is rotated among all of the participating hospitals.

The successful establishment of the consortium under Robert Truog's leadership marks an important step forward for the Division in our efforts to develop collaborative relationships in clinical care, teaching, and research among the clinical institutions of the medical school.

FUND RAISING

Early in 1997 we established the Friends of Medical Ethics at Harvard to assist in raising the resources necessary to help

our program meet its ambitious goals. Daniel Callahan chairs this committee and continues to contribute his enormous energy and commitment to this activity. The Friends group has now met several times to identify immediate and long-term fund-raising goals as well as prospective donors. Additionally, a number of foundations have been identified that have a strong interest in issues of medical ethics. Notably, completion of the Glessner-Lee Chair and a full professorial appointment remain priorities.

The Greenwall Foundation and the Russell Sage Foundation provided support for a major conference on the future of bioethics held in New York City in May. The papers from the conference will be published in 2000 as an issue of *Daedalus* by the American Academy of Arts and Sciences.

During the year the Division, together with Harvard Law School, received a generous new endowment from the Oswald Camann Foundation to support joint programs in law and medicine.

RESEARCH

For the past year, the Center for Ethics in Managed Care, a joint project of the Division and Harvard Pilgrim Health Care, has focused principally on strengthening its research base. A number of successful grant applications were submitted to private foundations, including projects focusing on physician attitudes towards managed care; mental health benefits; and consumer voice. In addition, research was begun on a major collaborative study (the "BEST" project), with site visits completed and preliminary reports forwarded to approximately half of the twelve participating managed care plans. The Center also hired a Director of Research with re-

sponsibility for managing and promoting its research agenda.

Individuals from the Center have authored a number of peer-reviewed publications in leading journals including the *NEJM*, *Health Affairs*, and *The Hastings Center Report*. Along with Norman Daniels, a former Fellow of the Ethics Program, Jim Sabin was awarded the prize for the best management article of the year from the American College of Healthcare Executives.

Begun in the summer of 1998, the Division's Summer Research Program, under the direction of former Ethics Fellow Lisa Lehmann, sponsors students who conduct original research in medical ethics while participating in an intensive weekly seminar.

Lynn Peterson (with Dr. Luke Sato of the Harvard Risk Management Foundation) continues to expand on an Interactive CD-ROM project on Education in End of Life Care. The CD-ROM video-disks feature a series of episodes from diagnosis to death in the care of a 63-year-old woman with metastatic ovarian cancer. The topics covered include "Delivering Bad News and Patient-Centered Decision-making," "Advance Care Planning," "Informed Consent in the ER," and "Withdrawing Life-Sustaining Treatment."

Over the next several months, Peterson and Sato will seek additional funding from the NIH in order to develop new methods of fitting the material to an ICU setting, evaluating the impact of the interactive program on caregivers, evaluating the impact on patients and families, and designing a range of instructive materials to accompany the program in a broad distribution.

FACULTY

A national search was held to fill two positions of Assistant Professor of Medical Ethics. Outstanding candidates representing a diverse social pool came from across the country to participate in a series of special seminars. We are very pleased to have made offers to two individuals who have been especially active in our programs and will now join our faculty: Walter Robinson, a pediatric pulmonologist at Children's Hospital, and Director of the Fellowship program, and Lisa Lehmann, a fellow in General Internal Medicine at MGH, and a Senior Fellow in the Division. These appointments are in recognition of the outstanding research and teaching among younger physician-scholars in the Harvard teaching hospitals. We fully expect that they will continue to build on the considerable quality and depth of our educational and research programs.

The Program in Ethics and the Professions has been a major source of support for faculty development in the Division. Both of the new junior faculty members have been Faculty Fellows in the Program, as have other faculty members. The Program has also served to create an important link with the Division and a broad interest in ethics across the faculties.

Public Health

(reported by Dean Barry Bloom)

Opportunities for ethical training continue to expand at the School, preserving a tradition of providing leadership and guidance in the field. This year the School is the recipient of a three-year NIH training grant awarded to Richard Cash to develop a program on Ethical Issues in International Health Research. Tufts Medical School is a co-sponsor. The program begins this summer with

the first intensive one-week program aimed at individuals who fund, approve, conduct, or collaborate in health research.

Under the grant, two one-week programs are planned for each year, one domestic and one abroad. The three international sites will be Mexico, South Africa, and India. The instructors include faculty from Harvard (Cash, Troy Brennan, Wafaie Fawzi, David Hunter, Jennifer Leaning, Michael Reich, and Kenneth Winston), as well as from other institutions. In addition to the formal program, a Web site has been created, and CD ROMs with case studies are being developed to provide distance learning capability.

Another new collaboration this year was developed with the National Institute of Environmental Health Sciences to present a symposium entitled, "Genomic Research on Populations Exposed to Environmental Toxins: Ethical, Legal, and Social Issues." The symposium, led by David Christiani, was offered on a one-time basis in the fall of 1998 and attracted an audience of approximately 100 people from all over the country in the field of occupational health.

Two events sponsored by the School brought ethical issues to the general School community. In December, the School marked the 50th anniversary of the Universal Declaration of Health and Human Rights with a panel discussion on the human rights perspective on HIV/AIDS and drug policies and a keynote address by Justice Michael Kirby of Australia on "The Right to Health Fifty Years On—Still Skeptical?" In April, Dean Bloom hosted a symposium on genetics including a roundtable discussion on the ethical dimensions of genetic research featuring Sissela Bok,

George Annas, Nancy Wexler, and Mary Claire King.

Michael Reich and Marc Roberts (Faculty Associate of the Ethics Program) continue to teach the established course "Ethical Basis of the Practice of Public Health" required of all Masters of Public Health students. Troy Brennan (former Fellow in the Ethics Program) offers a similar course for public health students and participants in the Summer Institute, with a special focus on the application of ethical analysis to contemporary health policy.

The School also has two courses that focus on practical aspects of research ethics. Following the National Institutes of Health mandate to provide trainees with instruction in the ethical conduct of research, the School offers "Research Ethics in Public Health" each spring. Faculty from the Medical Area provide an overview of the various moral dilemmas that may arise in the conduct of research on public health issues.

Genetic and HIV research continue to present ethical dilemmas. The School is expanding its spectrum of studies on the interaction between genetic factors and the environment in the causation of disease. Such studies require particular attention to the issues of confidentiality and genetic counseling. The former is needed to prevent discrimination in employment or insurability of study participants, the latter to help them make informed decisions on how to best counteract genetic predisposition to ill health. Dean Bloom lectured on ethical issues in HIV/AIDS research in this spring's course entitled "The Frontiers of Knowledge in HIV/AIDS Prevention, Care, and Research."

Several AIDS-related research projects are carried out by School scientists in collaboration with investigators from developing countries where infection with HIV is highly endemic. The ethics of such transnational studies have come under increasing scrutiny. A matter of considerable debate is the question of which standard of care (U.S. or local) should apply to studies conducted by U.S. investigators in developing countries. This is an evolving issue: as retroviral treatment is becoming more widely available, placebo-controlled drug trials that were once the norm no longer are ethically acceptable in many areas of the world. HIV vaccine trials scheduled to start in the near future are likely to keep the ethics of transnational research in the focus of public debate for years to come.

The School has recommended the appointment of Stephen Marks, Director of UN Studies at Columbia University, to be the next François-Xavier Bagnoud Professor of Health and Human Rights and Director of the François-Xavier Bagnoud Center. With this appointment, the School looks forward to broadening its agenda on ethical issues in health.

The School hopes to begin a search next year for a distinguished senior scholar to fill a chair specifically devoted to ethics. The person holding the chair would also participate in the University Program in Ethics and the Professions.



APPENDIX I

*Committee on University Resources
Annual Meeting Agenda
April 1999*

COMMITTEE ON UNIVERSITY RESOURCES
ANNUAL MEETING
CAMBRIDGE, MASSACHUSETTS
APRIL 16 and 17, 1999

Friday, April 16

6:30 PM

COCKTAILS AND DINNER

Annenberg Hall in Memorial Hall

Robert G. Stone, Jr.

*Chairman, Committee on University Resources
National Campaign Chair*

Neil L. Rudenstine

President

Raymond V. Gilmartin, Keynote Speaker

*Chairman, President, and Chief Executive Officer, Merck and Co., Inc.
"Innovation, Ethics, and Values"*

Saturday, April 17

8:00 AM

CONTINENTAL BREAKFAST

ARCO Forum for Public Affairs

John F. Kennedy School of Government

8:30 AM

THE UNIVERSITY CAMPAIGN

ARCO Forum for Public Affairs

Robert G. Stone, Jr.

*Chairman, Committee on University Resources
National Campaign Chair*

ETHICS EDUCATION: FROM PRINCIPLES TO PRACTICE

ARCO Forum for Public Affairs

Harvey V. Fineberg

Provost

Dennis F. Thompson

*Alfred North Whitehead Professor of Political Philosophy and Director of the
University Program in Ethics and the Professions*

9:15 AM

PANEL SESSIONS I

Starr Auditorium

The Golden Rule: Teaching Values to Young People

Martha Minow, Moderator

Professor of Law, Harvard Law School, and Member of the Faculty of Education

K. Anthony Appiah

*Professor of Afro-American Studies and Philosophy, Faculty of Arts and Sciences
and Member of the Faculty of Education*

Howard Earl Gardner

John H. and Elisabeth A. Hobbs Professor of Cognition and Education, Graduate School of Education, and Co-Director, Harvard Project Zero

Margot Stern Strom

Executive Director, Facing History and Ourselves National Foundation, Inc. and Co-Chair, Harvard/Facing History and Ourselves Project

Room 140

Identity Crisis: Personal Identity and Professional Ethics

Henry Louis Gates, Jr., Moderator

W. E. B. Du Bois Professor of the Humanities, Faculty of Arts and Sciences

Carol Gilligan

Patricia Albjerg Graham Professor of Gender Studies, Graduate School of Education

Nathan Glazer

Professor of Education and Social Structure, Emeritus, Graduate School of Education

David B. Wilkins

Kirkland & Ellis Professor of Law and Director of the Program on the Legal Profession, Harvard Law School

Room 150

Impossible Choices: Managing the Ethics of Managed Care

Harvey V. Fineberg, Moderator

Provost

Elizabeth Drye

Doctor of Medicine candidate, Harvard Medical School, Class of 2001 and Member, Cannon Society

Daniel David Federman

Dean for Medical Education and Carl W. Walter Professor of Medicine and Medical Education, Harvard Medical School

Steven W. Hetts

Doctor of Medicine candidate, Harvard Medical School, Class of 2000 and Member, Oliver Wendell Holmes Society

James E. Sabin

Associate Clinical Professor of Psychiatry, Harvard Medical School and Co-Director, Center for Ethics in Managed Care, Harvard Pilgrim Health Care and Harvard Medical School

10:30 AM

BREAK

10:45 AM

PANEL SESSIONS II

Room 150

Cyberethics: The Moral Challenge of the Internet

Arthur Isak Applbaum

Associate Professor of Public Policy, John F. Kennedy School of Government

Lawrence Lessig

Jack N. and Lillian R. Berkman Professor of Entrepreneurial Legal Studies, Harvard Law School

Room 140

Media Ethics and the Coverage of Scandal

Sissela Bok, *Moderator*

Distinguished Fellow, Center for Population and Development Studies

Bill Kovach

Curator of the Nieman Fellowships

Starr Auditorium

The Spirit of Capitalism: Ethics in a Global Marketplace

Joseph L. Badaracco, Jr., *Moderator*

John Shad Professor of Business Ethics, Harvard Business School

J. Bryan Hehir

Chair of Executive Committee, Harvard Divinity School, and Professor of the Practice in Religion and Society, Weatherhead Center for International Affairs

Lynn Sharp Paine

John G. McLean Professor of Business Administration, Harvard Business School

12:15 PM

LUNCHEON AND PRESIDENTIAL ADDRESS

ARCO Forum for Public Affairs

Neil L. Rudenstine

President

APPENDIX II

***Faculty Fellows in Ethics
1999-2000***

FACULTY FELLOWS IN ETHICS
1999-2000

VICTORIA BEACH received a BA in political philosophy and economics from Yale, and an MA in architecture from Harvard's Graduate School of Design. As a DAAD-Fulbright scholar in Germany, she researched the political and economic influences of the architecture of Weimar housing in East and West Berlin. Professor Beach, who has her own architectural practice in Cambridge, is working on projects that include private homes, and a Civil War battlefield museum and monument in Mills Springs, Kentucky. She is founding director of Design Foundations, a non-profit organization promoting community service and field training opportunities for intern designers. She has taught at Harvard since 1990, and currently co-teaches the Design School's first professional ethics course for architects. During her Fellowship year, she plans to develop practical, contemporary theories of the ethical role of art in society and to examine how these intersect with the business ethics currently advanced by building professionals.

PAULA CASAL is a Senior Lecturer in Political Philosophy at Keele University. She studied Philosophy at Oxford, and at the University of Complutense in Madrid. She has published in Spanish, German and Anglo-American journals on analytical marxism (the topic of her doctorate), environmental issues, global justice, animal rights, procreation, and the principle of fairness. She teaches the history of political thought, contemporary political theory, feminism, and environmental politics, and directs a Masters program on "The Politics of Sustainable Development." During her Fellowship year she will work on a book, to be published by Oxford University Press, entitled *Just Equality*, that examines contemporary egalitarian theories.

SHARON DOLOVICH received her JD from Harvard Law School and a Ph.D in political theory from Cambridge University, where she was a Commonwealth Scholar. Her main areas of interest are criminal law and criminal justice policy, moral theory and applied ethics, jurisprudence, feminist theory, and the ethics of the legal profession. Her current projects include a law review article, "The Ethics of Private Prisons," and a book based on her doctoral work tentatively titled *The Gender of Justice: Feminism, Liberalism, Law and the Ethic of Care*. Dolovich is presently clerking for Judge Rosemary Barkett of the United States Court of Appeals for the Eleventh Circuit. Her plans for the Fellowship year include examining the relationship between moral responsibility and criminal punishment, and exploring alternatives to the radically individualist conception of moral responsibility that has come to inform the development of American criminal justice policy.

JAMES E. FLEMING is Professor of Law at Fordham University School of Law. His major areas of research are constitutional theory, political theory, and jurisprudence, and he teaches courses in constitutional law and constitutional theory. He received his JD from Harvard Law School and a Ph.D in Politics from Princeton University. He is the author of *American Constitutional Interpretation*, with Walter F. Murphy of Princeton and Sotirios A. Barber of Notre Dame, and several articles in law reviews and books which argue that substantive liberties like privacy and autonomy are integral to, rather than anomalous in, our constitutional scheme. During his Fellowship year, he plans to complete a book, *Securing Constitutional Democracy*, which develops a constitutional theory that is concerned with securing the basic liberties that are preconditions for self-government in two senses: deliberative democracy, and deliberative autonomy.

ROBERT W. GORDON is Johnston Professor of Law and Professor of History at Yale University. He has AB and JD degrees from Harvard, and he teaches courses in American legal history, the legal profession, contracts, administrative law and evidence. He has published numerous articles on the history of the legal profession and its current ethics and practices, and is active in professional reform projects of the American Bar Association and the Open Society Institute (Soros Foundation). During his Fellowship year, he plans to finish a book on the history and current prospects of the professional ideal that lawyers should serve the public interest and the well-being of the legal system as well as their private clients; and on the social and institutional conditions and ethical commitments that tend to facilitate or frustrate the achievement of this ideal in practice.

LINDA C. McCLAIN is Professor of Law at Hofstra University School of Law. Her major areas of research and teaching are jurisprudence, feminist legal theory, welfare law and policy, and property. She received a BA from Oberlin College, an MA from University of Chicago Divinity School, a JD from Georgetown University Law Center, and an LL.M. from New York University School of Law. She has published numerous articles in law reviews and books assessing communitarian, civic republican, and feminist critiques of liberal theories of rights and developing a liberal feminism. During her Fellowship year, she plans to complete a book, tentatively titled *Rights, Responsibilities, and Governmental Promotion of Good Lives*, which will develop a normative account of the relationships between rights and responsibilities and of government's role in protecting rights, encouraging responsibility, and fostering capacities for democratic and personal self-government.

ASHISH NANDA is Assistant Professor and member of the Organizations and Markets unit at Harvard Business School. He has taught "General Management" and "Leadership Values and Decision Making," required MBA courses, and doctoral seminars on administrative theory and joint ventures. In the executive education programs, he teaches "The General Manager" and "Leadership in Professional Service Firms," and is currently developing an MBA course on the latter. In similar programs, he taught in India, Switzerland, Brazil, Venezuela, and Colombia. His Bachelor of Technology degree in Electrical Engineering is from Delhi's Institute of Technology, and Diploma in Management from the Indian Institute of Management, Ahmedabad. His AM in Economics and Ph.D in Business Economics are from Harvard. He has been an executive with the Tata group of companies in India, and has written several articles, case studies, and monographs. During his fellowship year he will develop case studies that explore how professionals balance self-interest against fiduciary responsibility to clients.

NOAM ZOHAR is Professor of Philosophy and Director of the Graduate Program in Bioethics, Department of Philosophy, at Bar-Ilan University in Israel. He received a Ph.D in philosophy from the Hebrew University in Jerusalem, and has been a Visiting Lecturer at Princeton University and the University of Pennsylvania. His main research interest is Jewish political thought and its relevance to contemporary issues (e.g. bioethics, just war theory), and he initiated the first academic bioethics program in Israel. He is the author of, among other works, *Alternatives in Jewish Bioethics*, and editor with Michael Walzer and M. Lorberbaum of *The Jewish Political Tradition*, a long-term project to which he will devote time during his fellowship year. He also plans to research the topic "Religious Exemption from "Brain Death": Testing the Limits of Toleration and Pluralism in Public Policy."

APPENDIX III

***Graduate Fellows in Ethics
1999-2000***

GRADUATE FELLOWS IN ETHICS
1999-2000

CHRIS BROOKE is a Ph.D. candidate in government. His dissertation examines the impact of Stoic ideas on 17th- and 18th-century European philosophy, and reconstructs the ways in which arguments about Stoicism intersected with wider debates in politics, ethics, theology and metaphysics. He graduated from Balliol College, Oxford, with first-class honors in philosophy, politics, and economics, and came to Harvard as a Fulbright Scholar. He has taught ancient and mediaeval political thought, Marxism, and the history and politics of European state-building. He won three teaching awards from Harvard's Derek Bok Center for Teaching and Learning, where he also participated in the Graduate Writing Fellows Program. Most recently he was an exchange student in the Classics Department at UC Berkeley. During his Fellowship year, he will continue working on his dissertation, concentrating especially on Stoicism in the 18th-century Enlightenment, and on the philosophies of Immanuel Kant and Jean-Jacques Rousseau.

OONA HATHAWAY, who has been named a **Eugene P. Beard Visiting Graduate Fellow in Ethics**, is a joint Fellow with the Kennedy School's Carr Center for Human Rights Policy. She is developing a model of how the characteristics of a nation influence its decision to comply with international human rights laws. She is also exploring the way in which legal structures influence legal outcomes. Hathaway, who is a member of the New York and D.C. Bars, graduated *summa cum laude* from Harvard College and from Yale Law School, where she served as Editor-in-Chief of the Yale Law Journal and participated in human rights litigation through the Lowenstein International Human Rights Clinic. Following graduation, she clerked for Judge Patricia Wald of the U.S. Court of Appeals for the D.C. Circuit and for Justice Sandra Day O'Connor of the U.S. Supreme Court.

MATTIAS KUMM, an S.J.D. candidate at Harvard Law School, is examining the normative significance of constraint in practical reasoning and the mechanisms through which such constraint is achieved. He analyzes both the constraints that characterize legal justification with regard to considerations of justice as well as the constraints that characterize political justification with regard to conceptions of the good. He previously studied law and philosophy at the University of Kiel and other universities in Germany and France. His publications and research interests focus on issues of political theory, liberal democratic constitutionalism on the national and European level, and the theory of international law. At Harvard Law School he was awarded the German Foreign Exchange Service Scholarship and appointed the Emile Noel Fellow. His writings have won, among other awards, the Mancini Prize in 1997-98 for the best student essay on European Law. Kumm has taught European Community Law at the Fletcher School of Law and Diplomacy, Tufts University, and at the Academy of European Law in Florence.

SOEREN MATTKE is a doctoral candidate in health policy at the Harvard School of Public Health. In his dissertation, he is developing a functionalist account of the role of medical ethics in the framework of neoclassical economic theory. Drawing on Herbert Simon's concept of procedural rationality, he argues that ethical constraints are a rational response of the medical profession to the uncertainty and ambiguity of medical decisions. He is trying to derive testable predictions about physicians' reactions to incentives and institutional arrangements from this theoretical model. Mattke has an M.P.H. from Harvard and an M.D. from the University of Munich, where he practiced cardiology and internal medicine. He has been an instructor in internal medicine and a teaching fellow for economics. He received the Hundhammer Memorial Scholarship of the State of Bavaria and the Karl & Lore Klein Fellowship in Health Services Research.

SHARON STREET is a Ph.D. candidate in philosophy. Her dissertation examines the metaethical implications of evolutionary biological explanations of our normative capacities, and whether such explanations might have an undermining effect on our moral and other normative commitments. Street graduated *summa cum laude* from Amherst College with a BA in philosophy, receiving the Gail Kennedy Memorial Prize for the outstanding senior honors thesis in philosophy. She was awarded an Andrew W. Mellon Fellowship in Humanistic Studies and, for three consecutive years, the Forris Jewett Moore Fellowship in Philosophy. Street was a teaching fellow for courses on moral philosophy in Harvard's Department of Philosophy and Core Program, and has twice been awarded a Certificate of Distinction in teaching from Harvard's Derek Bok Center for Teaching and Learning.

ELI WALD is an S.J.D. candidate at Harvard Law School. His dissertation examines the existing critiques of the legal profession that come both from within and from outside the profession. His account draws on theories of institutional accountability, personal responsibility and professional ethics. He aims at an analysis of the current structure of the legal profession and its relation to reconstructive projects concerning the social role and functions of the legal profession. Wald has an LL.M. from Harvard Law School, an LL.B. and BA in economics from Tel-Aviv University, and has visited at the Max Planck Institute in Heidelberg and Hamburg. At Tel-Aviv and Harvard, he was a teaching fellow for courses in law and economics, civil procedure and the American legal tradition. At Tel-Aviv he served on the editorial board of the Tel-Aviv Law Review, and, as a graduate student, he is a two-time recipient of the John M. Olin law and economics fellowship.

APPENDIX IV

***Reports of the Faculty Fellows
1998-99***

1998-1999 Fellowship, Program in Ethics and the Professions
Report of the year's activities

Stephen H. Behnke

I would like to thank Dennis Thompson and Arthur Applbaum for including me as one of the Fellows in the Program in Ethics and the Professions, and for the joy of watching them lead the Program. Their intellects, teaching styles, and intense manner of engaging students and colleagues capture Harvard at its very best. As I move to the Division of Medical Ethics at Harvard Medical School, I hope that I will continue to have the good fortune of working with both of them for many years to come.

I would also like to thank people whose good humor, warmth, and support have made this both a productive and enormously enjoyable fellowship year. Jean McVeigh, Judy Kendall, and Jennifer Sekelsky have been a constant and steady presence in the Program, answering our questions, offering many different kinds of assistance, and guiding us all through the maze of resources within the Kennedy School and at the University as a whole. They have been a pleasure to work with and the excellence of the Program clearly reflects their hard work and dedication.

My own work during the course of the fellowship year breaks down into three categories: writing, speaking presentations, and other professional activities. I have written several articles as sole author that have been accepted for publication. These include "Testimonial privilege and the problem of death: The Vincent Foster case and beyond," "O'Connor v. Donaldson: Retelling a classic and finding some revisionist history," and "Old duties and new: Recovered memories and the question of third-party liability." In addition, two articles that I have written as a second author have been

accepted for publication: "The challenge of denial and delusions in assessing legal competence" and "Do informed consent letters have a role in psychotherapy?" These articles address problems in law, ethics, and psychiatry.

I have completed a manuscript of the third volume in a series I am writing on state mental health laws, *The Essentials of Florida Mental Health Law*. I am completing a draft of a law journal article that will address how current law takes an inconsistent view of the relationship between mental illness and individual autonomy. In addition, I am working on a paper with Walter Sinnott-Armstrong on the problem of multiple personality disorder and criminal responsibility. The paper, to be published in a special edition of the journal *Psychology, Public Policy and the Law*, will explore how different views of personal identity shape responses to the problem of assessing whether individuals with MPD should be held responsible for their crimes. I will be serving as co-special editor of this issue. Finally, I have been asked to write a legal column for *Medical Ethics*, a newsletter published by the Lahey Clinic. My column will address the legal and ethical aspects of compelling individuals with schizophrenia to take anti-psychotic medication.

I have had the opportunity to present my work at a number of different conferences during the course of the fellowship year. I was invited as one of three plenary speakers to the annual meeting of the American Academy of Psychiatry and the Law in New Orleans. My talk was titled, "Confusion multiplied: A rational view of multiple personality disorder in the courtroom." I gave a paper titled, "A critique of the MacArthur Treatment Competence Instruments," at a law symposium sponsored by the *University of San Diego Journal of Contemporary Legal Issues*. I was also invited to

speaking at the annual risk management conference of the Harvard Medical School and at the Massachusetts General Hospital on a panel titled, "Ask the ethicist."

Finally, I have begun several new professional activities during the course of my fellowship year. I have joined the Ethics Committee of the Massachusetts Psychological Association, a committee that serves a general-education function within the Association and hears ethics complaints brought against Association members. In addition, I joined the Institutional Review Board (IRB) of the Massachusetts Mental Health Center. The IRB is currently involved both in reviewing research proposals and in formulating policies in response to the National Bioethics Advisory Commission Report, "Research involving persons with mental disorders that may affect decisionmaking capacity." Finally, I have been asked to consult with individuals from the Federal Bureau of Investigation about matters involving risk assessment and school violence.

Beginning on July 1, 1999, I will be the Director for the Practice of Scientific Integrity and an Instructor in Social Medicine at the Division of Medical Ethics, Harvard Medical School. I am enormously grateful for the opportunity to have been a Fellow in the Program in Ethics and the Professions, and look forward to collaborating with those in the Program in the years to come.

Report on 1998-99 Fellowship Year

Program in Ethics and the Professions

Leora Bilsky

May 5, 1999

My year in the Program Ethics and the Professions was a stimulating one. The weekly seminar and guest lectures series offered an ongoing interdisciplinary discussion both critical and collegial. This setting was a fruitful one to develop and test new ideas. This experience was made possible thanks to the efforts of the staff of the Program who provided a wonderful environment for research, discussion, and writing and to the director Prof. Dennis Thompson.

I came to the Program with an idea for a book initially entitled "The Ethics of Memory: The Struggle for Israeli Collective Identity in the Trials of the Holocaust." I intended to pursue this idea with a series of articles about two Holocaust trials that took place in Israel, Kastner and Eichmann. However, during the year I realized that the concept of the book should be enlarged to address the problems of political trials in a liberal democracy. I began developing this more ambitious project with a method of reflective equilibrium - studying the details of actual political trials and developing a theory of political trials. The seminars proved most helpful for pursuing this direction. Together with the group I conducted a close examination of three political trials: The trial of Yigael Amir (Rabin's Assassin); The trial of Jack Kevorkian (Dr. Death); The trial of Rudolph Kastner (leader of Hungarian Jews accused for collaborating with the Nazis). These trials served as the basis for my explorations into the literature on political trials including the works of Otto Kirchheimer and Judith Shklar. I incorporated many of the insights into two articles that studied actual political trials and am in the process of completing a theoretical essay about the relations between political trials and a liberal democracy.

I hope to integrate the essays into a book that provides a critical perspective on the ways in which political and legal theory misrepresent the dilemmas that arise in political trials. The book relies on the rich literature that has been developed in recent years in the area of international law about 'transition to democracy' trials and applies it to domestic law. I believe that political trials cannot be avoided altogether, and that we shouldn't have this aim as our goal even within liberal-democracies. Instead, we have to develop the theoretical tools to distinguish between different kinds of politics that shape these trials. Moreover, we have to create the legal procedures that would be capable of addressing the unique characteristic of the trials. My aim is to show how political trials could offer a unique contribution to a deliberative democracy.

Articles

Between Justice and Politics: The Competition of Storytellers in Eichmann Trial,

forthcoming in the book *Arendt in Jerusalem* (California Press) The article contrasts two conceptions about the proper structure of Eichmann trial. One conception was articulated by the Attorney General Gideon Hausner who saw the trial as the opportunity to tell the story of the Jewish Holocaust through the testimonies of more than one hundred eye-witnesses. This conception was challenged by the political philosopher Hannah Arendt who sought to incorporate the story of Eichmann's actions within an historical framework about the rise of totalitarianism. For this purpose Arendt advocated the use of documents instead of oral testimonies. I present the historiographical, philosophical, and jurisprudential controversy that issued and evaluate the claims advanced on behalf of each position.

Giving Voice to Women: An Israeli Case Study, *Israel Studies* Vol. 3 p. 47 (1998)

This article argues that the traditional conception of trials as a 'search for truth' or as a 'distribution device' fails to account for an important function of trials as forums of 'recognition' for different social groups. It seeks to identify this function by studying the relation between 'giving voice' and the construction of identity in a court of law. Contemporary feminist literature argues that women should be given public form as a way of empowerment for women. The article takes issues with the assumption underlying this literature about the missing 'voices' of women and the function of trials as public forums to deliver these 'voices.' It relies on a case study of a recent trial involving multiple rapes and violent attacks suffered by a young, immigrant woman from her boyfriend. I develop a methodology to study the legal process through which the voice (and identity) of the woman is constructed through legal categories and legal procedures.

Law and Politics: The Trial of Rabin's Assassin forthcoming in *Plilim Law Review* [Hebrew] (1999)

This article examines the judgment of Rabin's assassin -- Yigal Amir. It focuses on the unusual rhetoric that the court chose to employ in its verdict and asks about the relation between rhetoric and the construction of collective identity. I argue that the court felt the need to go beyond legalistic considerations and responded to the identity challenge that was advanced in Amir's defense. At a moment of a constitutional crisis the court chose to advance a new collective identity that was expected to bridge the abyss between secular and religious Jews. By doing so the court had to draw the line between insiders and outsiders according to ethnic considerations. The paradoxical effect of this move was the legitimization of the assassin's rhetoric about friend (Jew) and foe (Palestinian).

Judging Evil in the Trial of Kastner

The Kastner trial was the first big Holocaust trial to take place in Israel during the early Fifties. The trial examined the behavior of a Jewish leader who was accused for collaboration with the Nazis. The article explores the ways in which the trial was turned into a political trial through the use of language and literary metaphors.

Feminist Criticism in an Age of Identity Politics: Reflections on the Trial of Rabin's Assassin

This article discusses the constraints on social criticism within a context of a political trial. It articulates a conception of social criticism that is compatible with identity politics. For this purpose the article compares the public criticism that was advanced by three social critics: Kimberle Crenshaw (Thomas-Hill), Albert Camus (Algerian War) and Hannah Arendt (Eichmann Trial.) By using the metaphor of 'intersectionality' it explores analogies in pressures that the critics confronted and the strategies that they developed to counter them. The article applies the theoretical insights from these examples to explain the position taken by a feminist judge in the trial of Rabin's assassin.

Political Trials - A History of Misrecognition

The article studies the intellectual history of the concept of political trials in America. It begins with the seminal work of Otto Kirchheimer *Political Justice*. It then traces the development of two separate 'tracks' to address the problem: international law and domestic law. I argue that in both tracks a famous political trial served as the trigger for scholars to study the inadequacy of liberal theory to account for this phenomenon. In the case of Judith Shklar's work on international law it was the Nuremberg trials. In the case of Critical Legal Studies it was the Chicago Seven trial. I argue that the segregation of theory about political trials into two separate tracks contributed to a misrecognition of the common dilemmas that political trials raise in both arenas. I call for the development of an integrative theory that will account for the phenomenon and accommodate it under a liberal political theory.

Paper Presentations

University of Toronto Feminism and Law Workshop Series, Nov. 1998

American Bar Foundation - Chicago, Nov. 1998

Van Leer Jerusalem Institute of Social Research (Israel) Conference on The Conflictual Construction of Identities in the Middle East, Nov. 1998

Harvard Law School Conference on Anti-Formalism About Law and the Legal Profession, April, 1999

American University Washington D.C. Conference of Association for Israel Studies, May, 1999

REPORT ON FELLOWSHIP YEAR 1998-99
ANNABELLE LEVER

It's been a wonderful year, and I'm enormously grateful to the Program for giving me the chance to meet such interesting people, read so many new things, and to participate in seminars, conferences and lectures on so many different topics. It's been great fun, enormously thought-provoking, inspiring and exhausting – sometimes all at the same time.

In addition to our weekly seminar, and the guest lectures, I was able to go to some wonderful weekend conferences at the Center for European Studies – on Labour's "third way", on Integration within and between European States, and on gender parity. I attended the graduate seminar in moral and political philosophy, in the philosophy department, for one term. It was fascinating, but left me with so many things to think about that I found it hard to get back to my own work.

I simply hadn't anticipated how gripping the subjects of our weekly seminars would prove, how far removed most of them were from things I'd ever talked about in a seminar, or read about in the course of my own work – and how much I wanted to be able to think about them further, and to discuss them with other people, once the seminar was over. Fortunately, I had the time, and the other Fellows had the inclination, to do precisely that. Perhaps, for me, this has been the greatest luxury of the year: simply having the time, and other people with the time, interest and energy, to talk about moral and political questions that I care about but that are not directly related to my work. Heaven!!!

That said, I've been enormously lucky in the chances I've had, this year, to present my work to others, and to test out my revisions, or efforts to come up with clarifications and MORE EXAMPLES !! I gave talks on the right to privacy at George Washington University, at Berkeley, and at a seminar of philosophers, lawyers and social choice theorists from Columbia and NYU, as well as to the Austinian Society, here at Harvard, and to our Fellowship seminar. I gave a talk on trading lives for convenience – provoked by two articles in Philosophy and Public Affairs – to a seminar at MIT, and Walter Sinnott-Armstrong kindly read and commented on that, as well as on some chapters of my book on privacy. I presented my work on the ethics of patenting human genes to our weekly seminar, and am now in the process of rewriting it as a formal paper for the Annual Association of Political Science meeting in August. Finally, I prepared an enormous grant application to the NIH, for further work on that subject, and won a fellowship to an NEH summer institute, on the right to privacy, that will keep me at Dartmouth for July and August.

Unfortunately, though, I must admit that progress on my book manuscript has been abysmally slow. This has been one of the painful and frustrating features of being on leave as teaching, then, cannot provide either the refuge from, or the excuse for, my woes. I just can't seem to sort out what should go where, how to integrate old and new material or – to be honest – stop myself from panicking at the thought of the inevitable idiocies and inadequacies of the finished product. But, I suppose, it's unreasonable to expect a Fellowship to solve all one's problems, or to expect that it will turn me from a slow to a speedy writer.....and in only one year!.

So, while I fear that I cannot claim the feats of productivity that had awed me when I read last year's reports, I can say that this has been a busy and productive year, although some of the fruits of that activity will have to ripen over the summer months, and others I will be cultivating in the months and years to come. Thank you so much for the Fellowship, and I do hope that its results aren't – and won't be – too disappointing.

Walter Robinson, MD, MPH
Annual report as a Fellow in the Program in Ethics and the Professions 1998-1999

This year as a Fellow in the Program in Ethics and the Professions has been a wonderful opportunity to explore the relationship between practice and theory. On the one hand, the seminars were a chance to explore whether the accumulated wisdom of medical practice could be fit onto a (non-Procrustean) framework of moral theory. On the other hand, it was a chance to explore the advantages and disadvantages of theoretical analysis for the practice decisions that must be made at the bedside. As a practicing physician, I am all too well aware of the pressure of history upon medical practice, particularly in the area of medicine, which is more art than science. Concentrated and repeated self-examination can only be good for a profession, and I fear that such self-examination may not have been medicine's strong suit in the past. Yet the re-appearance of the field of "medical ethics" in the last half of the 20th century (as something more than an etiquette manual designed for the protection of financial interest) demonstrates that medicine as a profession is ready for just such a good look at its accumulated practices and values. Participation in the PEP provided me such an opportunity. Since in my clinical practice I deal with primarily lethal and terminal illnesses, I chose to focus this year on the issues surrounding the various notions of the good death held both as part of a systematic theory of the good (say for example by Bernard Williams, Thomas Nagel and others) and as a part of the more vernacular vision of "a good death" expressed in the so-called death awareness movement begun by Kubler-Ross and others.

During the seminars I explored with the other fellows the current debates about physician assisted suicide, and presented my recent work on the alteration in the view of the "good death" by the introduction of a high technology therapy (lung transplantation) for a previously fatal illness (cystic fibrosis). The advent of lung transplantation provides a historical moment in which assumptions about the value of suffering, the meaning of patient autonomy, and the value of technological advance can be examined, and the seminar gave me the opportunity to conduct such an examination through two often competing lenses, that of moral philosophy and that of the patient physician relationship.

As in my previous year as a Fellow, I was intrigued by the work of several of the other Fellows. In particular, the work of Stephen Behnke on the intersection of law and mental health sparked some excellent discussion of the wisest way to navigate between a strong sense of personal liberty and a call to act in a compassionate manner towards our fellows citizens with severe mental illness. I look forward to continuing to work with Steve in the Division of Medical Ethics at HMS. John Tomasi's work on the content of public education had particular resonance for me, for it challenged many of the prevailing notions about the place of children in society either as instruments of their parents or as citizens in their own right. As a pediatrician, these issues come up repeatedly, and John's input has sparked me to think more deeply about some of our decisions and judgements about the quality of parenting.

The final, and perhaps most important aspect of this year in the PEP for me is the chance to see two masters of teaching at work. Dennis Thompson and Arthur Applbaum already provide much of the inspiration for my work in leading the Fellowship in Medical Ethics at Harvard Medical School. Their commitment to the serious moral issues facing professionals, and their nuanced understanding of the difficulties which many physicians face, continue to inspire me. Indeed, the PEP provides a vital link of the "two sides of the river" with regard to serious discussion of professional ethics, and I am very grateful to Dennis and Arthur for the collegial and supportive relationship they have fostered with the Medical School's Division of Medical Ethics.

REPORT ON MY YEAR AS A FELLOW
IN THE HARVARD UNIVERSITY
PROGRAM IN ETHICS AND THE PROFESSIONS

by Walter Sinnott-Armstrong
Philosophy Department, Dartmouth College

This year has been wonderful. I am extremely grateful to the Harvard Program on Ethics and the Professions for providing the opportunity and the stimulation. Dennis Thompson has been very helpful and insightful about my work. Arthur Applbaum has spent countless hours talking with me in ways that have improved my ideas and arguments. Jean McVeigh, Judy Kendall, and Jennifer Sekelsky have provided all of the support that I could have hoped for, as well as an extremely pleasant environment in which to work.

The most important part of the program was the weekly meetings with the directors and the other fellows. The discussions were always lively and informative. The readings were wide-ranging and provided useful background. I learned a great deal about the various topics, including those that I had worked on before, as well as those about which I previously knew almost nothing, such as Israeli political trials. My work for the seminar will certainly affect my future research in many ways.

The speakers invited by the program supplemented the weekly discussions by covering related topics and also by providing some of the topics for our weekly meetings. When the fellows spent their Tuesday meeting discussing the topic of a visitor's talk on Thursday, this helped me to get even more out of the talk and out of the week as a whole. I would suggest correlating topics in this way in future years.

Less formal conversations with other fellows, including graduate fellows, were also fruitful. I often asked fellows for drafts of their research projects, and I had some wonderful discussions with those who responded. This aspect of the program added a great deal to my experiences, so I would suggest that future fellows be encouraged to share drafts of work in progress and to exchange ideas outside the more formal framework of meetings and speakers.

In addition to attending each meeting of the Fellows and each of the program's outside speakers, I went to several speakers who were invited by other groups at Harvard. Also, in the Fall, I audited Alan Dershowitz's seminar on "Concepts of Justice in Religious Texts" at Harvard Law School; and I participated in the Workshop on Moral and Political Philosophy in Harvard's Philosophy Department. In the Spring, I audited Robert Nozick's seminar on "Objectivity in Science and Law" at Harvard Law School (until Professor Nozick had to cancel the course for medical reasons); and I participated in a reading group organized by Arthur Applbaum on T. M. Scanlon, *What We Owe to Each Other*. I also attended three conferences: the meetings of the Eastern and Pacific divisions of

the American Philosophical Association, and a conference at Dartmouth College on Bernard Gert's Moral Theory, of which I was the main organizer.

During this year, I gave presentations to the Ethics Program fellows on "Moral Dilemmas" (10/98), "Law and Constitutional Interpretation" (3/16/99), and "Law and Moral Skepticism" (3/23/99). I also presented papers to other groups, including "A Perspectival Theory of Law" to The Austinian Society (11/98 in Cambridge), "Moore Begging the Question" to the philosophy department at Columbia University (2/99 in New York), "Can We Live Well Without Guilt?" to the Harvard University Mind/Brain/Behavior Initiative (2/99 in Cambridge), "Comments on Brooks's Worlds of the Law" to Vermont Law School (3/15/99 in South Royalton, VT), "An Argument for Descriptivism" at the meetings of the Pacific Division of the American Philosophical Association (4/1/99 in Berkeley, CA), and "Gert Contra Consequentialism" to be read at the Gert Conference (5/13/99 in Hanover, NH). I participated in a radio talk show, "Valley Vision, with Varnavas Zagaris" on WNTK in New London, New Hampshire, as guest host on "Art" (9/98) and "Animal Rights" (10/98) and as guest on "Education and Equality" (1/99) and "Love" (2/99), with more to come in the Spring of 1999.

Although I had hoped to finish my book on limited moral skepticism by the end of this academic year, I now think that I will be lucky to have an almost complete draft by the end of this summer. The main reason for my failure to finish was that my book has grown much larger than I expected. During the fellowship year, I wrote a chapter on Moral Naturalism (about 20,000 words), a chapter on Moral Intuitionism (about 35,000 words), and a chapter on Moral Epistemology (about 25,000 words). I plan to finish a chapter on Moral Semantics in May and a chapter on Moral Coherentism and Contextualism during the summer, both of which have been started. I will add a final chapter on Moral Contractualism as soon as I can. The reading group at Harvard on Scanlon's contractualism will help greatly in writing this final chapter.

In addition to the chapters of my book, I have revised or written several articles this year. The following articles were written in previous years, but I revised them this year:

"Explanation and Justification in Moral Epistemology" forthcoming in *Proceedings of the World Congress of Philosophy*, Volume 1, 1999.

"Varieties of Particularism" (accepted by *Metaphilosophy*)

"An Argument for Descriptivism" (accepted by *The Southern Journal of Philosophy*.)

"Expressivism and Embedding" (accepted by *Philosophy and Phenomenological Research*.)

"A Perspectival Theory of Law" (forthcoming in *The Australian Journal of Legal Philosophy* and also in Tom Campbell and Jeff Goldsworthy, eds., *Judicial Power, Democracy, and Legal Positivism* (1999))

"A Patchwork Quilt Theory of Constitutional Interpretation (with Ethical Positivism as One Patch Among Others)" (forthcoming in Tom Campbell and Jeff Goldsworthy, eds., *Judicial Power, Democracy, and Legal Positivism* (1999))

"Entrapped in the Net?" (forthcoming in *Ethics and Information Technology* vol. 1, no. 2 (1999), and also in James Moor, ed., *The Tangled Web*)

The following articles were written this year:

"From 'Is' to 'Ought' in Moral Epistemology" (submitted)

"Gert Contra Consequentialism" (to be read at the Conference on Bernard Gert's Moral Theory at Dartmouth on 5/14/99, then published in the resulting collection, *Rationality, Impartiality, and Morality; Critical Essays on Bernard Gert's Moral Theory*, ed. Walter Sinnott-Armstrong and Robert Audi (Oxford University Press, forthcoming))

"Multiple Personality Disorder and Criminal Responsibility" (with Stephen Behnke; to be submitted in 99S, probably to *Psychology, Public Policy, and the Law*)

"Hare, R. M." in *Companion to Analytic Philosophy*, ed. A. Martinich and D. Sosa (Oxford; Blackwell, 2000) (commissioned and submitted, 4000 words)

Review of Robert Audi, *Moral Knowledge and Ethical Character* (forthcoming in *Ethical Theory and Moral Practice*)

Review of Ruth Chang, ed., *Incommensurability, Incomparability, and Practical Reason* (forthcoming in *Ethics*)

I also completed and submitted two books proposals:

Rationality, Impartiality, and Morality; Critical Essays on Bernard Gert's Moral Theory, co-edited with Robert Audi (Papers from the Gert Conference in May, 1999. Accepted by Oxford University Press.)

Understanding Arguments, Sixth Edition, with Robert J. Fogelin (commissioned by Harcourt Brace College Publishers; due in 2000)

I could not have done most of this writing if not for the time provided by my fellowship at the Harvard Ethics Program. Thanks to everyone involved.

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To: Dennis Thompson
From: John Tomasi
Subject: Report on Fellowship Year 1998-9

4 June 1999

Is there such thing as an *intellectual* multiple personality disorder? I have experienced a condition of roughly that sort during my year as a Fellow in Ethics. I am pleased to report that this "disorder", in my case at least, has been healthy, productive and fun.

On the one hand, I spent this year consumed with a book project on political liberalism. I argue that contemporary liberals, and political liberals most of all, should be far more concerned about unintended sociological effects of justice than they have so far been willing to be. I propose a theory of good citizen conduct, designed expressly for political liberalism but available to ethical liberals as well, which focuses on the ways politically reasonable citizens must negotiate the interface of the public and the nonpublic normative structures typical of liberal societies. I arrived at Harvard with a very rough draft of a manuscript and, with complete and utter single-mindedness, was able to complete a comprehensive redrafting by the end of the first semester, when I sent the manuscript off for review. In February, I was delighted to hear that my manuscript was accepted. I returned with the same single-mindedness to the project, and am now on the last chapter of a (near final) draft. My book is entitled LIBERALISM BEYOND JUSTICE, and will be published by Princeton in the summer of 2000. So whenever people ask me what was the main thing I did this year, I immediately and accurately answer: "without a doubt, work on my book!"

On the other hand (lobe?), I spent every Monday afternoon till Tuesday evening this year consumed with the wide variety of topics we took up in our Fellows' Seminar. The ethics of lawyers and of public executioners, the significance of political trials, privacy and genetic engineering, political programming rules in Australia and even the morality of dwarf tossing competitions---every week I spent long and happy hours with a very bright group of colleagues, consumed by issues such as these. Indeed, I found this smorgasbord of (to me) new and diverse topics so appealing that when I was invited to select topics for two Fellows' Seminars of my own, I completely forgot about my book and chose topics

Report by John Tomasi
(continued)

that were similarly new (and diverse) to me: cosmopolitanism for one, and the effects of recent advances of medical technology on the understanding of death in America for the other. So whenever people ask me what was the main thing I did this year, I always answer: "without a doubt, participate in an intense Seminar on a dazzling array of topics."

Of course, "multiple" need not only mean two: I also enjoyed a variety of lectures at Harvard, had a productive session presenting a paper on civic education to the Austinian Society at the Kennedy School, and traveled to a number of conferences (appropriately bookended by a four day conference on virtue theory in Lisbon early last Fall, and by a marvelous conference on the value of pluralism of Isaiah Berlin in Chicago just two weeks ago).

I would like to thank you, Dennis, for a superb year. My period as a Fellow has been one of the single most professionally productive and intellectually mind-opening years of my life. It is a real credit to the way you organize and run the program that such a combination was made available to me and, I have observed, to my fellow Fellows. I sincerely thank you for that.

I would like to close by mentioning how helpful the "3-Js" (Jean, Judy and Jennifer) have been to me throughout the year. Together they set a tone of efficiency and warmth, which seem to me the hallmark of the Program in Ethics and the Professions.

APPENDIX V

***Reports of the Graduate Fellows
1998-99***

Year End Report

Sujit Choudhry

Graduate Fellow, 1998-99

Harvard University Program in Ethics and the Professions

This past academic year, I had the privilege of holding a Graduate Fellowship at the Program in Ethics and the Professions. The financial support provided by the Program enabled me to devote myself entirely to my research. As a result, I made significant progress on a number of projects in my two principal areas of interest, constitutional and legal theory, and bioethics and health policy.

In the fall, I completed a manuscript examining the use of constitutional jurisprudence of one jurisdiction by courts in another, through the lens of theories of constitutional interpretation. An article based on this manuscript is forthcoming in the *Indiana Law Journal*. As well, I revised and expanded a paper examining the implications of a debate in normative political theory, between those who comprehend justice in terms of the distribution of material goods, and those who consider the central question of justice to be the recognition of ethnocultural identity, for the interpretation and application of anti-discrimination legislation. I expect to submit this paper to law reviews this September. In the spring, a colleague and I completed a draft manuscript examining the implications of a recent judgment of the Supreme Court of Canada on the legal framework governing the secession of Quebec for constitutional theory. We presented this paper at a conference in April, and plan to expand this manuscript into a larger article, examining the role of constitutional courts in Canada and Germany in securing the legitimacy of constitutional systems subject to fundamental challenge. As well, I was a panelist at a conference on comparative federalism held at the Kennedy School of Government in April. I have been asked to prepare a paper for an edited volume based on my remarks, in which I examined the normative justifications for federal systems. I am currently working on a manuscript on cultural rights and liberalism, in which I critique the distinction drawn by Will Kymlicka, Michael Walzer, and Charles Taylor between different types of ethnocultural groups in liberal democracies - ethnic immigrants and national minorities. Finally, I completed a first draft of a manuscript on the regulation of financial incentives provided to physicians by managed care organizations, which I expect to complete over the next year.

The considerable progress that I made on these projects is reason enough for me to regard my year at the Program as an academic success. It was therefore an added bonus that I had good fortune to participate in a weekly seminar led by Arthur Applbaum. The seminar served two purposes - to enable graduate fellows to present work in progress, and to introduce graduate fellows to some of the most important scholarship in contemporary political philosophy. On both counts, the seminar was an enormous success. I received thoughtful and informative feedback on two papers (on anti-discrimination law and cultural rights). As well, through the readings, and the discussions led by Applbaum, I deepened and broadened my understanding of contemporary political theory. Applbaum's keen intelligence and erudition has had a lasting influence on my work.

One of the extraordinary aspects of the Program is the extraordinarily pleasant environment that has been created by Dennis Thompson, Jean McVeigh, Judy Kendall, and Jennifer Sekelsky. They all deserve special thanks.

Mary Clayton Coleman
Graduate Fellow in Ethics, 1998-1999
Program in Ethics and the Professions

Report on the Fellowship Year

Last year at this time I knew I would be a graduate fellow in the Program in Ethics and the Professions for 1998-1999, and I was very much looking forward to spending a year in the program. I was planning to make progress on my dissertation, to explore a wide variety of topics in moral, political and legal philosophy in weekly graduate fellow seminars and to learn from the eminent guest lecturers invited by the program. I was especially looking forward to the intellectual camaraderie I hoped to find with the other fellows. I am now pleased to report that I have, in fact, spent the year making progress on my dissertation, exploring a wide variety of topics in weekly seminars, learning from the guest lecturers and enjoying the intellectual community of the program.

My dissertation is tentatively titled "The Normative Stance: Reasons, Justification and Motivation," and in it my primary objective is to make clear how having a good reason to act can motivate one to act. I introduce this objective in chapter one by arguing for the claim that good reasons must be able to motivate us to act. Then in chapter two I develop an account of what it is to be motivated to act. I wrote a draft of this chapter before my year in the program, but during the fellowship year I significantly revised this draft. In the revision I focus on the relationship between the prescriptive and descriptive role of laws, and I look at similarities between deciding what to do oneself on the one hand and understanding what someone else is doing on the other. During the fellowship year I also wrote a draft of chapter three. In this chapter I sketch and begin to argue for a constructivist account of what it is to have a good reason to act. We discussed this draft at one of our graduate seminars, and I greatly benefited from many of the questions raised and suggestions made there. I am now completing a draft of chapter four in which I extend the argument I began in chapter three. Arthur and the graduate fellows will read this draft soon, and I hope to have addressed at least some of their concerns about the argument as it

begins in chapter three. If I were not a graduate fellow this year, I would have had much less time to write, and I would not have had the opportunity to share my work with other graduate fellows and to learn from their insights.

The weekly graduate fellow seminars did (as I had hoped they would) provide an opportunity for me to study a wide variety of topics in moral, political and legal philosophy. I found the sessions on *Political Liberalism*, on Raz's *Morality and Freedom* and on the ethics of intervention for human rights extremely helpful and interesting. At the end of April, I was scheduled to lead a discussion of non-ideal theory, and when the meeting began it was clear that something special had happened during the course of the year. Much to Arthur's credit, the graduate fellows had gelled into a tight, focused intellectual team. I began the meeting by asking a single, rather flat-footed question., and that was all the "leading" I did. We spent the next three hours embroiled in a heated, provocative and very fruitful discussion of the role of moral rules about lying and revolution in a complicated world.

The joint seminars with the faculty and graduate fellows were extremely valuable. It was wonderful to able to read Nozick's work in progress, and during the discussion with us he modeled a rare but admirable combination of intellectual rigor and open-mindedness. Also, it is always valuable to have another opportunity to study *What We Owe To Each Other* and to discuss it with Scanlon. I know I will continue to learn from him and his book for many years to come. The guest lectures and dinners made me feel a part of a wider intellectual community, and I especially enjoyed hearing Henry Louis Gates, Samuel Scheffler and Martha Nussbaum.

Looking back over this year, I want to thank the staff of the program, Judy Kendall, Jean McVeigh and Jennifer Sekelsky for making the program offices such a productive and pleasant place to work. And finally I want extend special thanks to Walter Sinnott-Armstrong. He was extremely generous with his time, his experience and, most importantly, his philosophical insight.

Harvard University Program in Ethics and the Professions —Final Report—

Pamela Hieronymi

May 6, 1999

My year at the Program in Ethics and the Professions has been productive, rewarding, enlightening, enriching, and fun. As a Eugene P. Beard Graduate Fellow, I was given the time and space and support to accomplish much. I developed thoughts from one of my chapters into an article, "Articulating an Uncompromising Forgiveness," which has been accepted for publication in *Philosophy and Phenomenological Research*. I then made some necessary adjustments and reformulations to my overall dissertation project before writing a solid draft of the foundational chapter. Before I leave, I will have finished another chapter dealing with a potential objection.

As a fifth-year graduate student, this Program has provided me with a much needed shot in the arm. The sense of strong institutional support provided to Graduate Fellows did wonders for my work. In addition, having a comfortable, semi-private office space, apart from my bedroom, enabled me to work much harder during the day and rest better at night. I am very grateful to the Program staff for making the Program such a warm and inviting place to be, and to Mr. Beard, whose generosity enabled the Program to support me in my work.

In addition to the support for my own work, I have benefited tremendously from the weekly Graduate Fellows seminar, led by Arthur Applbaum. The seminar not only allowed me to continue to explore my interest in political theory, but also introduced me to new questions and problems and new ways of approaching them. We read and discussed a great deal of material to which I would not otherwise have been exposed. The other fellows were not only extremely challenging to me, intellectually, but also exceedingly fun to be with. And I cannot imagine anyone more perfectly suited to the task of leading this seminar than Professor Applbaum, whose energy abounds and whose adeptness at focusing discussion with exactly the right question or counter-example enabled us to achieve clarity about some very complex issues.

The weekly seminar meetings were perfectly complimented by the monthly lecture series. I count it a great privilege to have been able to listen to, and, moreover, talk and dine with, the highly distinguished set of speakers brought here by the hard work of the Program. I always looked forward to these events.

Every so often the Program would sponsor an *ad hoc* luncheon. One of the many significant thinkers at Harvard would be invited to meet together with the Graduate and the Faculty Fellows to discuss the guest's work. To my mind, these were some of the most interesting sessions. We all came prepared to talk about some paper or chapter written by the guest, and talk we did. The relatively informal setting and relatively small number of people involved promoted a lively discussion, with rich results. In addition, these occasions provided a opportunity to interact with both the Faculty Fellows and Dennis Thompson: truly a treat.

Jean McVeigh, Judy Kendall, and Jennifer Sekelsky deserve special thanks for their hard work and warm welcomes. Both the office and the events run with truly amazing smoothness.

It would be difficult to overstate my respect for and admiration of this Program or my gratitude to all those who made this year possible for me. It will have long-lasting effects on the direction of my scholarship and other "ethical" endeavors. Thank you.

Report on Fellowship Year for Richard B. Katskee

Participation in the Program in Ethics and the Professions has contributed a great deal to my scholarly work and to my development as a political and legal theorist more generally. Although I will discuss in some detail the work I have been doing over the past ten months, and the ways in which the program has contributed to it, let me say at the outset that I applied for a PEP graduate fellowship in order to find an "institutional home" for the year; what I received was so much more. I am grateful, therefore, for the opportunity to have participated in the program, and wish to express my appreciation to Dennis Thompson, Arthur Applbaum, Jean McVeigh, Judy Kendall, and Jennifer Sekelsky for working so tirelessly to make the year a rewarding one for all of us.

Over the course of the past year, the most important thing I have done with respect to my dissertation project is to revamp it substantially. Although I had a number of disparate ideas on the subject of civic education when I began the fellowship year, what I knew I needed most was to get clear on the overarching vision of the project. I had to find a unifying structure that would encompass and make sense of the variety of philosophical, legal, and more concrete pedagogical concerns that I wanted to (and had begun to) analyze. I believe that I have now found that structure. For this achievement, I am principally indebted to Dennis Thompson, whom I had not known when the year began, but who has proven to be a wonderful mentor by helping me focus and structure my ideas in a way that will, I hope, make the entire project both more tractable and more interesting. Moreover, among the people to whom I have had access over the year because of my position as a graduate fellow in the program is Martha Minow, who has assisted me in addressing the project more directly to the concerns of the legal scholars to whom I wish to speak, and has shown me the value of making the project more obviously politically relevant with respect to important contemporary debates in educational reform. Arthur Applbaum has been a strong proponent of the project from the very beginning, and so my discussions with him have been especially enlightening and useful for distinguishing the "liberal" from the "democratic" components of the work. Interactions with some of the Visiting Fellows (particularly John Tomasi, who is working in a similar area) and the other Graduate Fellows have also helped me figure out my place in a variety of scholarly literatures.

In addition to getting clear on structure, I have done a great deal of background reading in political socialization and philosophy of education generally, and have studied in more depth both the empirical literature on school choice and the legal literature on topics such as: constitutional restrictions on private/parochial and public education, desegregation and integration, bilingualism, and special education. Moreover, I have written initial drafts of parts of the argument of several chapters of the dissertation, as well as a first draft of a more extended analysis of school choice as a means to slice into the deeper problems of education and democratic citizenship. This last material will, in addition to being parts of the first and last chapters of the dissertation, become part of an article that I expect to have completed by early autumn as a result of the work I did in PEP.

PEP has contributed a great amount to my professional development, quite apart from the ways it has impacted upon my current project. The most obvious of these is that it has convinced me that I should attempt to pursue a career teaching and writing in the field of legal ethics, as well as political theory. I had never really considered doing so prior to the fellowship year, but my discussions with Arthur Applbaum and David Wilkins—which were made possible by my participation in PEP—and my exposure to some of the relevant literature in the graduate fellows' seminar, have convinced me (1) that there are intellectually interesting debates in the field of legal ethics, (2) that political philosophy has much to contribute to these, and (3) that my own work in the area could have both practical and theoretical value. The PEP guest lectures and other special programs have, moreover, helped me see how a variety of approaches in political theory and moral philosophy can and should inform my own work, and have offered access to a number of lively and ongoing debates that have helped me forge closer links with my colleagues, both in the program and out. In addition, between the Senior Fellows, the Visiting Fellows, and the Graduate Fellows, I have developed a number of professional relationships that will, I believe, persist and continue to help me improve my work.

Finally, the program staff has been ever-helpful. Although Harvard has many wonderful things to offer its graduate students, one thing I have found that it virtually never provides to us is responsive support staff. The PEP staff members, by contrast, always showed themselves to be devoted to making our lives easier, and worked tirelessly to free us from burdens that would interfere with our research and writing. To them I am especially grateful.

As should be clear from this report, my year at PEP has been immensely enjoyable and rewarding, and has, in my opinion, done a great deal to improve my current project and to help me begin to structure my future academic career. If I were asked to recommend changes to the program, the only one I would propose would be to increase the frequency of "joint sessions" between the Visiting and Graduate Fellows, for the ones we had proved to be—or to lead to—some of the most intellectually interesting debates of the year. I certainly have no complaints, and once again would simply like to thank all concerned for the opportunity to participate in the program. As I prepare to head to Fargo, North Dakota (where my wife has a federal judicial clerkship), for what I hope will be my final year of graduate work, I know that I will miss the rich intellectual environment of PEP, and only hope that my work will not suffer too much because of it.

REPORT ON GRADUATE FELLOWSHIP YEAR: 1998-99
NANCY KOKAZ

My year at PEP has been absolutely wonderful. So many exciting things happened to me this year that it's difficult to know where to start. First, I would like to thank Arthur Applbaum and the graduate fellows Sujit Choudhry, Mary Coleman, Pamela Hieronymi, Richard Katskee, and Nicholas Papaspyrou for a fantastic weekly seminar. The seminar struck a perfect balance between a comprehensive overview of topics in practical ethics and an in-depth exploration of specific moral issues that were of particular interest to us, while at the same time achieving to maintain a few overall themes. The syllabus was set by individual fellows with Arthur's guidance, and the discussions were always very interesting. The three hours whizzed by before we knew it and we never ran out of things to talk about. The seminar also offered excellent opportunities to discuss our own work-in-progress and, as always, I felt the discussions got to the bottom of things and addressed the most important issues. But the contribution of the seminar to the progress of my research was not limited to the motivation for writing that the presentation deadlines provided or to the helpful feedback I received in the discussion sessions. More than that, one of the papers I presented emerged completely out of our yearly discussions in the seminar. I have in mind here my views on Rawls' "Law of Peoples." I hope that one day I will write a long article or short book on the subject and I am very much indebted to my seminar partners for shaping the direction my thoughts took. Finally, the seminar was a wonderful Community-builder. It was a weekly thing we all did together, an occasion that I looked forward to because it was so much fun to work together. I very much appreciated our pre-seminar lunches with their chit-chatting and current affairs discussions. I loved the collegial atmosphere, the friendly jokes shared, and getting to know my seminar partners better. For me, the seminar played a crucial role in my identification with PEP, in making me "most importantly, a member of this program" as Dennis would put it.

Arthur was an amazing seminar leader and role model. I benefited greatly from his insights on the topics we discussed and from just watching him teach. He led very high-paced and interesting discussions. He gently guided us to the heart of the matter (whatever the matter may be that week) by starting with very sharp remarks or questions and then periodically redirecting the discussion with astute comments and catchy examples that illustrated his points. His energy and enthusiasm was refreshing. He set an example for us all with his friendly and supportive demeanor. He made the seminar what it was and motivated "the moral remainders" through his leadership. I aspire to be like him when I teach my own graduate seminars. I would also aspire to be like him in my cooking if I had the slightest hope but I clearly lack any talent there! A million thanks to Arthur for inviting us over and cooking an exquisite dinner for us. And thanks also to Sally and the twins for a lovely evening.

I also want to acknowledge a special debt to my seminar partners. In my year at PEP, I was offered a tenure-track academic position at the Political Science Department of the University of Toronto. I wish to thank Arthur and the grad fellows for the support they gave me before the interview. It was so incredibly helpful to have a chance to discuss material I was going to present at my job talk, get feedback, and receive valuable interviewing advice, especially since this was my first interview ever. But most of all, I thank them for giving me

full moral support, for making it such a joy to share the news of my interview and then subsequent appointment, and for their friendship.

My year at PEP was very productive in moving my research along. I was able to meet the objectives I set up for myself in my application to the program. By the end of my year, I had draft chapters on Thucydides, Locke, and Rawls written, all originally intended to be chapters of my dissertation which explores moral responsibility in world politics. The Rawls chapter will now probably become a separate project, because of the way my thoughts evolved. I also had the opportunity to discuss my ideas and plans with wonderful people affiliated with the program, above all Dennis Thompson. Thanks so much Dennis! Interacting with this year's faculty fellows, the faculty affiliates and staff of the program, and the guest speakers was always very interesting and pleasant. The dinners were delightful social and intellectual occasions. Many thanks to Jean McVeigh, Judy Kendall, and Jennifer Sekelsky for making everything run so smoothly and wonderfully.

In addition to the busy life of the program, my time this year was occupied by other international ethics related activities. I was the Head Teaching Fellow for Stanley Hoffmann and Bryan Hehir's moral reasoning course in ethics and international relations. I received a Bok Center award for excellence in teaching based on the CUE guide evaluations of my students for my teaching in the course. This award means a lot to me because I loved my students and the material I was teaching, and it was great to see that the feeling was mutual. It is also meaningful because they will be the last students as a teaching fellow at Harvard. I also organized the seminar on ethics and international affairs sponsored by the Weatherhead Center for International Affairs. Our speakers for the year, listed in chronological order, were: Pratap Mehta, Elaine Scarry, Anne-Marie Slaughter, Seyom Brown, Stanley Hoffmann, Andrew Moravcsik, Barrington Moore, Martha Nussbaum, Charles Beitz, Ethan Kapstein, and Stephen Rosen. At the end of the year, I handed down the responsibility for organizing the seminar to Kira Foerster, a second-year graduate student in the government department, who is also interested in international ethics. It's nice to know that the seminar will continue into the future—the succession crisis has been avoided at least for the time being. For next year, I agreed to advise a senior thesis in social studies on the morality of secession, a topic that I am very interested in. I was also awarded a Mellon dissertation completion fellowship. I very much look forward to completing my dissertation next year. I am sure this will be all the more pleasant because PEP has contributed to my intellectual development and enriched me in many ways. Upon completion of my dissertation, I will be joining the faculty of the University of Toronto. I am very excited about this: after all, I will become part of a community which has three other former PEP-fellows on faculty! Thanks PEP for a wonderful year!

NICHOLAS PAPASPYROU

Graduate Fellow, 1998-1999

June 6, 1999

During the 1998-1999 academic year I was fortunate enough to work in the very congenial environment of the Harvard Program in Ethics and the Professions. This was the most important educational opportunity I received here at Harvard and its effects on my work are already visible.

Throughout the year I participated in the graduate seminar led by Arthur Applbaum. The seminar was a unique opportunity to discuss in depth topics of moral and political concern with members of different professions. Participants have the opportunity to present work in progress. I have personally benefited enormously from the comments I received from other fellows and from Arthur Applbaum in particular. His sharp criticisms and suggestions on both issues of substance and analytical structure have made an important difference in the way I approach the topics I address in my work. It would not be inaccurate to say that due to his criticism even deep confusions I experienced last year have now been explained away.

The first paper I presented in the seminar deals with the nature of jurisprudence. I address the character of the jurisprudential enterprise (constructivist and internal) and I specify the ways in which it involves moral considerations. An early version of this paper will appear this year in the Journal *Rechtstheorie* and is titled 'On the Nature of Jurisprudence'. The second paper is expected to become the first chapter of my dissertation. My dissertation addresses the institutional assignment of interpretive labor in American public law. The first chapter locates this problem in a theory of legal interpretation and constructs what I call the normal justification thesis of

institutional schemes of assigning interpretive labor. This chapter will also appear as a working paper in a new series organized by the Harvard Law School and will be presented later this month in the World Congress of Philosophy of Law in New York.

During the current year articles of mine appeared in various journals. A paper titled 'A Farewell to Judicial Passivity: the environmental jurisprudence of the Greek Council of State' was published in the *Journal of Modern Greek Studies*. An article on *Political Liberalism* was published in the Greek Journal 'To Syntagma' (the constitution) and a translation of the philosophers' brief in the doctor-assisted suicide case with a discussion of the decision reached by the U.S. Supreme Court was published in the Greek journal 'Isopoliteia'. An article of mine on the role of courts in protecting constitutional state duties will appear later this year in 'To Syntagma'.

Finally, I wish to thank Dennis Thomson for his direction of the Program and Jean, Judy and Jean for providing great support. The Harvard Program in Ethics and the Professions deserves to be considered a model in the Harvard Community and, once again, I wish to express my gratitude to the people who keep it running.

