



**Harvard University**

**The Center for Ethics and the Professions**

**Annual Report 2000-2001**



## TABLE OF CONTENTS

Highlights of the Year .....	4
The Faculty Fellows.....	5
The Graduate Fellows .....	6
Joint Seminars.....	7
Public Lectures .....	8
Tanner Lectures.....	10
Ethics Beyond Harvard.....	10
The New Faculty Fellows .....	11
Plans and Prospects.....	12
Ethics in the Schools .....	13
<i>Arts and Sciences</i> .....	13
<i>Business</i> .....	15
<i>Design</i> .....	16
<i>Divinity</i> .....	17
<i>Education</i> .....	20
<i>Government (Kennedy School)</i> .....	21
<i>Law</i> .....	23
<i>Medicine</i> .....	25
<i>Public Health</i> .....	31
<i>Addendum to Public Health</i> .....	33
 Reports of the Faculty Fellows 2000-2001 .....	 Appendix I
Reports of the Graduate Fellows 2000-2001.....	Appendix II
Faculty Seminar 2000-2001 Syllabus .....	Appendix III
Graduate Seminar 2000-2001 Topics .....	Appendix IV
Faculty Fellows in Ethics 2001-2002 .....	Appendix V
Graduate Fellows in Ethics 2001-2002 .....	Appendix VI



To: President Neil Rudenstine  
Provost Harvey Fineberg

From: Martha Minow

Subject: Report on the University Center for Ethics and the Professions, 2000-2001

Date: June 30, 2001

---

When I accepted the invitation from Dennis Thompson to direct the University Center for Ethics this year while he took a well-deserved research sabbatical, I thought I knew what to expect. I had served once before as Acting Director in 1993-94 when Dennis took an earlier leave. The building looked the same, and there were even one or two familiar faces among the staff (Arthur Applbaum, one of the first Fellows of the Center, is also now a tenured and indispensable faculty member at the Kennedy School, as well as director of the Graduate Fellowships program). Despite continuities, I soon discovered that Dennis has been telling the truth when he reports that each class of Fellows has its own character and leaves its own special mark on the Center. The 2000-2001 Fellows more than lived up to the tradition of creating something new.

The Center's year began in superb style when David Wilkins led an informal discussion among the Faculty Fellows, Graduate Fellows and members of our Advisory Council at the opening dinner in September. His presentation on the ethics of lawyers in law firms set the tone for a year of stimulating discussions. The year itself included a notable turn toward the international. Reflected in the topics of the lecture series, the international turn also characterized every day at the Center, where the majority of the Faculty Fellows came from overseas. We welcomed

scholars from England, Germany, Greece, and Israel, as well as two from the U.S. As our first public event for the year, we cosponsored a panel on Truth Commissions, an emerging institution used to address mass atrocities especially in situations where secrecy and authoritarianism surrounded the violence. Faculty Fellow Lukas Meyer's work on intergenerational duties enriched the ensuing discussions of redress following atrocity. Michael Ignatieff, newly appointed as faculty director of the Carr Center for Human Rights Policy at the Kennedy School of Government, inaugurated the joint seminars for Faculty Fellows and Graduate Fellows by sharing his Tanner Lectures on what underlies arguments for universal human rights. Public Lectures by Ezekiel Emanuel and Barbara Herman addressed, in different ways, how global should be the scope of obligations of people of relative privilege in developed countries.

The early seminars for the Faculty Fellows took place around one vacant chair, the result of visa complications for one of the Fellows. Amnon Reichman's initial participation by speaker-phone, across the national border, attested more to his own remarkable capacity for engagement than to the wonders of technology, and his subsequent actual presence demonstrated the irreplaceable virtues of personal interaction. As a result, many of us concluded that new technologies will never

fully substitute for the practice of shared, face-to-face experiences.

The year also afforded a special focus on medical ethics, which became especially poignant as some Faculty Fellows dealt with medical issues in their own families. Dr. Steven Joffe helped the Center focus the special challenges of attending to patients who are children; Dr. Steven Pearson taught us that ethics and managed care can be sensibly and seriously conjoined; and Maria Bottis offered the comparative perspective of a Greek, legally-trained bioethicist, concerned with the place of chance in liability for medical negligence. Graduate Fellow Jill Horowitz shared her work on the conversion of non-profit hospitals to for-profit form, and Madeline Kochen's examination of Jewish legal treatment of commodification promises implications in the treatment of sales of organs. The captivating and controversial public lecture on the ethics of medical research in the developing world by former Faculty Fellow Dr. Ezekiel Emanuel has stimulated at least two of the Fellows to work on this issue in the future. To deepen our tools for addressing complex issues of medical ethics, the Fellows and staff took a field trip to see the American Repertory Theater's production of George Bernard Shaw's play, *The Doctor's Dilemma*. Engaging with this beautifully produced drama exemplifies another way to join entertainment and ethics. Much discussion emerged from the play's vivid treatment of at least three dilemmas: 1) how should scarce medical resources be allocated?; 2) how should doctors resolve conflicting interests posed by their own feelings for and relationships with patients and their families?; and 3) How should doctors balance truth-telling with comforting patients and their families? We have no doubt that the quality of the discussions

generated for us, and for others who saw the play, reflected the role of Faculty Associate Dr. Jim Sabin as a consultant to the production and author of an article for the theater's newsletter.

During the year, I reveled in the ways in which the Program has truly become a Center—in practice as well as in name. At the core of the Center's activities are the fellow seminars (Appendices III and IV). Nearly as defining, though, are the joint seminars that bring the two groups of fellows together with leading theorists for no-holds-barred discussion. Arthur Applbaum and I organized three such events; the fellows responded, as detailed later in this report, by organizing one more, and then inventing the art form of "the informal seminar" with still two more distinguished guests. Faculty Fellow Andrew Williams elegantly led a three-part series of seminar sessions on the recent work of Ronald Dworkin. The Fellows also energized events in which they participated elsewhere in the University enhancing their own learning while serving as superb ambassadors for the Center. Fellows became indispensable participants in the Harvard Law School Constitutional Law and Legal Theory Colloquium series. Truly a crossroads for discussions of ethics and public life, the Center's Fellows and participants offered advice and assistance to others interested in founding or developing similar seminars around the world.

With the encouragement of our Advisory Council, the Center devoted energy this year to developing an event specifically aimed at reaching a broader and different audience beyond those likely to attend lectures by scholars. Jeff Sagansky, a member of the Advisory Council, not only proposed but also offered vital personal involvement to help realize a public forum on ethics and the entertainment industry

(see Public Lectures below). Exploring the choices and responsibilities of television writers and producers with four notable experts, the event drew an enormous crowd which included many students from the College, the Business School, the Kennedy School of Government, and the Law school, and many members of the larger community. We continued the frank discussion over a dinner following the event with our panelists, Fellows, Advisory Council members, and friends of the Center. Members of the Advisory Council generously offered still more of their time for a meeting the following morning with the Provost to discuss future directions and future sources of support for the Center. Together, we revisited and expanded the promising agenda set during the first Advisory Council meeting last year.

The year's closing dinner revealed that the focus on ethics and the entertainment media had uncovered exceptional avocational talents among the fellows who conceived, produced, and acted a wonderful video that made us laugh, moved us, reminded us of special seminar moments, and captured beautifully how a year at the Center can create exquisite ties of affection and mutual respect (and identify alternative career possibilities). As I watched the video, my one regret was that my gain was Dennis's loss – that he had missed a truly splendid year.

When it comes to the Center's staff, participants, and other friends of the Center, my gratitude exceeds the words available to express it. Jean McVeigh's extraordinary capacity to anticipate what cannot be anticipated, to attend to details while holding onto the big picture, and to infuse joy, care, and explosive laughter into every day truly make the Center the special place that it is. I know from the

gracious help offered to me directly by Sowmya Bharathi, Allison Ruda, and Maria Catoline (and Maria's predecessor, Jennifer Sekelsky), as well as our casual student, Judy Hensley, why the Fellows also rave about these remarkable people. We are also enormously grateful to Virginia Wise for teaching the Fellows how to use electronic research tools and for facilitating the Center's access to such tools through the year. The entire Center thanks Tamara Rogers, now Associate Dean for Advancement and Planning at the Radcliffe Institute for Advanced Study, for her belief in our mission and her extraordinary development work on our behalf. Sean Buffington, Julia Ruvelson, and Ralph Scala from the University were extremely supportive of our work. Provost Harvey Fineberg offered substantive challenges, and provided administrative guidance, and enormous wisdom. Catherine (Kate) Elgin selflessly shared the gift of her endlessly inquiring mind with the Faculty Fellows seminar each week, bringing reason, zest, and her contagious thirst for truth to every problem. We are fortunate that Kate will join us in the future as a Faculty Associate of the Center. Arthur Applbaum should know that I will attend any seminar or class he offers for the sheer delight of his hypotheticals, his "doctor/schmoctor" alternative universes, his intellectual integrity, and his gift for connecting individuals with the authors they most need to read. Most of all, I want to express my thanks to Dennis Thompson, who built this magnificent Center inch by inch, giving it life, form, and the capacity to afford all fortunate enough to take part in its truly life-changing opportunities for connecting rigorous thought with vital, practical questions.

## **Highlights of the Year**

The remainder of this report chronicles some significant milestones for the Center and many of the achievements of the Fellows, the Center, and others active in ethics at Harvard and elsewhere.

### *Support for the Center*

A year after the death of Lester Kissel HLS '31 (a devoted friend of the Center from its beginning) his long-held wish to support ethics and values at Harvard came to fruition. Lester's generous bequest of \$12 million established *The Lester Kissel Presidential Fund in Ethics and Values*, which will help support the core activities of the Center. A small portion of the endowment has been earmarked for "initiatives in ethics that reach beyond the traditional classroom and that seek to improve...the moral character of men and women not only in the professions but in all walks of life." As Dennis Thompson noted in the press release: "Lester Kissel had the vision to see the value of the study of practical ethics. His wise counsel and steady support through the years, culminating in this extraordinary bequest, ensures that the Center will continue to flourish. The faculty, fellows, and students who will benefit from his gift will be better able to pursue the ideals of moral leadership and public service that he cared about so deeply." Mr. Kissel, who died in his 98<sup>th</sup> year, came to many of the Center's events even when he became disabled. He enjoyed a long and rewarding life, pursuing wide-ranging interests as diverse as Hindu philosophy, evolutionary biology, cosmology, and classical ballet. I had the good fortune to talk with him at length on many occasions, and his spirited commitment to truth and moral values, along with his generous gift, ensure a vital endowment for the Center which, along with the Law School, has benefited greatly

by his friendship. We are glad that Lester Kissel's legacy will live on at Harvard.

### *The Joint Seminars*

This series brings both groups of Fellows together for sustained conversation with distinguished faculty from around the University. We were delighted to have among this year's speakers the new Faculty Director of the Carr Center for Human Rights Policy, Michael Ignatieff. This grew directly out of Arthur Applbaum's efforts to promote connections between our Center and the Carr Center, and the session vitally set the high standard for intellectual- and soul-searching that then guided the year. Two other eminent professors, Michael Sandel and Tim Scanlon, who are both Faculty Associates of the Center, generously shared their work in joint seminar sessions. Long after the two hours with each of them had passed, the Fellows continued to discuss their ideas. (Tim assured us, following his latest encounter with the Fellows, that he benefits greatly from these interactions. Shortly thereafter, we learned that he had been chosen President-elect of the American Philosophical Association (Eastern Division), the major professional society for philosophers. This significant honor is richly deserved!)

Two of our Fellows, Lukas Meyer and Andrew Williams, created a new format—the informal seminar—and helped arrange for two stimulating sessions. Thus, the Fellows expanded the number and range of the joint sessions offered, drew participants and colleagues from Harvard and the Boston area, and presented their colleagues with superb and cutting-edge thinkers. [See report on the Joint Seminars below.]

### *Journalism Ethics: Meeting with the Nieman Fellows*

It has struck the Faculty Committee of the Center that journalism is a field notably



absent from our work. Perhaps this is because Harvard has no journalism school or department. But Harvard does have the remarkable resource of the Nieman Fellows, outstanding journalists from the US and around the world who are selected to spend a year at Harvard reflecting on their work, taking courses, and broadening their horizons.

The Nieman Fellows eagerly accepted our invitation for a joint meeting. In the spring, and for the first time, the Ethics Fellows and the Nieman Fellows met to discuss the ethics of journalism, and explore how experts can better assist journalists in informing them about normative issues in science, law, business, and politics. The lively session, reluctantly ended after two hours because of other commitments, proved to be of immense value to both groups. We hope to establish this as an annual event.

### *The Faculty Fellows*

In the Faculty Fellows seminar, we addressed a range of topics across the professional fields. We devoted three intensive weeks of discussion to Ronald Dworkin's recent work on equality, explored fiction as a source for teaching about ethics, made time each week to discuss pressing public issues, and found (with the help of CNN and the world press) ready-made, real-world case studies in the fields of bioethics, legal ethics, and government ethics. Needless to say, the Fall election process generated lots of debate in the pre-seminar sessions over lunch, and held a particular fascination for our overseas Fellows. We also afforded each Fellow the chance to present works-in-progress on two different occasions—once in the Fall and once in the Spring. The early presentations allowed everyone a quick immersion in the problems and

methods pursued by the others while providing each presenter with early feedback; the later presentations allowed the presenters to show how their thinking had progressed, as well as describing new projects and approaches they had crafted during the year. Catherine Elgin, professor of the philosophy of education at the Harvard Graduate School of Education, this year's Visiting Professor, quickly made herself epistemically, analytically, and interpersonally indispensable. The class picture, I think you will agree, conveys some of the spirit of the group:



The Fellows' own reports detail their experiences reports (see Appendix I), and the seminar syllabus indicates the scope of shared readings (Appendix III). What these documents cannot fully capture, however, is the remarkable synergy created by the seminar, stimulating conversation between the sessions, and substantially affecting the research interests and direction of the participants.

The Faculty Fellows have begun to go their separate ways. On her return to Greece, **Maria Canellopoulou Bottis** was invited to address the Society of Civil Lawyers in Athens on a topic at the intersection of medicine and law. Her shift in focus during the fellowship year from bioethics to a broader perspective on ethics has further inspired her vision to found the first Center for Ethics in Greece that will encompass all the professions. **Steve Joffe** returns to his



joint position at the Dana-Farber Cancer Institute, where he has accepted the position of Institute Ethicist, and the Children's Hospital. He will continue his work in biomedical ethics, which blends theory with empirical research. **Lukas Meyer**, the recipient of a research fellowship from the Alexander-von-Humboldt Stiftung, will join Columbia University Law School as a Visiting Scholar in 2001-2002. There he will revise his manuscript "Historical Justice" and write the entry "Intergenerational Justice" for the Stanford encyclopedia of Philosophy. He will also continue his work as a co-editor of "Rights, Culture, and Society," a collection of essays on the work of Joseph Raz. **Steve Pearson** will resume his responsibilities as general internist and Assistant Professor of Ambulatory Care and Prevention at Harvard Medical School and Harvard Pilgrim Health Care; he will continue to research exemplary ethical policies of health plans in managed care and evolving types of conflict of interest to physicians. **Amnon Reichman** has accepted the position of Lecturer in Law at the University of Haifa in Israel. He will continue to deepen his work on constitutional adjudication as a self-governing practice. **Andrew Williams** has a new position in politics and philosophy at the University of Reading, where he will continue working on his monograph "Procreative Justice." His other projects include a critical notice on Ronald Dworkin's "Sovereign Virtue," and an article comparing Dworkin's view with Amartya Sen's capability conception of egalitarian justice.

### **The Graduate Fellows**

The Graduate Fellowship program, now in its eleventh year, continues to attract the strongest graduate students at Harvard

who work on normative topics. Although we are now able to accept up to seven Graduate Fellows each year, excellent candidates are still turned away. Two of the Fellows have been supported by the continuing generosity of Eugene P. Beard, and four fellowships were newly endowed by the Hong Kong Shanghai Bank in memory of Edmund J. Safra, the international banker and philanthropist. A lunch to honor Mrs. Lily Safra, hosted by President Rudenstine, was held at Loeb House in December. Guests included the Graduate Fellows in Ethics, Arthur Applbaum, Martha Minow, Acting Director of the Center, and officials of the Hong Kong Shanghai Bank.



The 2000-2001 class of Graduate Fellows consisted of a philosopher, three political theorists, an economist, and two lawyers—one a student of health policy and the other a Judaic scholar. (See Appendix II for their individual reports.) Aaron James completed his dissertation on the objectivity of values, and also found time to write about global justice. He declined an offer from the University of Pennsylvania in favor of joining the philosophy faculty and surfing scene at the University of California at Irvine.

Despite a debilitating Red Sox addiction, John Parrish made substantial progress on his study of dirty- and invisible-hand

arguments in early modern political thought. Next year, he will hold a Packard dissertation completion grant.

**Bryan Garsten** spent the year rehabilitating the reputation of classical political rhetoric (when he wasn't flipping through Greek flash cards). He presented a chapter of his work at the New England Political Science Association meetings.

**Tamara Metz**, a daredevil member of the Harvard cycling team, wrote several chapters of her dissertation exploring the standing of legally-recognized marriage in liberal political theory.

**Peter Spiegler**, in both the academic and the fictional genres, examined the epistemological assumptions of economic practice.

**Jill Horowitz**, who held a concurrent fellowship with the Hauser Center for Nonprofit Institutions, completed both empirical and conceptual studies of hospitals that convert from nonprofit to for-profit form. She and her son, Matthew, also prepared the critical edition of a previously unknown Dr. Seuss manuscript, dedicated to the director of the Graduate Fellowships.

**Madeline Kochen**, who is pursuing an unusual *ad hoc* Ph.D. in political philosophy, ethics, and Jewish law, made serious headway on her dissertation exploring permissible and impermissible commodification in rabbinic law and contemporary ethics. Under her guidance, the Fellows concluded that providing free lunch for next year's cohort would neither degrade them nor undermine the intrinsic value of academic inquiry.

The incoming class of Fellows looks every bit as interesting and promising. It

includes two philosophers, two political theorists, a student of political economy and government, a candidate in American literature, and an international lawyer.

Three of the Fellows are writing dissertations in international ethics, an area that has become increasingly salient in the Graduate Fellows program in recent years. (See Appendix VI for the biographies of the new Graduate Fellows.)

Our graduates continue to find teaching positions at leading universities. In the last three years alone, our Fellows have been appointed to faculty posts at Barnard, Boston University Law School, Duke, Harvard Business School, NYU Law School, Oxford, Stanford (2), UCLA (2), University of California at Irvine, University of Chicago, University of Maryland, University of Washington, University of Toronto (2), Wharton, and Yale Law School.

### Joint Seminars

The Faculty and Graduate Fellows joined forces on six occasions this year to meet with both local faculty (including two of our own Faculty Committee members) as well as visitors from other universities. These sessions provide an opportunity for the two groups of Fellows to interact and, often, for the speakers to improve their own work in progress. The seminars with visitors were organized by Faculty Fellows Lukas Meyer and Andrew Williams. This year's series turned out to be as lively and enlightening as ever.

**Michael Ignatieff**, Director, Carr Center for Human Rights Policy, Harvard  
"Human Rights as Politics and Human Rights as Idolatry"

The Fellows read and discussed Professor Ignatieff's Princeton Tanner Lectures in which he discusses the way the campaign

for human rights has become a secular religion that triggers opposition by traditional societies. Professor Ignatieff proposed a standard of deliberative inclusion that would meet with more international acceptance.

**Tim Scanlon**, Alford Professor of Natural Religion, Moral Philosophy, and Civil Polity, Harvard  
"Moral Assessment and the Agent's Point of View"

Professor Scanlon offered a provocative account of the moral importance of an agent's intentions that distinguishes between the assessment of the rightness or wrongness of an action and the assessment of the moral character of the agent. Professor Scanlon argued that, from the point of view of the agent deliberating about what to do, intentions do not morally matter.

**Michael Sandel**, Professor of Government, Harvard  
"What Money Can't Buy: The Moral Limits of Markets"

Using a wide range of examples from art museum collections to life insurance contracts, Professor Sandel explored the ways in which treating certain goods as commodities involves a kind of corruption. A spirited discussion ensued about the right connection between our views about proper valuation and justifiable regulation.

**Brian Barry**, Professor of Political Science, Columbia University  
"Social Exclusion, Social Isolation, and the Distribution of Income"

In a far-ranging discussion, Professor Barry explored the claim that various forms of social exclusion and isolation are

intrinsic injustices, and that they are instrumentally unjust because they lead to or entrench other inequalities. Guests at this event included Tim Scanlon, Lynne Tirrell, Associate Professor of Philosophy, U Mass Boston; and Stephen Nathanson, Professor of Philosophy, Northeastern University.

**Adam Swift**, Maxwell Fellow and Tutor in Politics, Balliol College, Oxford  
"If You Don't Believe in Private Education, How Come Your Kids Go Private?"

Adam Swift is working on equality of opportunity and the role of families and schooling in the intergenerational transmission of advantage. He examined whether egalitarian parents can coherently send their children to selective or private schools. The seminar was attended by Fellows of the Center and scholars from the Philosophy Department.

**Rahul Kumar**, Assistant Professor of Philosophy, University of Pennsylvania  
"Is Anyone Wronged by a Wrongful Life?"

Rahul Kumar discussed contractualist moral theory. His paper claims that a child can be wronged by being brought into existence even if the child is not harmed. In doing so, the paper presents a contractualist solution to Derek Parfit's Non-Identity Problem. The seminar was attended by Fellows of the Center, professors from the departments of Government and History, as well as professors from MIT.

### **The Public Lectures**

Our public lecture series continues to attract distinguished speakers and overflow audiences. In addition to members of other institutions, and the Cambridge-Boston community, the audience represents a wide cross section of Harvard faculty and students, and frequently contributes to our

efforts to encourage interfaculty collaboration. At one of this year's co-sponsored events, two Harvard faculty panelists, David Wilkins and Jay Winsten (who had not previously crossed paths intellectually), found common connections in their research, an encounter that may lead to collaborative projects. The dinner seminars following the lectures occasionally serve as intellectual reunions, especially when former faculty and graduate fellows return to attend the events or when fellows from different years make connections during the dinner discussions.

The lecture series began with a panel discussion entitled *Truth v. Justice: Can Truth Commissions be Justified?* which we co-sponsored with the Program on Conflict Resolution. The event launched the publication of *Truth v. Justice: The Morality of Truth Commissions*, edited by Robert Rotberg and Dennis Thompson. The panelists, including the Acting Director of the Center, examined the positive and negative aspects of truth commissions and asked how these commissions can be effective in helping societies around the world move beyond atrocities. Michael Ignatieff, now Faculty Director of the Carr Center for Human Rights Policy, pointed out that, like the panel, when it comes to truth commissions, "we have divided truths because we have different histories." So we should be asking: "What are the impermissible lies that will make the process break down?" For truth commissions to be effective, he said, these lies "must be taken off the table." Other panelists were Philip Heymann, Professor of Law; Fred Schauer, Academic Dean, KSG; Charles Maier, Krupp Foundation Professor of European Studies; Robert Rotberg, Director, Program on Conflict Resolution, KSG; J. Bryan Hehir, Chair,

Executive Committee, Harvard Divinity School; and David Crocker, University of Maryland.

One of the most stimulating events in our series was a panel discussion entitled: *Doing Good and Doing Well in the Entertainment Media*, which we co-sponsored with the Forum at the Kennedy School of Government. This brought together writers and producers from television for a discussion of the creative process, and their roles and responsibilities to the audience and to their advertisers. The panelists were Susan Fales-Hill '84, co-creator and executive producer of "A Different World"; Neal Baer, co-executive producer of "ER" and executive producer of "Law and Order: Special Victims Unit" and a Harvard Medical School graduate; Loretha Jones, executive producer and director of the Warner Brothers Network series, "The Parent'hood," and Jay Winsten, associate dean for public and community affairs at the Harvard School of Public Health and director of the School's Center for Health Communications. The discussion was skillfully moderated by David Wilkins, Kirkland and Ellis Professor of Law. Some of the questions raised were: What ethical obligations should writers and producers have to the viewing public? How do writers and producers encounter and deal with tensions between artistic goals and commercial issues, and what does it take to remain true to oneself while reaching an audience and meeting commercial demands? How, if at all, do ethical considerations bear on the development of characters in a world familiar with stereotypes? A lively and illuminating debate ensued among the academics, the guest producers, and a diverse audience of scholars, students, and the general public. We have been asked to consider similar panels in this and other fields for our future lecture schedules. Individual lectures in our

series were equally thought provoking. They were as follows:

**Judith Butler**

Professor of Comparative Literature and Rhetoric, University of California at Berkeley  
*The Virtues of Critique*

**Ian Hacking**

Institute for the History and Philosophy of Science and Technology, University of Toronto  
*Sympathy as a Way of Extending Values and Concerns*

**Ezekiel Emanuel**

Director, Department of Clinical Bioethics, Warren G. Magnuson Clinical Center, National Institutes of Health (and former Faculty Fellow in Ethics)  
*The Ethics of International Clinical Research*

**Barbara Herman**

Professor of Philosophy, University of California at Los Angeles  
*The Scope of Moral Requirement: Local Practices and Global Obligations*

The public lecture series, which promotes philosophical reflection on problems of human values in contemporary society, is supported by a fund established by the late Obert Tanner.

**Tanner Lectures on Human Values**

The Center 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. This year's lecturer was Simon Schama, whose topic was *Random Access Memory: History in the Digital Age*. In these lectures,

Schama shared his thoughts on the nature of history, and the role of the historian, in the digital age. He contends that computer technology has facilitated the integration of word, image and sound, and has allowed for the replacement of traditional indexing systems with huge, flexible search engines. Schama welcomed these advances. He traced the survival of the oral tradition, and applauded writers from Herodotus to Thomas Macaulay, who often practiced popular history by incorporating non-textual evidence such as songs, dress, and gesture. Opposed to this orally-inclined history there is a positivistic, conservative and text-centered tradition stretching from Thucydides to the Victorian establishment. Schama also examined precursors and pioneers of the hypertext archive, including H.G. Wells, Vannevar Bush and Theodore H. Nelson. He praised some internet history sites which, he said, by improving access to historical information and encouraging interactivity "transform history from a gentleman's pursuit into something we can all do." The three-day event concluded with a seminar for faculty and students moderated by Mark Kishlansky, Frank Baird Professor of History. The lectures provoked a thoughtful commentary by panelist Anthony Appiah, Professor of Afro-American Studies and of Philosophy. At a lunch following the seminar, Professors Schama, Appiah, and Kishlansky engaged a group of graduate students from the departments of history, and history of art and architecture in a discussion that continued the earlier debate.

**Ethics Beyond Harvard**

Our Center continues to respond to many requests for advice and collaboration from other universities throughout this country and abroad. This year faculty and administrators from Australia, China, Northern Ireland, and South Africa visited



the Center to discuss establishing centers or programs similar to ours, or enhancing existing initiatives. Our Web site also generates many requests for information and advice from a diverse population that includes scholars, high school students interested in the field of practical ethics, 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 Faculty Committee and Faculty Associates, to help respond to these requests.

One of the most important links to the world beyond Harvard is to be found in the work of our former Faculty Fellows and Graduate Fellows. In the early years, the alumni were small in number and close in location. But in this, the second decade of the Center, there are more than 150 former fellows and graduate fellows located in 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). Through these links and others, the work of the Center is reaching increasingly large numbers of students, faculty and future leaders of society.

### **The New Faculty Fellows**

Next year's Faculty Fellows were selected from a large pool of applicants from 41 different colleges and universities. Twenty-seven applications came from overseas, representing 16 countries (Armenia, Australia, Cameroon, Canada, China, Germany, Israel, Nepal, the Netherlands, New Zealand, Norway, Philippines, South Africa, Sweden, Turkey, and the United Kingdom). The applicants ranged in age from 27 to 63 years, with an average age of 39. Twenty-

six women applied (just over 47 percent of the total). More applicants came from philosophy (37 percent) than any other field. Among other fields represented were government, including political science (11 percent), medicine (11 percent), law (11 percent), education (4 percent), business (9 percent), and religion (4 percent). The remaining 13 percent of applicants indicated other fields of interest, such as communications, health care, women's studies, economics, and engineering.

The new class is geographically, as well as professionally, diverse. Two of the Fellows are originally from overseas (Israel and Singapore) although now teaching in the U.S. and Canada respectively. Among the group are two professors of law (one of whom teaches constitutional law, torts, and civil rights law at our Law School); two moral philosophers; a political philosopher, and a philosopher who practices psychiatry. Their research interests cover a wide spectrum of topics, including moral psychology, action theory, metaethics, philosophy of mind, clinical psychiatry, legal theory, philosophy of action, court and police reform, and issues of global justice. (For biographical notes on the new Faculty Fellows, see Appendix V.)

We are delighted that the Fellows will be joined in the weekly seminar by former Faculty Fellow in Ethics Dr. Robert Truog, Professor of Anaesthesia, and Director of the Multidisciplinary Intensive Care Unit at Children's Hospital. Dr. Truog's presentation on the ethics of triage has become an exemplary feature of the Center's seminars, and we look forward to his participation as next year's Visiting Professor in Ethics.

The Faculty Fellows were selected by our University Committee, on which the Acting Director served as Chair. The members

represent several of our professional schools and the Faculty of Arts and Sciences: Tim Scanlon (Philosophy), Lynn Peterson (Medical School), Michael Sandel (Government), Joseph Badaracco (Business School) and Arthur Applbaum (Kennedy School of Government). In addition, the Committee benefited greatly from contributions by Lynn Paine, Professor of Business Administration, HBS.

### **Plans and Prospects**

At the Advisory Council meeting in the spring, Provost Fineberg welcomed the news of the *Lester Kissel Presidential Fund for Ethics and Values*, which will help support the core activities of the Center. This, he said, was the "the reaping following the sowing," and the beginning of the Center's endowment. Up to now, the Center has thrived on a mixture of support by individual donors and core endowment funding from the Provost's central fund. This core funding was essential to allow time to build the Center and to encourage ongoing support.

The generous bequest of Lester Kissel in support of the core activities of the Center includes a small endowment for activities "beyond the classroom." Projects under consideration include (1) devising and running one multi-disciplinary, short-term session a year to bring academics and practitioners together for shared discussion and education around paradigmatic ethics problems; (2) developing a section on our Web site for posting Fellows' scholarship, which would especially resonate with the growing number of works addressing global issues; (3) producing case studies in collaboration with the casewriting programs at Harvard Business School and the Kennedy School of Government (the development of such cases would benefit both the work of the

Fellows and the outreach efforts, and would have the added benefit of involving faculty members as case supervisors); (4) creating events to convene leaders of institutions that have yet to establish ethics centers, thereby drawing upon the Center's leadership in contributing to the development of other ethics centers; and (5) building internet connections and occasions for shared events joining existing ethics centers, including those headed by former Faculty Fellows such as at Duke University. The Association for Practical and Professional Ethics, which Professor Thompson helped to found, might serve as a vehicle for organizing such events.

Individual donors to the Center include Eugene P. Beard, whose generosity has supported ten Graduate Fellows in Ethics over a period of seven years. Beard's interest in the Center and personal example infuse his recent supplementary gift of \$400,000 with inspiring leadership, enabling us to continue this important work. The Graduate Fellowships program received a further superb gift last year with the establishment of the Edmond J. Safra Graduate Fellowships in Ethics. Supported by the Hong Kong Shanghai Bank and created in memory of the distinguished international banker, the one million dollar fund will support several graduate fellows each year. Safra, an exemplary mentor and committed philanthropist, also established at Harvard the Jacob E. Safra Professorship of Jewish History and Sephardic Civilization, and the Robert F. Kennedy Professorship in Latin American Studies. Safra and his wife, Lily, were also benefactors of AIDS research at the Harvard School of Public Health.

We have long believed that the opportunities afforded by the Center and by the Harvard experience generally can especially benefit those who are in the early



years of their careers. For that reason, and because the quality of the Graduate Fellows has been especially impressive in recent years, we have given increasing emphasis to this area of the Center's activities. The new funds will help us take a major step toward full support for this vital program.

A different kind of project for the future would involve focused research. The Center would bring together leading scholars to focus on a specific, selected problem for a sustained period of time. In this we would have an ally in the Carr Center for Human Rights Policy, and the University could provide other models.

With regard to long- and short-term goals, and especially in terms of developing people and the field of ethics, there is still much to do. We will continue to seek funds to fulfill the total endowment needs and to support our plans for expansion. The most important needs in this respect are additional professorships for faculty specializing in ethics. (For example, Professor Thompson has recently been involved in a search for ethics faculty at the School of Public Health.) The health of our Center depends on maintaining and expanding strong ethics activities based in individual schools, for it is through the schools that teachers and scholars build the field and train the next generation.

### **Ethics in the Schools**

Each of the Schools has created its own programs and courses and has developed its own faculty who specialize in ethics. Most of these faculty members have spent time at the Center and remain engaged with our work. As a result of connections made through the Center, new and vital collaborations are formed regularly.

### **Arts and Sciences**

*(reported by Tim Scanlon)*

Ethics and political theory continue to be active topics of interest in many parts of the Faculty of Arts and Sciences. The recent appointment of Nancy Rosenblum as Professor of Government has bolstered the ranks of tenured political theorists in that department, and (equally important) strengthened the cadre of FAS faculty with serious interests in the intellectual agenda of the University Center for Ethics. The presence of Amartya Sen for the second half of the spring term was welcomed with great enthusiasm by faculty and students alike. Along with Tim Scanlon, he offered a joint seminar on theories of justice which was widely attended by students and visitors from FAS and several other Harvard faculties, including the Law School, the Kennedy School of Government, the School of Education, and the Divinity School.

In the Moral Reasoning section of the Core curriculum, Michael Sandel again offered his popular course on Justice, which analyzes selected classical and contemporary theories of justice with discussion of present-day practical applications. Topics include affirmative action, income distribution, surrogate motherhood, free speech vs. hate speech, human rights and property rights, equality, and political obligations and the claims of community. Michael Blake offered a spring course entitled "Reasoning In and About the Law." While examining the writings of philosophers, judges, and legal theorists, the course posed such questions as: How is law related to morality? Do we have an obligation to obey the law? What, if anything, justifies the imposition of legal punishment? In the fall, Russ Muirhead will again offer his Core course, "The Ethics of Everyday Life: Work and Family," the first course to be developed with the support of

the Paul Z. Josefowitz fund for ethics education in the College. Two additional courses supported by the Josefowitz fund are planned for 2001-2002: Sharon Krause, a new junior faculty member in government will offer a course on "Rights"; and Nancy Rosenblum will offer "Legalism: Ruly and Unruly Thought." This will bring the number of moral reasoning offerings to ten – a record.

The Philosophy Department's "Workshop in Moral and Political Philosophy" continues as one of the most valuable elements, not only of the department's program but also of the Center's extra-programmatic opportunities. Several of the Center's Fellows join the department's graduate students and faculty members over the course of the year to discuss students' presentations and to argue with visiting speakers. The outside speakers were Arthur Ripstein of the University of Toronto and Frances Kamm, New York University. Ripstein spoke on "Justice and Responsibility," and Kamm on "Toward a Principle of Non-Consequentialism."

The Workshop in Political Theory, a seminar open to the wider University community as well as being a regular credit course for Government graduate students, more often than not features speakers who discuss ethical issues in the context of political theory—historical and contemporary. The sessions include discussion of students' work in progress and papers by invited speakers from both inside and outside the University.

Some felicitous news about former graduate students (and former Graduate Fellows in Ethics) should be noted. Two graduate students from the Philosophy Department were offered tenure-track jobs: Alyssa Bernstein from the University of Ohio and Aaron James (Graduate

Fellow in Ethics this year) from the University of California at Irvine. In other news, John Rawls's new book: *Justice as Fairness: A Restatement*, edited by former Graduate Fellow in Ethics Erin Kelly, was published by Harvard University Press.

The seminar on Ethics and International Relations, now in its eighth year, continued at the Weatherhead Center for International Affairs. Under the faculty leadership of J. Bryan Hehir and Stanley Hoffmann, and facilitated by David Bosco (law student) and Annie Stilz (Ph.D. student in Government), the seminar provides a forum for scholars to explore a broad range of ethical issues in international relations. The premise of the seminar is that moral issues are central to international relations and that addressing them requires both empirical knowledge and skill in normative analysis. Topics explored include human rights within states and among states; how the agenda of war and peace has changed in the post-Cold War era; and the impact of globalization on questions of distributive and social justice. Speakers address issues from the perspectives of social science and a variety of ethical and religious traditions. Throughout the year the seminar attracted a diverse audience from both the academic and the policy-making community. Presentations in 2000-2001 included "Kosovo: Rights of Secession; Rights of Self-Determination," Michael Ignatieff, Kennedy School of Government; "Violence and Ethics," Pierre Hassner, Institut d'Etudes Politiques, Paris; "Duties of Justice, Duties of Material Aid: Cicero's Problematic Legacy," Martha Nussbaum, University of Chicago Law School; "The Intervention Debate," Stanley Hoffmann, Harvard University; "Humanity's Law: Rule of Law in a Global Politics," Ruti Teitel, New York Law School; "The Revolution in Military Affairs and the Just War Ethic," Seyom Brown, Brandeis University; "The Moral

Dimension in the Use of Force," J. Bryan Hehir, Harvard Divinity School; and "Reasons of State," Jonathan Haslam, Cambridge University.

### **Business**

*(reported by Joe Badaracco)*

During the past year, we continued to pursue our new strategy integrating teaching and research on business ethics into the MBA program. Our aim is to collaborate with colleagues who are working in the School's traditional units, while at the same time expanding the number of those of us who are working on issues of management and corporate responsibility. Our hope is that this expanding critical mass will enhance both our individual and common efforts.

An important step in this direction occurred last summer when Joshua Margolis, a former Graduate Fellow of the Ethics Center, became an Assistant Professor in the Organizational Behavior unit at HBS, effective July 1, 2000. During the past year, he taught the required first-year course on leadership while continuing research on business ethics that he had started in his previous position as an assistant professor at the University of Michigan. Unfortunately, the School was unable to find a full-time position for Nien-hê Hsieh, a Graduate Fellow in Ethics in 1998-99, who was working as a post-doctoral fellow in the Negotiation, Organization, and Markets unit. Hsieh joined the faculty of the Wharton School, though we intend to stay in close touch with him in the event a position appropriate for him opens up during the next few years.

Two other faculty members also began working in other units at the School. Ashish Nanda, after completing his year as a Faculty Fellow in the Ethics Center, returned to the Negotiation, Organization, and Markets unit, and Joe Badaracco joined the Competition and Strategy unit.

One risk of this new strategy was that our dispersed efforts might keep us from working together as closely as we have in the past. While LVDM would continue to be a common focus, we decided to create two new forums for discussing ethical issues. One is the Law and Ethics Group Lunch Series. During the last year, it covered the following topics:

*Necessary Evils*, led by Joshua Margolis

*Ethics of Hostile Takeovers*, led by Guhan Subramanian and Brian Hall

*Conflicts of Interest and Auditor Independence*, led by Nien-hê Hsieh and Ashish Nanda

*Ethics of Sealed Settlements in Product Liability Suits*, led by Mike Wheeler

*Corporate Disclosure of Social Impacts*, led by Connie Bagley

*Enduring Success*, led by Howard Stevenson and Laura Nash

*Quiet Moral Leadership*, led by Joe Badaracco

*Conflicts of Interest in Venture Funding*, led by Ashish Nanda.

The second forum is the Law and Ethics Group Workshop Series, a series of five afternoon sessions held during the winter term. These sessions covered these topics:

*Employees and Governance: Perspectives from Ethics and Economics*, led by Nien-hê Hsieh

*Internet Price Discrimination and Weblining*, led by Jonathan Zittrain from Harvard Law School

*Markets and Morals*, led by Michael Sandel from the Faculty of Arts and Sciences

*Emerging Issues in Non-Financial Reporting at Royal Dutch/Shell*, led by Robin Aram and Alan Detheridge of Shell International, with comments by V.G. Narayanan and Jed Emerson from Harvard Business School

*General Electric: Importing Early Dispute Resolution to Italy*, led by Michael Wheeler from Harvard Business School

Our other efforts followed the pattern of past years. Two new colleagues joined the LVDM teaching group, Lynn Paine added five new cases to her course "Managing Across Cultures," and is working on a book about changing corporate values, and Joe Badaracco is completing a book, which will be published in the fall, entitled *Leading Quietly: An Unorthodox Guide to Doing the Right Thing*.

### Design

(reported by Victoria Beach)

This year is the first that our principal ethics course, now "Introduction to the Practice of Architecture" was a requirement for all students in the Masters in Architecture program at HSD. The course was first given as a seminar in 1996-97, and has been jointly taught by Carl Sapers, adjunct professor, Mack Scogin, former chair of Architecture, and Victoria Beach, lecturer, architect, Yale-

trained theorist, and former Faculty Fellow in Ethics.

This year's change in format to a lecture course included some changes of content as well. Students attended a weekly lecture by all three instructors as well as a weekly seminar led by one of the three instructors. For the first time, the lectures included discrete presentations devoted to general theories of ethics and of the professions. Ideas drawn from Arthur Applbaum, Aristotle, Derek Bok, Michael Davis, Robert Gordon, Regina Herzlinger, Kant, Elliot Krause, David Luban, Machiavelli, Mill, Talcott Parsons, Arnold Relman, Rousseau, Paul Starr, Adam Smith, and Judith Jarvis Thomson were explored. All this was facilitated by a completely re-designed, multi-media Web site which enabled students and instructors to have access to all readings, visual materials from in-class lectures, links to related sites, as well as completed assignments from past years.

The course is taught primarily from materials developed by its instructors. 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; design quality in circumstances of diminished project control; the effects of professional specialization on fiduciary responsibilities; the cross-cultural dimensions of international work; and various conflicts among duties to clients, professional standards, and the community.

The architect featured in the case (often a nationally-recognized professional) then

meets with the class in person to discuss the issues the students wish to raise.

The course materials have also become the foundation for the newly established Ethics Forum. Sponsored by the local branch of the American Institute of Architects and chaired by Beach, it is the first academic colloquium of its kind for local design professionals.

Other current HSD courses that explore the ethical dimensions of architecture and its practice include: "Green Modern: A History of Environmental Consciousness in Architecture from Patrick Geddes to the Present" and "Practices in Democracy," taught by Hashim Sarkis; "Introduction to Architectural Theory," taught by Michael Hays; "Eco-Psychology," taught by Robert French; and "Legal Aspects," taught by Carl Sapers.

### **Divinity**

*(reported by Nancy Nienhuis)*

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, the Center for the Study of World Religions, the Women's Studies in Religion Program, and the Urban Ministry Fellowship Program, 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,

medicine, and civic renewal and political discourse. A large number of faculty teach courses on or closely related to ethics. Bryan Hehir, Chair of the Executive Committee, continued to offer courses on political and moral criteria for the use of force and on Catholic social teaching, tradition, and ethics. Preston Williams offered courses on African American ethical perspectives, human rights, and on the ethical and religious teachings of Martin Luther King Jr., while David Little, Director of the Center for the Study of Values in Public Life, taught "Religion, Nationalism and Peace" and "Religion and Human Rights." Arthur Dyck taught a course on ethics in medical practice, as well as a "Theological Perspectives in Clinical Ethics and Health Policy" seminar that emphasized care for the dying.

Ralph Potter taught courses on moralists, the ethics of relationships, and on Christian social ethics. Traci West, a visiting scholar in the Women's Studies in Religion Program, taught "Christian Ethics in Context: Race, Gender, and Public Practice." Adjunct lecturer Jim Wallis offered a course called "Faith, Politics and Society," while adjunct lecturer Richard Parker taught in the area of religion, politics, and public policy in the United States.

The Center for the Study of Values in Public Life is an educational, research, and teaching institute at the School involved in executive and public education on key moral issues. It was founded to examine and clarify competing value commitments in public debates, policies, and institutional practices, both domestic and international, with special attention to the role and influence of religion and religious institutions. Its major objective is to promote conscientious and responsible participation in public life at home and abroad, particularly in regard to mitigating

violent conflict, developing democracy and civil society, and humanizing the economy.

The Director, David Little, has continued his work on religion, nationalism, and intolerance, with a focus on the role of religious institutions in mitigating ethno-religious conflict. A series of conferences, extending into the spring of 2002, will examine cases such as Sri Lanka, Sudan, Israel, Bosnia and South and North Korea, and will bring together international scholars, practitioners, and policymakers. The first conference of the series, "U.S. Policy and Bosnia: Religion, Human Rights, and Peace," was held in April and featured Ambassador John Shattuck, former Assistant Secretary of State for Democracy, Human Rights, and Labor. Ambassador Shattuck was responded to by Paul Mojzes, an expert on the role of religion in the former Yugoslavia, and James O'Brien, who served as Special Adviser to the President and as the Secretary of State for Balkan Democracy in the Clinton administration.

In the area of education and domestic moral issues, the fourth annual 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 Preston Williams, this program builds on two decades of collaboration between the Divinity School and its African-American alumni and communities of faith.

The Fellows program supports scholars and practitioners in the area of civil society and democratic renewal. The 2000-2001 Fellows were Pumla Gobodo-

Madikizela a South African psychologist who spent three years as a member of the Truth and Reconciliation Commission in South Africa; Mary Hunt, the co-founder and co-director of the Women's Alliance for Theology, Ethics and Ritual (WATER) in Maryland; Bill McKibben, a writer and activist who has been a leader in the environmental movement for the past 10 years; and Julie Nelson, an associate professor of economics at the University of Massachusetts.

In 2001-2002 the Center will host four Research Associates: James Carroll, author, and columnist for the Boston Globe; Rita Nakashima Brock, feminist liberation theologian and former Director of the Bunting Fellowship Program at the Radcliffe Institute for Advanced Study; Paula Rayman, economist and sociologist, and Linda S. Wilson Director of the Radcliffe Public Policy Center at Harvard; and Lucie White, Professor of Law at the Harvard Law School.

The Center continued its collaborative research program on the social role of faith-based organizations co-sponsored with the Hauser Center for Non-profit Organizations. The development of the Joint Program on Religion and Public Life (JPRPL) is under the guidance of a university-wide faculty steering committee comprising Mary Jo Bane, Brent Coffin, Peter Dobkin Hall, Bryan Hehir, David Little, Martha Minow, Mark Moore, Ronald Thiemann, and Christopher Winship; Nancy Ammerman and Mark Chaves are also advisory members. Mary Jo Bane, Professor of Public Policy at the Kennedy School, and Brent Coffin, CSVPL program director on religion, democracy and civil society, co-direct the program. Anne Mathew serves as the program administrator.

The Mission of JPRPL is to enhance academic and public understanding of the role that religious vision and religious institutions make to the quality of the private and public life of our nation; to help religious leaders develop ministries that effectively link individual spiritual aspirations to the creation of humane, democratic communities; and to ensure that public policies protect religious freedom and diversity, and support rather than suppress the valuable contributions that religious commitments can make to public life.

**The Center for the Study of World Religions** engages in the study of religious life in communities throughout the world and human history, and seeks to understand the meaning of religion with sympathetic insight, and to analyze with scholarly integrity the role of religion in a global perspective. Through its fellowships, conferences, public lectures, research, and publications, the Center encourages multi-disciplinary approaches to religious expressions. An example is the Religions of the World and Ecology conference series. Between 1996 and 1998, some 700 scholars, religious leaders and environmental specialists collaborated or participated in conferences on the relationship between ecology and the religious traditions of Buddhism, Confucianism, Shinto, Hinduism, Indigenous Traditions, Judaism, Christianity, Islam, Taoism, and Jainism.

This year the CSWR initiated a new program called the Religion, Health, and Healing Initiative. The RHH Initiative has been established in order to further cross-cultural studies of the intersections of healing and religion. The impetus for the initiative is the desire to turn rigorous intellectual attention to the many ways in which religious practices, beliefs and

institutions construct, and are constructed by, experiences of illness, health and healing cross-culturally.

Through a variety of research projects, publications and conferences, the Center for the Study of World Religions aims to catalyze conversations between medical communities and religious communities. A key mission of the RHH Initiative is to expand and deepen understandings of what each of these communities has to offer to the healing enterprise, and to facilitate broad based and interdisciplinary efforts to address problems of illness and suffering in the 21st century. The centerpiece of the RHH Initiative will be a series of conferences addressing theoretical questions of importance to scholars of religion and to practitioners both of biomedicine and of religion. In conjunction with the Boston Medical Center's Healing Landscape Project (under the direction of Dr. Linda Barnes) and with the assistance of Harvard University's Pluralism Project, this project promises to offer novel insights into the diversity of religious healing practices in urban America. The project is led by Dr. Susan Sered.

**The Women's Studies in Religion Program** fosters critical inquiry into the interaction between religion and gender in world religions. This year's Research scholars and their projects included Sidnie Crawford: "Making Women Visible: What the Dead Sea Scrolls Say about Women"; Sue Houchins: "Conjuring Identities: Religious Representations of Black Lesbian Women"; Oyeronke Olajubu: "Veritable Vehicle of Traditions: Women in Yoruba Christianity and Indigenous Religion"; Tracy Pintchman: "Guests at God's Wedding: Hindu Women Celebrating the Marriage of Krishna and Tulsi"; and Traci West: "Locating Our Worth: Moral Discourse,

## Spiritual Consequences and Black Women's Lives."

This year the WSRP co-sponsored a seminar on "Religion and Sex in American Public Life" with the Center for the Study of Values in Public Life. The keynote speaker, Dr. Kathleen Sands, Associate Professor of Religious Studies at the University of Massachusetts, Boston, addressed the complexities and conflicts that exist both between and within America's various religious traditions with regard to the topic of sexual ethics. Sands was responded to by WSRP Scholars Traci West and Sue Houchins; CSVPL Fellow Mary Hunt; and Rita Nakashima Brock, Director of the Bunting Fellowship Program at Radcliffe.

The new WSRP scholars include Joan Branham, studying "Sacred Space as Gendered Space: Women, Blood, and Sacrifice in Late Antiquity"; Anne Lapidus Lerner, "Visions of Eve: Contemporary and Classical Interpretations of Eve in Jewish Literature"; Vijaya Nagarajan, "Hosting the Divine: The Kolam in Tamil Nadu"; Michelene Pesantubbee, "Ohoyo Osh Chisba: The Legacy of Corn Woman"; and Emilie M. Townes, "Dismantling Evil: Black Women's Religious Moral Wisdom in the Analysis and Critique of the Cultural Production of Evil."

### 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 distribution of scarce resources. Over the past few years, the number of courses focussing explicitly on ethical issues has

increased dramatically. Julie Reuben's "The Elusive Quest for Equality" considers how conceptions of equality have evolved in the United States, and how those changes affect education. Fernando Riemers' "Education, Poverty, and Inequality in Latin America" and Emily Hannum's "Education and Social Inequality in Comparative Perspective" look at issues of equality and education cross-culturally. Howard Gardner's "Creativity and Morality: Need They Be Disjunct?" and Janine Bempechat's "Social and Moral Development," focus on moral psychology. Catherine Elgin's "Philosophy of Education" considers both the ethical obligations of educators and the possibility of moral education. Eileen de los Reyes' course, "Introduction to Critical Theory and Pedagogy" introduces students to the perspective of the Frankfurt School. Jocelyn Chadwick's course "Free Speech in the English Classroom" confronts censorship, freedom of thought, and the moral obligations of educators and schools. Gary Orfield regularly teaches courses on civil rights.

This year, the Askwith Education Forum sponsored several presentations dealing with ethics and education. Students from the Boston Arts Academy, under the direction of Wyatt Jackson, presented *The Respect Project*, a program of dances, songs, scenes, and monologues inspired by Sarah Lawrence-Lightfoot's book, *Respect*. Robert Moses's "Radical Equations: Math Literacy and Civil Rights" made the case that mathematical competence is vital to the achievement of civil rights. The conviction that ethics and politics are somehow supposed to be separate from mainstream academic achievement is, he maintains, untenable. Nancy Folbre spoke about her book, *The Invisible Heart: Economics and Family Values*. The Principals' Center sponsored lectures by Sissela Bok on violence as public entertainment, by Gary



Orfield on equity and high-stakes testing, and by William Julius Wilson on "The Bridge over the Racial Divide: Rising Inequality and Coalition Politics."

Some of the best doctoral dissertations being done at the Graduate School of Education concern ethics. Among their subjects are: Communitarianism and Public Education; The Professional Ethics of Teaching; and Dewey's Ethical Theory.

This year, Professor Catherine Elgin was a member of the seminar for Faculty Fellows at the Center on Ethics and the Professions.

**Government (Kennedy School)**  
(reported by Arthur Applbaum)

This year the Kennedy School has taken major steps in senior faculty appointments. The prominent moral philosopher Frances Kamm, who has been offered a permanent position, will be courted as a visiting professor in calendar year 2002. Michael Ignatieff, the leading public intellectual on human rights, has been appointed to a Professorship of Practice and has begun serving as the first director of the Carr Center on Human Rights Policy. Arthur Applbaum completed his first year as Professor of Ethics and Public Policy.

The core ethics course for the Master of Public Policy students, now long-established, is expanding the roster of faculty members who can teach in it. Archon Fung was brought on to observe the course and will join the teaching staff in the fall, and Kamm will teach a section in 2002.

The cause of "ethics across the curriculum" was advanced by Spring Exercise, a two-week integrative project

for the MPP class. This year, AIDS in Africa was the topic, and the issues in moral and political philosophy raised by the crisis were central to the assignment.

Under the leadership of its new director, Michael Ignatieff, and executive director Samantha Power (a former Graduate Fellow in Ethics), the Carr Center was bustling with activity. With the publication of *Realizing Human Rights: Moving from Inspiration to Impact* (St. Martins, 2001), edited by Samantha Power and Graham Allison, the Center launched a book series. With a grant from the Carnegie Corporation of New York, the Center began a research project on national security and human rights. The Center hosted conferences on the use of force and human rights; the role of human rights organizations in the fight against AIDS in Africa; corporate social responsibility; and United Nations refugee policy (with the incoming UN High Commissioner for Refugees). The Center sponsored more than 75 guest speakers on topics including, genocide, the Kosovo crisis, commerce and human rights, transitional justice, technology and human rights, domestic human rights, and oppression and discrimination; as well as a fifteen-part speaker series focusing on AIDS in Africa.

The Women and Public Policy Program, chaired by Professor Jane Mansbridge and directed by Ambassador Swanee Hunt, is running at full speed. The Program hosts weekly invited speakers and a number of Forum events. Among its major initiatives, the Program has launched "Women Waging Peace," which brings to the Kennedy School each year for two weeks women peace activists from both sides of about twenty conflict areas around the globe, from the grassroots through the parliamentary level, to talk with policymakers and to form a network that will sustain them in their

activities. Research on the role of women in peacebuilding processes forms an integral part of the project. The 2001 Research Symposium will produce a volume entitled *How Women Wage Peace*. The 2000 Research Symposium produced "Ethical Guidelines for Research in the Field" for academic researchers entering conflict areas. A small post-doctoral program, joint with the International Security Program of the Belfer Center for Science and International Affairs, also focuses on questions of gender and international security. A workshop on Gender and Transitional Justice in November 2001 will bring together young scholars from several universities in the field of international security and activists with experience in the institutions of transitional justice in several countries. An early project, Project Protection, monitored legislative treatment of the commercial sexual exploitation of women around the world, and studied the role of women in grassroots political movements and nongovernmental organizations. A conference on Women, Religion, and Public Policy, hosted jointly with the Divinity School, examined how religion shapes public policies that affect women's lives and how it motivates women to seek changes in public policy. The Program plans a conference on Feminist Theory for the academic year 2002-2003.

The Genetics and Society Colloquium, under the Program on Science, Technology, and Public Policy directed by Sheila Jasanoff, hosted a speaker series on the ethical, legal, and cultural implications of genetic research and technology. One of the speakers was Susan Wolf of the University of Minnesota, a former Faculty Fellow in Ethics, whose topic was: "Law and Genetics: Tangled in a Double Helix." In the spring, some of the leading figures in genetic research and its applications

from around the world attended a workshop entitled "Owning Up: Bodies, Selves, and the New Genetic Property." Arthur Applbaum chaired one of the panels.

Following on the success of last year's university-wide faculty seminar on comparative professional ethics, Ken Winston co-chaired a seminar on "The Professions in Asia." The seminar will continue next year and culminate in a volume of essays. Winston co-chaired a KSG-sponsored workshop on "Ethical Issues in International Health Research" near Durban, South Africa. At the workshop, he used a video produced in collaboration with the Kennedy School Case Program and tested with staff members of South Africa's Africa Centre, the research group featured in the video. With the support of the Kennedy School and the Harvard Asia Center, Winston also taught ethics classes at Peking University and talked with faculty members about introducing case teaching in a new public policy program.

Among the honors received by our faculty, Fred Schauer has been awarded a Guggenheim Fellowship for a book entitled "Generality and Justice," gave the Roger Arron Lecture on the Philosophy of Law at Dartmouth, and the Donley Memorial Lectures at West Virginia University. Arthur Applbaum gave the Morris Gross Memorial Lecture, "Law in a Bastard Kingdom," at the University of Toronto Law School and the Sadoff Memorial Lecture, "Rich Drugs in Poor Countries," at the University of Minnesota. Dennis Thompson, who we hope will be relieved to discover that the School survived his absence, will return in the fall from his sabbatical in Stanford at the Institute for Advanced Study in the Behavioral Sciences.

## Law

*(Reported by David Wilkins and others)*

Under the leadership of the Program on the Legal Profession, directed by Professor (and former Faculty Fellow in Ethics) David Wilkins, the Law School continues to make great strides towards meeting its goal of placing legal ethics teaching and scholarship at the center of the school's intellectual life. Ethics-related courses, conferences, joint lectures, and panel discussions attract large numbers of students, academics, and practitioners from around the country to discuss a broad range of ethics and moral issues in the practice of law. Several law school faculty are active members of the Center, and their experience has influenced the work of their colleagues and students at the School. In recognition of the importance of ethics issues to its future – and the future of the profession it serves – the Law School faculty has pursued the goal of developing and expanding the study of lawyers and legal ethics through the Program on the Legal Profession. This is now a core component of its recently adopted Strategic Plan.

The law school continues to offer its normal complement of ethics courses, including both general survey courses ranging from 2 to 4 credits and several specialized courses focusing on ethics issues in specific practice settings, including transnational practice, trial work, and Federal tax practice. In addition, this year students were offered three new courses in the ethics area. The first, entitled "Professional Service Firms in the Twenty-First Century" and taught by Professor Wilkins and Dr. Elizabeth Chambliss, Research Director of the Program on the Legal Profession, examined ethical issues raised by the creation of global multidisciplinary

professional service firms. The course featured a number of distinguished guest speakers, including HBS Associate Professor (and former Faculty Fellow in Ethics) Ashish Nanda who lectured on conflicts of interest; Professor Marc Galanter of the University of Wisconsin Law School who lectured on the differing professional norms of English and US lawyers; and Louise Trubek, also of the University of Wisconsin Law School, who lectured on ethical issues in multidisciplinary "social justice collaborative" that serve low and moderate income individuals. Second, Professor William Alford and SJD Candidate (and former Graduate Fellow in Ethics) Eli Wald taught a course entitled "So You Want to be a Lawyer?" which examined the fundamental ethical, moral, and social underpinnings of the American legal profession. Finally, Professor Lari Guinier taught a course entitled "The Responsibility of Public Lawyers" which examined the ethics of representation for lawyers in public service and public interest settings. In addition to the above courses, the study of ethics is introduced into the first year curriculum through a special exercise in the Law School's pilot course on "Lawyering," through ethics exercises devised for students in clinical placements at the Cambridge and Somerville Legal Services immigration law unit, and through guest lecturers such as Kenneth Fraizer, general counsel of MERCK, who lectured in Professor Wilkins' legal profession class on ethical issues facing drug companies and their lawyers in connection with the distribution of AIDS drugs in the United States and Africa.

This year, the Program on the Legal Profession commenced a major initiative to study "Ethical Infrastructure in Large Law Firms." This project is the first of its kind to study and evaluate the policies and practices that large law firms and similar

institutions use to address ethical problems and to reinforce professional norms. In the spring, the Program conducted two focus groups related to this project. The first brought together law firm managers, government regulators, in-house general counsels, bar officials, and insurance representatives to identify the major ethical problems facing large law firms and to discuss research strategies for gathering information about these problems and designing potential solutions. The second brought together in-house ethics specialists from leading law firms to discuss "best practices" in identifying and resolving ethical issues in large law firms. Professors Wilkins and Dr. Chambliss plan to report on the findings of these two focus groups at several conferences in the summer and fall.

Professor Wilkins is also involved in a number of other studies of the structure, norms, and demographics of the American legal profession including a study of third year law students, designed to investigate, among other things, how law students' values affect their career choices; interviews with more than 250 black lawyers in corporate law firms; and a national ten year study of lawyers' careers. Professor Wilkins' publications this year relating to these projects include: "What Law Students Think They Know About Elite Law Firms: Preliminary Results of a Survey of Third Year Law Students," "Why Global Law Firms Should Care about Diversity: Five Lessons from the American Experience," "Rollin' On the River: Race, Elite Schools, and the Equality Paradox," and "Beyond 'Bleached Out' Professionalism: Defining Professional Responsibility for Real Professionals," which appeared in a volume entitled *Ethics in Practice: Lawyers' Roles, Responsibilities, and Regulation*, Oxford

University Press, edited by Deborah Rhode.

Finally, in September, 2000 the Program joined together with the Dean, President Neil Rudenstine, and the rest of the Harvard community to welcome back to Cambridge over 600 black law school graduates for A Celebration of Black Alumni. Ethics related issues were featured prominently at this historic gathering, including plenary panels on the moral responsibilities of black lawyers to the black community and an intergenerational conversation on leadership moderated by Professor Lani Guinier. The Program also presented preliminary results from the Black Alumni Survey. A final report on the State of Black Harvard Law School Alumni will be completed and distributed this fall.

A strong group of ethics faculty, including former Faculty Fellows and Faculty Affiliates of the Ethics Center, offer a variety of courses and seminars, including several jointly taught with ethics faculty from other departments and schools. For example, Richard Fallon and Fred Schauer, Academic Dean of the Kennedy School, have jointly taught the Constitutional Law course, "The First Amendment's Speech and Press Clauses." Another joint enterprise, now in its third year, is the Constitutional Law and Legal Theory Colloquium, led by Martha Minow, Richard Fallon, and Frank Michelman. This attracts faculty from across the University, including the Faculty Fellows in Ethics. Speakers and topics this year were: George Kateb: "Wildness and Conscience: Thoreau and Emerson"; Elizabeth Anderson: "Integration, Compensation, and Affirmative Action"; Larry Kramer: "After the Founding: Political Parties and the Constitution"; Kim Lane Scheppele: "Requiem for the Rule of Law: The 2000 Election and American Courts"; Thomas Scanlon: "Moral Assessment and the

Agent's Point of View"; Thomas Nagel: "Justice in Taxation"; and Eugene Volokh: "A Common-Law Model for Religious Exemptions."

Martha Minow, as well as serving as Acting Director of the University Center for Ethics in Dennis Thompson's absence, continued to teach her course in Civil Procedure, and a seminar on Law and Society. She also made several outside presentations including two keynote speeches: The Justine Wise Polier Memorial Lecture, Citizens' Committee for Children of New York, at the NYU Medical Center: "In the Meantime: The Gap Between Promises and Realities for Kids"; and at the Conference on Universal Jurisdiction at Princeton University's Woodrow Wilson School of Public and International Affairs: "Seventy-five Years After Pierce: A Colloquium on Parents, Children, Religion, and Schools." Other invitations included the Ralph E. Kharas Visiting Scholar Lecture, Syracuse University Law School, "Access to Justice and Health: The Roles of For-Profits and Religious Organizations"; and the Roberts Lecture at the University of Pennsylvania Law School: "On Being a Religious Professional: The Religious Turn in Professional Ethics".

Carol Steiker, Associate Dean for Academic Affairs and former Faculty Fellow in Ethics, taught the first-year required course on Criminal Law and a seminar on Capital Punishment and led a reading group on Criminal Justice theory. She addressed "American Exceptionalism and the Death Penalty" at a conference at the University of Texas School of Law and debated the merits of both the death penalty as policy and the success of the U.S. Supreme Court's constitutional regulation of capital punishment in forums sponsored by groups as diverse as

the Harvard Federalist Society and Amnesty International. She is currently working on an article entitled, "Should Abolitionists Support Legislative 'Reform' of the Death Penalty?" for a symposium issue of the Ohio State Law Journal.

Richard Fallon, a Visiting Professor in Ethics in the Center in 1995-96, taught a Constitutional Law and Legal Theory Seminar—partly in conjunction with the Constitutional Law and Legal Theory Colloquium which he led with Martha Minow and Frank Michelman. Fallon's latest book: *Implementing the Constitution*, published by Harvard University Press, discusses the role-based and other ethical obligations of public officials, as well as judges. In his courses on the Federal Courts and the Constitution, he continues to address issues of applied ethics in law and in various roles within the law.

### Medicine

(reported by Joel Roselin and others)

This academic year has seen tremendous activity in medical ethics at the Division of Medical Ethics and throughout the Medical School. New initiatives for student learning, interfaculty dialogue, and community outreach joined an established roster of educational and research efforts to expand the depth and scope of the Division's programs. As this report demonstrates, the Division is dedicated to increasing the role of ethics on the Medical School campus and beyond.

### Undergraduate Medical Education

The Division is committed to educating HMS students on a wide range of issues in ethics and values in medicine by introducing them to the complex social issues confronting medical professionals

today and laying the groundwork that will prepare students to handle the ethical challenges they will encounter throughout their medical careers. Through a broad range of course offerings and a very active program of extra-curricular events, HMS students are exposed to a wide variety of issues and provided with the skills to systemically address moral and ethical dilemmas.

In addition to its three popular selective courses ("Moral Aspects of Dilemmas in Medical Practice," "Living with Life-Threatening Illness," and "Literary Narratives and Ethical Issues"), the Division offered a newly revised Advanced Basic Science course, "Pain and Palliative Medicine: From Basic Science to Clinical and Ethical Concerns." The month-long course, for fourth-year students, is a unique integration of basic science, cutting-edge research, clinical practice, and social and ethical issues around a critical medical topic.

In the fall, Walter Robinson will offer a new introductory course for first-year students, "Introduction to Ethics of Clinical Practice," that will make use of detailed clinical cases from local hospitals to explore the issues of medical ethics that physicians confront in clinical practice.

Several new initiatives have expanded our education efforts. As part of the new Social Medicine Commons, a year-long program that introduces first-year students to topics in social medicine, the Division presented three seminars in the series: Walter Robinson on end-of-life decision making; Lisa Lehmann on ethical issues in genetic testing; and Marcia

Angell on research in developing countries. Under the direction of Lisa Lehmann the Division launched a longitudinal Medical Ethics Track to make available to interested HMS students a variety of courses, clinical experiences, and research opportunities to pursue throughout their four years at HMS.

Recognizing that the formal curriculum provides limited time to address ethical issues, the Division has developed an extensive program of events in the "informal curriculum." Taking advantage of the Division's flexibility to create innovative programs, activities are targeted to students at different stages in their education while addressing issues of professional, clinical, personal, and social growth, and are planned to coincide with and enhance students' educational tracks and development.

This year saw the creation of several new student-centered events and programs. "ER: Ethics Rounds" uses the television program "ER" as the starting point for discussions about ethical and social issues. The bi-monthly lunchtime seminars for first- and second-year students led by Joel Roselin encourage students to project themselves into the fictional situations and to ask themselves, "What would I do?" In connection with the visit and lecture by Sister Helen Prejean, anti-death penalty advocate and author of "Dead Man Walking," the Division organized a week-long series of activities designed to challenge students to think about the medical profession's response to capital punishment. These included a screening and discussion of the film version of "Dead Man Walking" and a seminar on ethical

issues in physician involvement in the death penalty hosted by Robert Truog. Other on-going educational programs for students include the annual Henry K. Beecher Prize for the best student essay in medical ethics. The prize, won this year by third-year student David Walton for his paper, "The Failure of Medical Ethics: Medical Ethics and International Research Trials," has been endowed in perpetuity through the efforts of Edward Lowenstein, the chair of the Beecher Prize Committee. The Ethics in the Clerkships program will continue to provide first- and second-year students the opportunity to discuss the ethical dilemmas that arise in the clerkship experiences of their third- and fourth-year counterparts.

In addition to creating programs for students, the Division supports student-initiated programs such as the *Journal on Medical Ethics* (the successor of the Division-founded *HMS Student Journal of Ethics*). Now in its second year, the student-edited *Journal* publishes material from medical and graduate students from the U.S. and abroad. The Division provides advisory input and financial assistance for the *Journal* and the public forum that accompanied its launch. The Division also provided guidance and financial support to the Harvard Health Caucus for their yearlong program on the medical and social implications of the Human Genome Program.

### **Public Programs**

The Division's Public Programs engender a vigorous public debate and educational agenda around the critical social and ethical health issues of our time. Headed by Joel Roselin, the programs provide a

model for airing important discussions among many constituencies, fostering dialogue and debate, and leading to deeper engagement, more sophisticated analyses, and better public understanding of the complex issues within medical ethics. These constituencies include students, HMS- and hospital-based faculty, members of the Harvard University community, and members of the public at large.

One example of the efforts to bring educational events to other communities is the Harvard-Fox Hill Village Medial Ethics Series, a pilot program that has taken Division faculty and others to a local assisted-listing facility for lectures on the ethical and social implications of the Human Genome Project. The program's novel approach for bringing ethical debate out of the academy and into the community was expanded this past year with Division programs for various local community groups including a North Shore synagogue and a South Shore senior center. And working with the American Repertory Theater in Cambridge, the Division helped create an interactive audience discussion about issues raised in the ART's production of Shaw's "The Doctor's Dilemma."

The Division's active schedule of lectures brought to the campus a wide range of individuals who addressed ethical and moral issues from truly diverse perspectives. These included hospice founder Dame Cicely Saunders, this year's George W. Gay Lecturer in Medical Ethics, who encouraged students and faculty to work to improve the care of dying patients; Sister Helen Prejean, who challenge her audience to think about the death penalty as, among other things, a health issue for

the medical profession to address; and Dr. LeRoy Carhart, who discussed his experience challenging restrictive abortion laws up to the U.S. Supreme Court at this year's Lawrence Lader Lecture on Family Planning and Reproductive Rights.

The Division remains aggressive in its responsiveness to emerging events and ideas by creating programs that address critical issues of the day through several Medical Ethics Forums each year. To address ethical issues around medical error the Division mounted "Medical Error: Patients in Peril?," a panel discussion that examined sleep deprivation and related causes of error and what can and should be done to reduce it. At a forum on "International Public Health Ethics," Dr. Paul Farmer and Pulitzer-prize winning author Laurie Garrett discussed the failure of many public health efforts to address gross inequities in world health. In the program "Ethics and Phase I Clinical Trials" a panel of researchers, lawyers, policy makers, and ethicists debated the effects of the therapeutic misconception on dying patients recruited into clinical research trials. And in a forum on "Ethics and Medical Student Debt" Dean Daniel Federman moderated a discussion among a panel of students, former students, and others on the impact of mounting debt on individuals and the profession.

#### **Fellowship in Medical Ethics**

The Division's Fellowship in Medical Ethics celebrated its tenth anniversary this year, with a gathering of returning fellows from the past ten years. Under the leadership of Walter Robinson, the Fellowship seeks to broaden the scope of

education and research in medical ethics to include not only the normative insights of philosophy but also the descriptive power of the social sciences and humanities. Toward that end, the fellowship brings together physicians and nurses, lawyers, social scientists, and academics from diverse fields such as religion and literature to examine the fundamental moral, social, political, and historical forces that shape contemporary medical practice. The structure of the Fellowship, with time commitments that can be tailored to the needs of both full-time clinicians and academics on sabbatical, reflects the Division's view that education and research in medical ethics should build upon previous academic and clinical work.

The Fellowship seminars reflect this commitment to a broader scope of topics in medical ethics. Recent seminar topics have included the use of cochlear implants in pre-lingual deaf children, the meaning of sexuality in the context of new technologies for assisted reproduction, and the historical contexts of brain death and organ transplantation.

The Fellows draw on experts in clinical ethics from the surrounding Harvard-affiliated hospitals as advisors and mentors, and each develops a specific research project for which a manuscript is completed by the end of the year. In recent years, the Fellowship has grown into a nationally and internationally recognized program for education and research in the social, historical, and philosophical aspects of medical practice, and both the number and quality of the applicants has steadily increased.



Graduates of the fellowship program have taken leadership roles in developing clinical ethics programs at the Harvard-affiliated hospitals and other clinical centers, thus furthering the Division's reach and influence. Several Fellows have continued their work in ethics during fellowships at the University Center for Ethics. In addition to the fellows who are working in HMS departments, affiliated hospitals, and the Harvard School of Public Health, former fellows now are appointed in the medical ethics sections of the University of Connecticut School of Medicine, Gadjah Mada University School of Medicine in Yogyakarta, Indonesia, and Medecins Sans Frontieres-Holland in Amsterdam, Netherlands, as well as the philosophy departments at Amherst College, Drew University, and UMass Boston. In the past two years alone, papers written by fellows based on work during the fellowship year have appeared in the *New England Journal of Medicine*, *The Journal of the American Medical Association*, *The Journal of Clinical Ethics*, *The Journal of Law and Medicine*, *Perspectives in Medicine and Biology*, *Ethics and Disability*, and *The Medical Journal of Australia*.

#### **Program in the Practice of Scientific Investigation**

Established in 1990 by the Division of Medical Ethics, the Program in the Practice of Scientific Investigation is intended to fulfill federal mandates for training in the responsible conduct of research. Under the new leadership of Walter Robinson, the Program has expanded beyond its original mission and now serves researchers from throughout the School and the affiliated hospitals. Last year, Dean Joseph Martin made

attendance at the Program's sessions mandatory for all trainees and post-doctoral fellows in the Medical School Quadrangle, not only those covered by the federal guidelines.

The Program seeks to increase understanding of how established guidelines and ethical standards apply to actual research situations facing investigators. Sessions offered during this academic year included discussions of authorship of scientific papers, data interpretation and management, mentorship, inter- and intra-lab relationships, and conflict of interest.

#### **Collaboration Beyond the Medical School**

An important goal for the Division is the fostering of communication and collaboration in medical ethics among faculty at the affiliated hospitals and among members of the faculties of other Harvard Schools. Several programs contribute to that effort, including the Clinical Ethics Consortium, the Faculty Seminar, and the Pettus-Crowe Seminars.

Now in its third year, the Harvard Clinical Ethics Consortium under the leadership of Robert Truog has continued to provide opportunities for collaboration among the clinical ethics programs in each of the affiliated hospitals. The Consortium meets monthly for a luncheon conference to discuss and critique recent ethics consultations. Members from the ethics committee of one hospital present the case, after which members from the ethics committee at another hospital comment upon the case and discuss how the case might have been handled at their institution.

During the past year, we had sessions dealing with the emerging controversial practice of non-heart beating organ donation, including both review of a particular case and more general analysis of the policies currently in place or under development within the Harvard system. We discussed the high profile case of a pregnant woman from a religious sect who refused medical intervention, which involved Harvard clinicians and which received prominent attention in the national media. We had sessions focusing on medical "futility", decision-making for a Jehovah's Witness adolescent who refused blood products, and whether small children could be tested for genetic disease predisposition at the request of their parents, among other topics.

The Medical Ethics Faculty Seminar, under the direction of Marcia Angell, continues to be an important forum, bringing together physicians, nurses, chaplains, and others involved in medical ethics from the Medical School and the affiliate hospitals to engage with national figures in the field of ethics for discussion and debate.

This year the Seminar focused on an overarching theme - the Ethics of Clinical Trials - and speakers addressed different aspects of that theme. Speakers and topics included Dr. Angell, who offered an overview of the issues; Greg Koski on the ethical conditions necessary to launch a clinical trial; Robert Veatch on informed consent of human subjects; Joseph Martin on financial conflicts of interest in clinical research; Walter Robinson on trials involving human subjects not competent to give consent; Robert Temple on the use of placebos in clinical trials; Julie Buring

on rules for stopping a clinical trial; and David Rothman on clinical trials in the Third World.

Now in its second year, the monthly Pettus-Crowe Seminar Series brought together University faculty from diverse disciplines to look at ethical and social science responses to the Human Genome Project. The yearlong series culminated in a two-day meeting at which scientists, social scientists, philosophers, and others from around the country discussed the present and future impact of the HGP on society. The program was made possible by a generous grant from the Pettus-Crowe Foundation and was organized by Dan Callahan, Allan Brandt, and Karen-Sue Taussig.

### **Research**

As part of our ongoing responsibility to further the understanding of the social and moral aspects of health care, the Division directs a vigorous scholarly program of research in ethics, values, and the medical culture, providing support and encouragement to researchers from throughout the Medical School and the affiliate hospitals. Current research projects, applying both empirical and theoretical research methods, include truth telling in oncology; a national survey of medical ethics education; practicing pelvic exams on anesthetized gynecological patients; prevalence and attitudes of fourth year medical students; a national review of informed consent for phase 1 clinical cancer trials; iatrogenic events requiring admission to an intensive care unit; informed consent for genetic research in epidemiological studies; the effect of disclosing financial incentives on patients' trust; a program to enhance family-centered care for children with life-threatening diseases; a project to

improve the care of seriously ill ICU patients; brain death; ethical issues in the management of children with spinal muscular atrophy; a review project on DNR orders; the role of family interests in medical decision-making.

The Division's summer research program, led by Lisa Lehmann, provides medical students from HMS and elsewhere the opportunity to spend the summer pursuing supervised research projects and participating in an advanced ethics seminar. Last summer students undertook research into the ethics of medical education; why African Americans prefer more aggressive care at the end of life; a theoretical paper entitled "Rethinking Paternalism;" and a study of patient perceptions of medical student involvement in patient care. Students also have the opportunity to work on faculty-sponsored projects.

### **Public Health**

*(reported by Dean Barry Bloom)*

During this academic year, the School completed its self-study for submission to the accrediting board for schools of public health. This provided an opportunity to canvass representatives of the School's scientific constituencies and articulate the core values, concepts, and ethics of our community. A copy of that portion of the School's self-study is attached.

The search for a tenured professor of ethics to join the School's faculty was actively underway during this year. Several candidates visited the School and presented talks open to the School community providing a forum for discussion of these issues throughout the first half of the year. Topics included "Ethics and Double Standards in International Research"; "Defining and

Distributing Benefits of Multinational Clinical Research"; "Justice, Health and Health Care"; and "Can having children be unfair to the child? Implications for assisted reproductive technology."

The current climate, especially in the area of international research, is one of increased scrutiny. Secretary Shalala felt compelled to highlight concerns in this area to University presidents last summer and regulations governing both national and international research are being reviewed. At the School we have taken steps to provide additional resources and increase the level of expertise of our Institutional Review Board by providing for the addition of a doctoral level staff person. In addition, Sofia Gruskin, assistant professor of health and human rights, an international human rights expert and lawyer, has joined the SPH Human Subjects Committee to broaden the range of expertise and provide a high degree of sensitivity to human rights and cultural issues to the review of the School's research, especially international research.

Opportunities to expand the School's reach to individuals around the world have come through the *Program on Ethical Issues in International Health Research*, directed by Richard Cash and made possible from an NIH training grant. International research ethics-related educational initiatives developed and implemented include an annual SPH summer short course, "Ethical Issues in International Health Research"; international short-courses; the Program Web site and Internet discussion list; the Research Ethics Fellowship program; and case study development. This June the third annual course will take place at the SPH. Over the past year short-courses took place in Cuernavaca, Mexico and Kerala, India. Evaluations have rated all of these courses highly, and participants have expressed

great interest in this education. An interactive discussion list (listserv) and web site, <http://www.hsph.harvard.edu/bioethics>, have also been well received internationally with much participation coming from the developing world.

An International Bioethics Education and Career Development grant from the Fogarty International Center of the National Institutes of Health was awarded to the Program in November 2000. This grant will support two groups of four fellows for up to two years. During the first academic year, the fellows will take a series of courses at Harvard University, participate in a year-long seminar series, attend IRB committee meetings, and spend one week at the Department of Clinical Bioethics of the Warren Grant Magnuson Clinical Center at the National Institutes of Health. Fellows will also develop workshop curricula and a research project to be completed in their home country during the second year. This project will culminate in a one-month workshop at the World Health Organization in Geneva.

The individual departments and centers continue to embrace the need to include topics on ethics in their programming as well. Dean Bloom spoke twice during the year on ethical issues in HIV vaccine research, once to our summer institute and once to the Harvard AIDS Institute. Representative of the presentations were those sponsored by the departments of biostatistics and population and international health, the occupational health program, the center for population and development studies as well as the human subjects committee and student groups, and they covered issues as varied as ethics in clinical trials, studies involving

genetic markers, international research, and community-based research.

Our core course offerings around ethics education remain:

- Michael Reich and Marc Roberts continue to teach "Ethical Basis of the Practice of Public Health," a course required of all Masters of Public Health students.
- Troyen Brennan 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.
- Medical Area faculty members provide an overview of the various moral dilemmas that may arise in the conduct of research on public health issues in the spring lecture course, "Research Ethics in Public Health." This course is designed to fulfill the National Institutes of Health mandate to provide all NIH trainees with instruction in the ethical conduct of research, but is open to all.
- Richard Cash expanded his spring seminar "Ethical Issues in International Health Research" to a full course. The course examines how research is conducted in developing countries and explores ways of dealing with the different ethical issues that arise in international public health research.

## ***Addendum***

### ***From the Harvard School of Public Health Self-Study Report, prepared for the Council on Education for Public Health, March 2001***

#### **II.B.4 Definition of the professional health values, concepts, and ethics to which the school is committed and a description of how these are operationalized**

The Office for Professional Education assembled a committee of faculty, students, and alumni to help the school draft, in written form, a set of values and principles that hitherto had been implicit. The version that appears below also includes the ideas and perspectives of the dean and academic dean.

##### ***Core values, concepts, and ethics of the Harvard School of Public Health***

- Health is a fundamental right of every human being.
- Public health has the responsibility to improve and protect the health of all populations, especially the most vulnerable of these—children, the elderly, the poor, and the underserved.
- Public health must emphasize prevention and embrace collective, multifaceted action to respond to emerging challenges to health practitioners and researchers; it must investigate disease determinants and risks, improve health care quality and delivery, and influence policy.
- Institutions of public health should provide information that promotes health in populations and empowers individuals to make sound health decisions.
- The educational and research agenda of a public health institution must transcend local and national boundaries—health is a global concern.
- A public health institution should support the ideal of service in all its aspects—research, teaching, community involvement, and communication.
- All members of a public health institution should respect the highest principles of scientific and academic conduct, foster open inquiry, and honor individual rights.

##### ***Operationalization of public health values, concepts, and ethics***

*"The highest attainable standard of health is one of the fundamental rights of every human being."*

This phrase, taken from the Declaration of Alma-Ata, is inscribed in six languages on the exterior of the school's François-Xavier Bagnoud Building. Links between human rights and health status are explored in the curriculum, and at commencement each graduate of HSPH receives a copy of the Universal Declaration of Human Rights.

More broadly, the school's commitment to advancing the health of all populations is the centerpiece of and inspiration for HSPH's mission statement, goals, and objectives. The core values, concepts, and ethics expressed above are operationalized in the span of the research, educational, and service endeavors described in this document, in the school's interdisciplinary structures, and in the culture of the institution. To give a few specific examples, HSPH is home to major research efforts to confront AIDS, tuberculosis, and malaria, and has produced a landmark study on the global burden of disease. In spring 2000, the school sponsored a conference on the potential of the Internet to improve healthcare access in developing nations, as well as for underserved communities in the United States. Faculty members advise

governments on how they can best deliver health care and create partnerships with international, public-health training institutions. At home, the school has formed a coalition with local community groups to improve maternal and child health. HSPH environmental studies have been the foundation for national air-quality standards. Programs in public schools are teaching children the virtues of exercise and a healthful diet. Community-based research is illuminating the causes of violence and devising prevention programs to combat it.

HSPH also provides specific training in the ethics of public health. All MPH students are required to take an interdisciplinary course on the ethical basis of public health practice. All doctoral and postdoctoral students on training grants from the Public Health Service must take a lecture series on research ethics, and the school offers a seminar on international research ethics open to everyone.

## **II.B.5 Policies illustrative of the school's commitment to fair and ethical dealings**

The central vision of an ethical and fair academic environment for Harvard University is articulated in the University Resolution on Rights and Responsibilities:

*"By accepting membership in the University, an individual joins a community ideally characterized by free expression, free inquiry, intellectual honesty, respect for the dignity of others, and openness to constructive change. . . . The University places special emphasis, as well, upon certain values that are essential to its nature as an academic community. Among these are freedom of speech and academic freedom, freedom from personal force and violence, and freedom of movement. . . . Moreover, it is the responsibility of all members of the academic community to maintain an atmosphere in which violations of rights are unlikely to occur and to develop processes by which these rights are fully assured."*

Around this statement, a strong framework of universitywide supporting policies and standards has been formed. This framework includes standards to uphold academic integrity and confidentiality; policies on conflict of interest and conflict of commitment; research guidelines; protection for students with disabilities; policies related to affirmative action and equal employment and to fairness in job evaluation and promotion; policies condemning discrimination, sexual harassment, and hazing; disciplinary, as well as grievance procedures; and many other statements specifying the rights and obligations of all members of the community. Harvard's policies on the academic rights of investigators under grants and contracts are stringent.

Within HSPH, a set of general principles governs the supervision of research trainees; data gathering, storage, and retention; authorship and publication practices. Faculty committees scrutinize professional conduct and the use of human subjects in research. The faculty has adopted a process to implement university and school conflict-of-interest policies and to investigate allegations of scientific misconduct. At orientation, deans and senior administrators emphasize the school's expectations regarding academic conduct and the avenues available for resolving disputes. Students who feel that they have been treated unfairly are encouraged to approach the assistant dean for students or to make use of the Ombuds Office. In some cases, students as well as faculty members may seek redress with the dean. In all instances involving the resolution of grievances, the process is governed by written policies available to all concerned.

**APPENDIX I**  
***Reports of the Faculty Fellows 2000-2001***





## REPORT ON FELLOWSHIP YEAR

Maria Canellopoulou Bottis, Faculty Fellow in Ethics

I had never worked so hard on an application as I did when I applied for a faculty fellowship at the Center. I thought about it for a year, and sent my application in August. I am sure mine was the first one to be received – it was certainly the largest! I sent additional materials for two months, followed by a series of pleading e-mails. No wonder the Committee decided to appoint me – they probably feared that, if they did not, I would fly over from Corfu and sit outside the Center until they reached the right decision!

This might suggest that life in Greece was not pleasant, or that I had never spent time at a university abroad. Both would be untrue. I have two LL.Ms (from Cambridge and Yale Law School), and a wonderful family (with two young children of 4 and 6). I was certain that, in the long term, the fellowship appointment would benefit all of us, even if it meant we had to be apart for a time. So I let my children take second place for a year because I knew that the Center would offer me an incredible opportunity to do research at Harvard, with all its unbelievable resources, and to meet and work with a number of remarkable people. I also knew that when it was time to return home to the beautiful, sunny island of Corfu, I would not be the same person as when I left. This would have been true even if my stay at the Center had been for a month instead of a year since the experience is so rewarding one gains from every minute of it.

My plan was to work on informed consent, with a focus on incompetent patients. But I eventually returned to a text I had begun a year earlier. This was on the notions of chance and probability and the law of damages, especially contracts and torts. What was the worth of a chance less than 50% to survive cancer, for example, when a physician's negligence reduces it to, say, 20%? (I thought the doctors in the Seminar would immediately take exception, but I was lucky – they were superb). Why was it that a loss of a 'commercial' opportunity to gain money was usually seen as worthy of redress, but when it came to life, or avoidance of physical injury, the courts are so much more reluctant to award damages? Is there a difference between a chance to gain money, or to avoid financial losses and a chance to survive? What is chance?

As a student in Athens Law School, this were two courses I was not very fond of. One was philosophy of law (everyone then was trying to "strike it rich," and philosophy did not exactly look promising if this was the goal); and the second was causal connection in civil law. So, of course, here I am wrestling with both, since chance is inextricably tied to both. This, I believe, is a fair punishment for someone who had dared to think that she could be an academic lawyer without knowing anything about these topics.

There is absolutely no question that my research would never have been adequate if I had tried to write this book in Corfu, or (I hate to admit) even Athens. I had always relied on common law literature for my research and it had been extremely difficult to gather the material for my Ph.D. thesis. I had a lot of help from people at Yale Law School, but it is not the same as when the researcher is doing the work for herself. I knew that here at Harvard I would find all the material I needed in order to find some answers about chance that I deeply cared about. I worked as much as possible, weekends included. The access to Lexis/Nexis in itself was a miracle, as was the convenience of a private office and a state of the art computer. The Center also offered us a research assistant, Judy Hensley (thank you Judy!). The research assistant is a mythical figure for most Greek academics! (Special thanks to the heart of the program, Jean McVeigh). And, of course, the lectures and seminars organized by the Center were excellent.

Do I have my answers? No, not yet. I will continue to read all the material very carefully, and I will probably need more. But I realize that at some point this quest has to end. Besides, I am not sure that there is a clear answer – otherwise we would not have such a vast literature on the subject. But I think that I will approach chance as closely as I can, offer some clear guidelines, and, who knows, develop ideas that may make a major contribution. The Center certainly gave us the confidence and the 'audacity' to believe that we can do this.

I presented my work at the Center's Seminar twice and I have discussed the subject with the other Fellows several times. One cannot but benefit immensely from discussions with such a group of excellent scholars. Martha Minow, the Acting Director, has the ability to frame the questions very precisely, while discarding the irrelevancies. She also has the talent to let you know that you may be going in the wrong direction without making you feel entirely worthless; what more can anyone ask from a Director? The two other Harvard professors who took part in the Seminar, Arthur Applbaum and Kate Elgin, were the other cornerstones of the Seminar. These three academics will always serve as role models for me in my professional life.

During the fellowship year I lived at Lowell House, one of the undergraduate Houses. There I had the chance to discuss my work and ethics in general with many of the students and faculty members during lunches and dinners, and at the Masters' teas and High tables. There was great interest in ethical dilemmas, especially those in medicine, and it seemed that many of the students were considering taking the College's ethics courses. The pre-medical students were particularly interested and made a point of having their meals with me. We had interesting discussions about items such as the co-joined twins (in the news this year) and the question of subjects' consent in drug trials. In this respect, I felt that my presence made a difference to the House and I know that my interest in the field of medical ethics may have been a factor in my being accepted there.

I used to think of myself as a lawyer specializing in medical ethics, and at one point even thought about going to medical school. My thesis was on informed consent, but I did not have any particular background in other areas of ethics, or even in philosophy of law. After this year, I realize that medical ethics, as fascinating as the subject still is for me, is not exactly the beginning and the end. Ethics in general is so much wider, so much more important, encompassing all academic subjects. For me it is the point where the sciences and the arts meet. I understood the interdisciplinary nature of ethics, but now I see its super-disciplinary nature. The future of the university, of academia, depends on ethics. *Lux et veritas* – the quest for truth – and similar mottoes are meaningless if first we do not search for a moral way to live. Perhaps morality exists in truth and therefore you cannot find the one without the other. I am very grateful for Centers like ours, which point the way.

My own plan is to found the first center for ethics in Greece (and not just for medical ethics as I originally thought). This center will encompass all the professions. The University is small, it is true, but it is there that one has the most liberty to act. And what guest speaker could resist an invitation to speak in so idyllic a setting?

I will end with thanks for this opportunity to be at Harvard, this legendary University, deserving of all its international fame. I have become and will continue to be one of its most fervent ambassadors. And the experience of the University Center for Ethics and the Professions will remain with me for the rest of my life.

## **Fellowship Report 2000-2001**

### **Harvard University Center For Ethics And The Professions**

**Steven Joffe**

This past year was a gift, and, for that, I extend my deep gratitude to the Center and all those with whom I shared the experience. As a physician whose formal training is rooted in empirical methods and clinical medicine, I had no illusions at the start of the Fellowship about my own shortcomings in the more theoretical areas of ethics. My great and only wish in coming to the Center was that, with the patience and wise guidance of the faculty and other Fellows, I could begin to make up some of that lost ground. The year met my expectations and much more. Indeed, it has planted the seeds of what I hope will be a rich and sustained project in biomedical ethics.

I began the year intending to dissect the relationship between two principles, respect for autonomy and respect for persons, that are often considered as synonyms in the bioethics literature. I was motivated to pursue this line of investigation by my experiences as a pediatrician. Put simply, the principle of respect for autonomy has usually had little to say about how I ought to care for my young patients. It had occurred to me that a bioethics founded in large measure on respect for autonomy could not be a bioethics for pediatricians, and I sought in respect for persons a broader principle that could capture right practice for those who care for both adults and children.

I soon discovered that that project was much larger than I had thought, not least because as a result of my reading and seminar discussions, I changed my mind about the answer to the question I had posed for myself. Specifically, I came to endorse a strong antipaternalist view of physicians' obligations, and yet remained sure that respect for autonomy left something important unsaid. This left me at an impasse, until Arthur introduced me to the work of Avishai Margalit. His writings crystallized for me the centrality of the notion of self-respect, and specifically a conception that brings together one's mastery over oneself with one's membership in human society and in particular groups. At least two papers will result from this project. The first, tentatively titled "Human Dignity and Medical Ethics" will outline a vision of bioethics that centers on careful attention to the self-respect of the patient. I will argue that such an ethos would be both desirable and an accurate depiction of the best in real practice. The second, "Trusteeship and Agency in the Patient-Doctor Relationship," will describe the range of models that are consistent with an antipaternalist ethic, and will suggest that respect for autonomy may permit considerably more room for delegation to the physician than is generally assumed.

Just as important, I began during the year to sketch for myself the general outlines of an extended project. I expect at least two things to follow on the heels of my current work. First, I plan to pursue an account of medical professionalism grounded in the relationship between the *telos* of medicine and the principle of respect for persons. And second, I want to ask whether the notion of the physician's exclusive fiduciary duty to the patient

fits with (even praiseworthy) practice, and whether, if such an exclusive duty were possible, it would be a good thing.

I thought this year that I would temporarily escape my other academic interest, the ethics of research with human subjects, but that was not to be. A number of topics captured the imagination of the group, including the ethics of research in the developing world, the ethics of randomized trials, and the question of whether we have a duty to participate in medical research. Ezekiel Emanuel, a former Faculty Fellow and current Associate of the Center, came to talk on research in the developing world, and he and I will complete a paper this summer on the central role that community plays in understanding and justifying biomedical research.

My work at the Center also opened up to me a number of other informative and influential activities. The Thursday evening lecture series and dinners challenged me to think about difficult and deeply interesting questions across ethics. The seminars with the likes of Michael Ignatieff, Brian Barry, Tim Scanlon, and Michael Sandel continue to inspire me even months later. Finally, sitting in on Christine Korsgaard's fall course was the ideal way to jump-start my study of Kant.

One other good thing happened during the year that was related, at least indirectly, to my time at the Center. I was named the Ethicist at the Dana-Farber Cancer Institute, to which I will be returning soon. In that capacity, I hope to take what I have learned this year and put it to concrete use for the benefit of the patients and communities that DFCI serves.

Finally, I want to offer a particular thanks to the faculty, staff and Fellows who made the year so remarkable. Arthur Applbaum, whose analytic skills and ability to stop an errant Fellow with a well-placed counterexample are the stuff of deserved legend, was both a tough critic and an invaluable guide. Martha Minow, whose expansive mind is matched only by her generosity of spirit, will find her influence reflected throughout the work I described above. Catherine Elgin's willingness to give up an afternoon a week to join our discussions was both magnanimous and richly rewarding for us. Amnon Reichman, Maria Bottis, Lukas Meyer, Steve Pearson and Andrew Williams were sources of support, thoughtful criticism, and considerable wisdom. Jean McVeigh, Sowmya Bharathi, Allison Ruda, Jennifer Sekelsky and Maria Catoline merit a thousand thanks for their gracious assistance and unending good cheer. Finally, I offer my transcontinental gratitude to Dennis Thompson for putting the Center together in the first place, and then for letting me in.

## **Report on the Fellowship Year**

**Lukas Meyer**

This year has been a very good one, which I very much enjoyed and from which I have greatly benefited—in many ways yet unknown to me. The Center's staff—Jean McVeigh, Sowmya Bharathi, Maria Catoline, Allison Ruda, Jennifer Sekelsky, and Judy Hensley—provided truly exceptional support. Meetings and discussions with my co-Fellows have been extremely stimulating, thought provoking, and helpful.

Acting Director, Martha Minow, and Director of the Graduate Program, Arthur Applbaum, congenially presided over our faculty seminar meetings. The sessions on my co-Fellows' projects proved to be particularly interesting. Maria Bottis's research on lost chances in tort law probes our understanding of the limits of compensation. Steven Joffe's work on the patient-doctor relationship raises vexing questions of the relationship between the values of autonomy, justice, and the provision of an efficient health care system. Steven Pearson's study on best practices forces us to evaluate pragmatically the existing health care systems and to assess proposals for introducing change in a highly context-specific way. Amnon Reichman's work on the concept of practice raises general issues of how best to understand (the practice of and value of) moral reasoning. Andrew Williams's investigations in the compatibility of traditional understandings of child raising and egalitarian theories of justice provide a test for both our egalitarian allegiances and to our understanding of legitimate partiality to our offspring.

The lectures, panels, and meetings organized within the Center were memorable and provided much additional input to the Fellows' shared intellectual and social experience. Also, Profs. Elizabeth Anderson's and Thomas Nagel's presentations in the excellent "Colloquium for Legal Theory and Constitutional Law" (organized by, inter alia, Martha Minow) were particularly stimulating.

All these contributions by others created a wonderful and fun working atmosphere. In comparison, my progress has been rather modest. As planned, I have worked on four projects. First and most important, I completed drafts of all chapters of my book on historical justice and I was able to revise most chapters. Second, we made good progress with our plan to publish a collection of essays on the work of Joseph Raz entitled, "Rights, Culture, and the Law: Essays after Joseph Raz." Oxford University Press offered me, along with my co-editors, Profs. Stanley L. Paulson (Washington University, St. Louis, Law and Philosophy) and Thomas W. Pogge (Columbia University, Philosophy) a contract for the book. We hope to send the book to the press this fall. Third, together with Chaim Gans (Tel Aviv U., Law), I was able to make the final preparations for the international conference on Historical Justice that will take place at the Einstein Forum in Berlin-Potsdam in July. The conference concentrates on philosophical issues of how to interpret the significance of past injustices for liberal political philosophy. Fourth, together with Professors Robert Alexy (Kiel U., Law), Paulson and Gerhard Sprenger (Bielefeld U., Law), I organized a workshop on neo-Kantianism and legal philosophy to which I contributed a paper on the German legal philosopher Gustav Radbruch. Radbruch's post-World War II writings have informed

much of the German philosophical, legal and political debate on how best to respond to crimes committed under a previous regime. The organizers have co-edited a collection of the workshop papers for Nomos Verlag, Baden-Baden, which is due to appear this fall.

I prepared revised versions of draft chapters of my book on Historical Justice for publication. "Transnational Autonomy: Responding to Historical Injustice in the Case of the Saami and Roma Peoples" will appear in the International Journal on Minority and Group Rights (2001), "Gustav Radbruch, der Relativismus und die neukantianische Werttheorie" in the above mentioned collection on neo-Kantianism and legal philosophy, "Symbolic Compensation: Putting Historical Justice Against Its Limits" in the collection on the work of Joseph Raz.

I received helpful comments and criticisms on my "Past and Future from a Cosmopolitan Perspective" in a session of the Faculty Seminar, from my co-Fellow Andrew Williams as well as from Profs. Arthur Applbaum, Adam Swift (Balliol College, Oxford, Politics), Catherine Elgin (Visiting Professor at the Center), Axel Gosseries (Université Catholique de Louvain, Philosophy), Erin Kelly (Tufts University, Philosophy), David Lyons (Boston U., Law School), and Stanley Paulson. The paper was also the subject of a workshop at the University of Maryland, Committee on Politics, Philosophy, and Public Policy. The paper contains one of the main theses of the book on historical justice in preparation.

I presented a revised version of a draft of my chapter on how to understand the relationship between a cosmopolitan criminal court of justice and truth commissions at a conference entitled, "On the Idea of a Cosmopolitan Criminal Court," (St. Louis University). On the occasion of the 700th anniversary of my previous High School Uhlandgymnasium Tuebingen, Germany, I presented the lecture ("Festvortrag") on "Wahrheit und Gerechtigkeit: Zur Moral von Wahrheitskommissionen" (Truth and Justice: On the Morality of Truth Commissions).

My co-Fellow Andrew Williams and I were able to arrange for two informal seminars on questions of intergenerational justice. Prof. Rahul Kumar (U. Penn., Philosophy) presented a paper on "Is Anyone Wronged by a Wrongful Life?: Resuscitating the Place of the Victim." Adam Swift discussed with us a paper on the intergenerational transmission of advantages by the school system: "If you don't believe in private education, how come your children go private?" Co-Fellows, students of Harvard's Philosophy Department, and visitors joined us for these seminars at the Center.

For the coming academic year, I will be a Fellow of Alexander-Humboldt-Stiftung and a Visiting Scholar at Columbia University Law School. I hope to have finished my book on historical justice before I return to my home university in Bremen, Germany, which granted me leave of absence for two years.

**Report on Faculty Fellowship, Year 2000-2001**  
**Harvard University Center for Ethics and the Professions**  
**Steven D. Pearson**

Winston Churchill, writing prior to World War II, and looking back at his already expansive life and accomplishments, urged his younger readers to grasp the singular opportunity that life presents them in their youth: "Twenty to twenty-five. Those are the years!" What I have most to say about my year as a Faculty Fellow is that it has made me feel "twenty to twenty-five" once again. The intellectual openness, even hunger for ideas that challenge one's preconceptions; the emotional vulnerability of trying something new; the personal daring and thrill of taking a risk and charting a new future; toward all these the fellowship led, cajoled, and finally urged me on. The effect on my work and my career has been profound. Even my wife recognized at once the new electricity running through my veins this year. She shared happily in my new energy but was also glad that recapturing youthful ways did not necessarily require a re-exploration of all previous commitments.

I entered the fellowship year with a bag full of ideas but one specific task: to write a book describing the results of a two-year national study of exemplary ethical practices within managed health care organizations. Even if the U.S. health care system is on a slow march to an ultimate destination of universal health insurance, that system will still have to deal with ethical tensions generated by considering costs and access as well as the quality of care. These are the ethical tensions that every advanced health care system faces. And today, despite the managed care malaise in this country, I believe that we have before us in the current health care system a valuable laboratory for learning about ethical and clinical excellence. Every health care organization is facing the dilemma of how to provide the best health care possible within resource constraints. Not a single health care organization is perfect; many, however, can point with pride to a few policies, structures, or processes, often created anew after the cleansing fire of a previous failure, that embody exemplary ethical features. These exemplary practices come with lessons learned from which all can benefit. Thus the time seems ripe for finding, publicizing, and promoting exemplary practices in managed care that "get it right."

The book I have been working on this year is an attempt to seize this opportunity. The book is nearing completion and now has a title: *Getting it Right: Exemplary Organizational Responses to the Ethical Challenges of Managed Care*. It is the first book I have ever written, and I am writing it in collaboration with four other authors, an arrangement that adds its own measure of complexity. Early in the year, I presented to the s a draft overview of the structure and argument of the book. It was extremely valuable to get their impressions and suggestions. Martha and Arthur helped particularly in refining the way that I was trying to describe how we should recognize an "exemplary" ethical practice when we think we see one. This element is one of the trickiest in the book, for it calls upon a dialectic process in which *a priori* ethical requirements must be evaluated in light of how individual organizations, in their local markets and conditions, have actually tried to do the right thing. If an organization tried hard and had an

innovative approach, is that all it takes to be “exemplary?” The group helped me anchor the book’s argument by tightening up the links between the analytical expectations and the operational realities our research team encountered on the ground.

The fellowship group also helped me change the emphasis I was placing on exemplary practices by suggesting that I could frame it more usefully within a spectrum of “acceptable to exemplary.” These valuable contributions to my thinking on the book have added immeasurably to its rigor and readability. It was exciting to have the s read my early work, and my debt of gratitude to them is significant.

All during this year, while working on the book, the readings of our weekly seminars were opening up my thoughts to new perspectives and new possibilities. Not only the readings served this purpose; the s, Martha, and Arthur all were incredibly generous with their ideas. For me, having been ensconced in the career world of academic medicine, the chance to hear a German philosopher discuss intergenerational justice; the chance to have a British philosopher lead the group through an extended dissection of egalitarian theory; these wonderful opportunities were like a breath of fresh, invigorating air. As I mentioned, I came to the fellowship with a bag of ideas as well as the stated purpose of writing the book on managed care. Well, over the course of the year, the bag of ideas slowly was opened and explored. What I found myself drawn to was a new project that I pursued during the latter half of the fellowship. This new project is a broad attempt to describe a foundation for professional ethics across professions based in a moral analysis of vulnerability. This basic idea had been fermenting in isolation in my head for some time, but the fellowship allowed it room to grow, and more importantly, gave me the chance to get feedback from insightful and caring colleagues. When I presented my rough draft to the group in the spring, I myself was feeling vulnerable. It was my first public attempt at serious ethical scholarship outside the comfortable confines of medical organizations and relationships with which I was so familiar. Not surprisingly, the s, Arthur, and Martha had a lot to say, and they penetrated quickly to the weaker elements of my arguments. The constructive tone, the helpful analogies, and the supportive comments I received were also a natural part of our comradeship this year, and I feasted on this underlying encouragement. I have continued my work on this second book (“The Professional Way”), and intend to complete it within the next 12 months.

And so, I entered this fellowship year hoping to find a haven in which to write one book, and found a home that spawned yet another. I believe that because of the fellowship I will be a better scholar, teacher, and leader in the field of applied ethics. I now intend to seek to expand my career in this area, with an eye toward continuing active interaction with lawyers and philosophers. The value of this entire experience for me cannot easily be overstated. To the staff of the CEP, to Martha and Arthur, and to my fellow Fellows, I can only begin to say thank you here. I only hope I can have the opportunity to add to this small beginning during many personal and professional reunions through the years.



**2000-2001, Faculty Fellowship at the Center for Ethics and the Professions**  
**Report for the Annual Report**  
**Amnon Reichman**

The Fellowship at the Center for Ethics and the Professions has proven to be all it was promised to be—and more. Without being too literal, all four capitalized elements—the *fellowship*, the *Center*, the focus on *ethics*, and the presence of *professionals*—have contributed to a fulfilling year. The spirit of fellowship allowed for a lively debate and a stimulating exchange of ideas across disciplines and methodologies. The financial aspect of the fellowship – the generous grant – allowed me to concentrate on research and writing, and provided for the necessary scholarly materials. The Center provided a much needed supportive framework; the weekly seminars provided structure, and the wide range of speakers invited by the Center to present their work increased my exposure to the different facets of ethics. The Center also provided the indispensable administrative assistance that allowed for a fruitful year. Substantively, the opportunity to examine closely the ethical dimensions of practices and professions as a matter of theory and as expressed in concrete examples was invaluable. Perhaps above all, the presence of each member of the group, as professionals, contributed to my experience and broadened the audience with which I think about my ideas. Martha's leadership, guidance, kindness and perceptive comments, and Arthur's support and contributions have added the "more" to the promised; I would therefore like to express my gratitude for a great year.

Beyond the Center's activities, I took advantage of some of what Harvard's philosophy department and the law school have to offer. Sitting in on some of the seminars, taking part in the law school's colloquium on constitutional law and legal theory, and, above all, having access to the leading scholars in these institutions was a rewarding experience with tangible results. I have received important feedback and was introduced to further relevant materials. This exchange of ideas was perhaps the most helpful as far as my actual writing is concerned.

I was hoping this year to complete my book on the practice of constitutional adjudication, highlighting a neglected "check" on judicial discretion, namely the professional discourse within which judges are steeped and through which judges,

lawyers, and academics interact. The feedback I received allowed me to progress in my thinking both in terms of the final structure of the book and in terms of the argument. The actual writing has progressed more slowly than expected; however, the emerging product looks promising. Beyond the book, I was able to send three articles for publication: one dealing with the common law duty to refrain from discrimination (published in the *Canadian Journal of Law and Jurisprudence*), the second dealing with the limits of property law, limits which bar a property owner from exercising her right in a discriminatory manner (to be published in D. Barak-Erez and D. Friedman, *Human Rights in Private Law*) and the third dealing with the application of the Canadian *Charter of Rights* to the common law (submitted to *Osgoode Hall Law Journal*). A fourth piece, dealing with professional discourse and the legal process, is expected to be completed over the summer. It will be sent for publication in U.S. law reviews.

I cannot complete this report without referring to the tumultuous start of the year. I was unable to attend the first five weeks of the program, having been denied an entry visa. These were difficult weeks; the uncertainty about whether a visa would be issued combined with the sense of missing a wonderful opportunity proved to be a volatile mixture. The subsequent knowledge that the problem could have been avoided had the proper letter been written to the relevant department within the State Department adds to the frustration. However, ensuring my participation in the weekly seminars via a conference call allowed me to take part in the discussions, and thus provided an essential connection with the Center. Jean McVeigh's support and efforts were invaluable, and I'd like to conclude by thanking her and the rest of the administrative staff for going beyond the call of duty.

## Report on 2000-2001 Fellowship Year

Andrew Williams

I am happy to report that 2000-2001 has been a stimulating, productive, and enjoyable year. Thanks to Jean McVeigh and her fellow administrators—Sowmya Bharathi, Maria Catoline, Jennifer Sekelsky, and Allison Ruda—the Center was a wonderful working environment. I've never encountered such a committed, warm, and supportive staff, nor looked forward to arriving at the office as much.

This was especially the case on Tuesdays when the weekly faculty fellows' seminar took place. We had countless animated discussions, which, along with conversations with Ken Winston, and a lecture by Ezekiel Emanuel, opened my eyes to a number of interesting new problems in public affairs and professional ethics. I hope to explore some of them at greater length in my future teaching, starting next year with issues raised by international clinical research trials, and advances in biotechnology.

More generally, it was a delight to belong to a seminar led by Martha Minow. Her intelligence and authority, as well as her sense of humor, ensured that the seminars always flowed smoothly and productively. It was also a piece of good fortune to be surrounded by such interesting and thoroughly agreeable colleagues, even though they didn't agree with me as often as I would have liked. I do, however, remember many instructive conversations about their research projects and about intergenerational, and medical, ethics.

The seminars not only shaped some of my future teaching plans, but also had a positive impact on my research project on *procreative justice*, which examines various issues of personal and collective responsibility raised by reproductive decisions. The two seminars in which we discussed my views on reproductive externalities, and on Tim Scanlon's contractualist account of responsibility, provided a great deal of constructive criticism particularly from Arthur Applbaum and Kate Elgin on the second occasion.

Since my project is especially concerned with the implications of resource egalitarianism for procreative justice, I was grateful that three of our seminars were devoted to Ronald Dworkin's recent collection of essays, *Sovereign Virtue*. Those sessions provided a very helpful stimulus for two new papers, which I've worked on over the year. The first discusses gender-inequality and disability in order to cast doubt on Dworkin's recent charge that Amartya Sen's capability-based conception of equality either converges with equality of resources or collapses into equality of welfare. In the spring break, I returned briefly to London to present the paper at a conference in which Dworkin replied to a number of critics. The paper will be revised, partly in light of the conference, and submitted to *Ethics* by September, 2001. The second paper is a critical notice on *Sovereign Virtue*, which will appear next year in the *Philosophical Quarterly*. It focuses on Dworkin's most recent arguments against welfarist standards of interpersonal comparison, and in favor of hypothetical insurance as the appropriate device to redress inequalities in fortune.

Though most of the year's writing so far has addressed various foundational issues in liberal egalitarianism, the year has also provided an ideal opportunity to broaden my project's focus to incorporate environmentalist and feminist concerns, and to address various issues of

application under non-ideal conditions. With these goals in mind, I've explored more concrete disputes about social policy and the organization of employment, and have also enjoyed reading a number of recent polemics about the costs and benefits of parenthood. As a result, I have a far clearer, and hopefully less relentlessly abstract, conception of the project's structure and central arguments, and feel sufficiently confident to submit a book proposal to a number of academic publishers.

As well as providing an excellent environment to pursue my own research, the Center also arranged a number of stimulating research seminars, and public lectures. I also welcomed the opportunity to join Lukas Meyer in organizing two informal seminar—one by Rahul Kumar (University of Pennsylvania) on contractualism and wrongful life; the other by Adam Swift (University of Oxford) on equality and parental prerogatives. Constant philosophical conversation with Paula Casal, who remained affiliated to the Center after her fellowship last year, proved as instructive as ever. In addition, I attended a number of events outside the Center, including some very informative seminars in the Wiener Inequality and Social Policy Series. Tim Scanlon's and Amartya Sen's graduate classes on distributive justice were particularly memorable and influential.

I've also taken the opportunity to visit various other academic institutions in the U.S.A. At the National Institute for the Humanities, I attended a workshop on equality and responsibility; and at Yale University, I attended a conference in honor of G. A. Cohen on his sixtieth birthday. At Tulane University, I acted as commentator for David Miller's paper on universalist and contextualist conceptions of justice at the inaugural conference for *P.P.E.*, a journal for which I am an Associate Editor. At a conference on global justice at Columbia University, I acted as a commentator for Larry Temkin's paper. I also presented a paper on contractualism and responsibility at the University of Arizona and am about to present a paper on procreative justice at Stanford University.

The Center has provided me with new friends, fresh ideas, and a memorable year, which will have, I am sure, a lasting influence on my academic activity. I feel extremely fortunate and grateful to all of the individuals who make it such an exemplary institution.

***APPENDIX II***  
***Reports of the Graduate Fellows 2000-2001***



Year End Report  
Bryan Garsten  
Edmond J. Safra Graduate Fellow, 2000-2001  
Harvard University Center for Ethics and the Professions

A year ago, if I had sat down with a pad and pencil to plan the perfect academic work environment for myself, I would probably have made a number of unreasonable requests. I would have wanted not only a space of my own with all the modern necessities – computer, phone, internet access – but also a set of companions just around the corner who were smart, well-versed in various fields different from my own, and deeply interested in the ethical dimension of their subjects. Not satisfied with this, I might also have asked for privileged access to a large number of more experienced colleagues and teachers, and perhaps even fancy dinners where we would all have the chance to talk together about the latest thoughts of the most distinguished thinkers active today. Of course all this, improbable as it sounds, would be utterly impossible without a certain sort of staff – and so I would have requested a group of people to look after us with competence, interest and good cheer. Looking down at my pad after this exercise in daydreaming, I would almost certainly have concluded that my requests were wholly unreasonable. And I would have been right.

Needless to say, I list these characteristics of an ideal work environment not as dreams but as memories of my year at the Center for Ethics and the Professions. The Center has provided what it would be unreasonable to ask for—proving that those truly interested in ethical life are always committed to goods above and beyond the merely reasonable. For the chance to experience this beneficence, I am deeply grateful to the fellowship in memory of Edmond J. Safra provided by the Hong Kong Shanghai Bank; to the patient work and fun companionship of Allison, Sowmya, Jean, Maria, Jenn, and Judy; to the penetrating intellects and impassioned eloquence of my fellow Fellows; and to the energy, intelligence, and zest for debate of our fearless leader, Arthur Applbaum.

While at the Center I have written drafts of two dissertation chapters—one of which I presented at the New England Political Science Association—and I have completed an outline of a third chapter. The focus of these writings was in some sense historical— I spent a great deal of time reading Rousseau and Cicero as well as learning ancient Greek to the point where I am now able to read Plato in the original (though at an agonizingly slow pace!). But if the readings were of intellectual history, the motivation behind them emerged from reflection on contemporary political practice.

If the hope of a peaceful political world rests on the possibility of resolving our conflicts through words rather than through war, then we ought to do all we can to understand the functions that speech can, and

should, play in politics. The role of political rhetoric was once a central topic of political thought—

and rightly so. In my chapter on Cicero I aim to show that admitting rhetoric into politics need not involve us in a skeptical stance about political right as some have suggested. In the chapter on Rousseau, I try to show how some fundamental features of modern political thought incline us to turn a blind eye toward the influence of rhetoric even as we become more reliant upon it.

Having to relate this history to the contemporary concerns of the Center has had the salutary effect of keeping relevance and ethical argument in the forefront of my mind as I read these old books. Of course it has not shaken my firm belief that studying the history of political thought deepens my ability to reflect on contemporary ethical issues. More now than ever, I remain persuaded that while we should not assume the old works are always right, we should be open to the possibility that they might teach us important things. Once again, the Center has proven a wonderful help in finding just the right balance here—between the vice of antiquarianism and that of unwarranted reverence for the present. In my experience, the Center for Ethics and the Professions is the only place at Harvard University where political scientists, intellectual historians, philosophers, economists, lawyers, and doctors regularly meet to discuss issues of ethical importance—each shedding light on the other's concerns.

So helpful has the company of my colleagues here been that we have plans to continue meeting after the fellowship year officially ends. Having fostered a spirit of collegiality and mutual respect among us, the Center should be proud to know that we do not intend to let these relations fade. Through our discussions the work of the weekly seminars will carry on, and the Center will continue to influence our intellectual and ethical lives. For this promising prospect for the future, as well as for the work already done, I would like to offer my thanks to the Center and to all those who support it.



Jill Horwitz  
May 2001

One Thursday afternoon, some twenty minutes after our three-hour seminar was scheduled to end, my fellow Fellow John Parrish interrupted a classmate to say, "Look, I hate to break this up, but it's 3:50 and we're just getting to the question of the meaning of life." As I left the graduate seminar that day, I leave my fellowship year asking more, and better, questions than when I entered.

I credit Aaron, Arthur, Bryan, John, Madeleine, Peter, and Tamara with helping me to turn what had primarily been a dissertation (and, more broadly, a long-term research agenda) that asked positive questions into one that tackles the critical normative questions about not-for-profit organizations. The seminar reading and discussion has set me on my way to the education I've been seeking for years. More specifically, our sessions on collective action and corporate responsibility led me to recognize the holes in my work and pointed me towards the tools to fill them. I'm sure the seminar participants will be pleased to know that my colleagues at the Hauser Center for Nonprofit Organizations (mostly graduate students in sociology, organizational behavior, and public policy) were equally intrigued by the question of whether organizations are an appropriate site of moral blame.

To turn to the more prosaic aspects of the year-end report, I certainly got my (the Center's) money's worth out of the year. During the fellowship year, I completed a draft of my first dissertation paper (identifying moral duties associated with the corporate form of hospitals); made substantial progress on the second paper (an empirical paper using regression analysis to explore whether, and how, not-for-profit, for-profit, and government hospitals and markets differ in the types of services they offer); and began re-conceiving the third paper (considering regulation of hospital conversions). In addition, I completed a short paper on Medicaid managed-care liability. It identifies potential liability risk for private managed care companies that contract with state Medicaid programs under federal civil rights law (s. 1983).

I'm grateful to all the wonderful people at the Center. Arthur has set a standard for guiding a seminar that will serve me well in my career. Although I would like to meet Dennis sometime, Martha's interests and ability to draw from many disciplines made her the perfect advisor for me—having spent the past decade working primarily with economists I can't say how thrilled I was to have discussions with a *real live lawyer*! "Thank you" to the Center's staff (Jean, Allison, Maria, and Sowmya) for their exceptional friendliness and helpfulness.



Aaron James  
Graduate Fellow, Center for Ethics and the Professions  
Ph.D. candidate, Department of Philosophy  
Final Report, May 2001

What an enriching experience I've had as a Fellow at the Center!

Throughout the year, the graduate Fellow's seminar has been the highlight of my week. It afforded the chance to develop views about many "practical" issues that I would not have otherwise considered. My re-entry from theoretical space was a success! But perhaps more importantly, my knowledge even of the issues that I have or would have given my attention has been considerably expanded by the impressive expertise that each of the Fellows brought to our discussion. We philosophers too often bracket "empirical questions." How invigorating it was to consider "the facts" head on with those who have them at their fingertips.

To be sure, it is not the Fellows' expertise that made our conversations particularly beneficial. The real treasure lay in Madeline Kochen's impassioned pleas, John Parrish's careful analyses, Tamara Metz's deep ruminations, Peter Speigler's incisive challenges, Bryan Garsten's sympathetic portraits, and Jill Horwitz's keen awareness of practical significance—each of which were tied together through Arthur Applbaum's masterful guidance. The manifest talents of each member of the seminar provided a uniquely deepening experience— not to mention a plain old great time. I am indebted and grateful to each of them.

My being a fellow of the Center facilitated what was *by far* my most productive year. In the fall semester, I was able to significantly revise and polish the first chapter of my dissertation on objectivity in ethics, as well as two other independent papers, one on the significance of social cooperation to global justice, the other on the relevance of institutions and global inequality. [These papers were each instrumental in my securing two tenure-track job offers—one from the University of Pennsylvania and the other from the University of California, Irvine. I'm pleased to report that I'm returning to California

to be reunited with the ocean and a life of daily surfing.] In the spring semester, I managed to completely rewrite and polish the remaining four chapters of my dissertation. No doubt, thanks to the fellowship, I'm graduating this June.

I am also grateful for having been able to participate in the regular luncheons with invited scholars and the dinners with invited speakers. Each of these occasions was enormously stimulating. They also led to wonderful exchanges with other scholars at the Center. I offer my gratitude, in particular, to Paula Casal, Andrew Williams, and Lukas Meyer.

Finally, I owe special thanks to Jean McVeigh, Sowmya Bharathi, Allison Ruda, and Maria Catoline for their warmth and assistance, and to Martha Minow for her direction of the Center.

I thoroughly enjoyed my time as a Fellow at the Center for Ethics and the Professions. From my first challenging debate with Arthur Applbaum at the interview, I knew that I would be in for a treat in terms of intellectual interaction. I was not disappointed.

The weekly seminars led by Arthur provided a stimulating multidisciplinary arena in which I had the chance to deliberate over, and discuss a variety of, ideas with my fellow Fellows. We inaugurated each meeting with a discussion of contemporary events of the day—ensuring that our academic readings were never relegated to the realm of the esoteric and purely theoretical. Our wide-ranging discussions managed to capture most major debates of the day as well as the work and interests of each Fellow.

My participation in the Ethics Program gave me a stimulating and productive space in which to concentrate on my research. I learned a tremendous amount both in terms of the particular content of the program and in terms of the program's overlap with my own professional interests, which are to do a comparative study of Jewish and U.S. law and ethics and to use this in part as a vehicle to teach ethics in a law school setting. The chance to debate and think more deeply about legal ethics as well as other areas of professional ethics was invaluable. My being part of an environment in which practical and philosophical ethical theories were studied and discussed helped me better situate my own work in light of contemporary, political-ethical debates.

The weekly readings and discussions on broader questions of moral and political philosophy were both provocative and useful to my project. The particular issue I am exploring in my dissertation involves the sale of human organs for transplant, which is prohibited under U.S. law and, to a limited extent, permissible under Jewish law. In my research, I am attempting to articulate a different way to conceive of ethical problems such as these, for which the secular market framework only has a limited repertoire of answers. The rights-oriented market approach, when it looks at such transactions, tends to set up a rather sharp dichotomy between gift and commodity. Jewish law has an alternative way of thinking about such transfers that undercuts that binary. It is an approach that focuses primarily on obligations rather than rights; yet, interestingly, it leads to types of compensation that are seen as problematic in our market economy, in order to guarantee fairness and encourage a circle of giving within the community. I made significant headway this year in my research and writing—thanks, in no small part, to the ethics center.

Particularly advanced this year was my thinking as I discovered the methodological and substantive importance of economic anthropology for my comparative ethical-legal project. I am grateful for the chances I had to present my work-in-progress during the weekly seminars and for the invaluable feedback I received from Arthur and from my fellow Fellows.

Opportunities to engage with Martha Minow, Faculty Fellows, visiting lecturers, and the truly wonderful administrative staff—Jean McVeigh, Sowmya Bharathi, Maria Catoline and Allison Ruda—grounded more than just my intellectual work. The degree of camaraderie among the Graduate Fellows is something I have not experienced elsewhere at Harvard. I feel honored to have been part of a group of such high-caliber minds and grateful for the amount of time we spent together. My ad hoc doctoral program, which places me outside any department at Harvard, carries a high risk of disciplinary, and intellectual, solitude. Given that situation, as well as the sudden and unexpected death of my mother last summer, I cannot stress enough how valuable I found the home that was provided for me at the Center and the degree of gratitude I feel to those who made it possible.

My year as a Eugene Beard Graduate Fellow in Ethics renewed my passion for the academic life. It revived a fading fantasy of mine that life in the academy can involve open inquiry among sympathetic, but critical, scholars dedicated to the theory and practice of—dare I say—truth. Many factors contributed to the success of this year.

For the time and space, both physical and mental, the fellowship afforded me, I thank everyone who make the fellowship available. I had not realized until this year just how important it is to wonder unfettered through my research and thoughts. With this time, I have been able to take those necessary steps back—from, and off, my predetermined path—to discover new and more fruitful directions in my research.

Time alone would not have made this year a success. The highlight of my year was the weekly seminar. In my opinion, this is academic life at its best! In the seminar, I engaged in passionate, far-ranging discussion with seven of the most interesting, intelligent, honest scholars I (now) know. Of course, the eight of us rarely agreed on anything, except, perhaps, contemporary political issues; but this diversity was one of our greatest assets. Combined with a genuine desire to think and to challenge each other as well as one's self, our differences served to stretch us all—or at least provide congenial opportunities for such stretching. Each participant brought unique scholarly expertise to the table; from each, I learned more than I could have in an entire semester on their subject. Conversations that began in the seminar often continued outside the Center. On this basis, deep and, I suspect, lasting, intellectual, and personal bonds were formed. Arthur Applbaum deserves much credit for starting the seminar off in the congenial, engaged mood that it maintained throughout the year. His passionate defense of contemporary liberals was an ever-present challenge, and standard, to be met. I learned much from him as a teacher and a scholar.

The additional intellectual opportunities facilitated by the program were also very important to the success of this year. The series of lectures, and the dinners that followed, afforded unusual opportunities to hear, meet, and talk to, a range of distinguished scholars in the fields of philosophy and political theory. In addition, I gained much from my interactions with the Faculty Fellows. Finally, in the acting director of the Center, Martha Minow, I found the

model of a passionate, personable, creative, and rigorous scholar. I hope to be lucky enough to find colleagues such as her as I proceed through my academic life.

It is often the work behind the scenes that is most important and least acknowledged. From the first, pre-application interaction I had with her, Jean McVeigh went beyond her call of duty to answer, guide, and support, me. Similarly, Allison, Sowmya, Jennifer, and Maria tirelessly responded to every request, query, and snafu with alacrity and a great reserve of humor. These women brought ease, and comfort, to my time at the Center.

The most concrete evidence of the success of this year is the progress I made on my dissertation. I began the year with hopes of developing, and honing, a rather unwieldy project—"Uneasy Union: Marriage and Liberalism." To a remarkable degree, I actually accomplished this goal. I produced four completely new pieces. The feedback I received, both in and out of the seminar, was invaluable. I now have a much clearer (and narrower) sense of what my overall argument is and of what I need to do to make it. My dissertation will be much better for the time I spent as a Graduate Fellow at the Center for Ethics and the Professions. For this, and everything else I gained from my year, I am enormously thankful.



JOHN MICHAEL PARRISH  
EDMOND J. SAFRA GRADUATE FELLOW IN ETHICS  
REPORT ON FELLOWSHIP YEAR 2000-2001

It's been my great pleasure to spend this year associated with Harvard's University Center for Ethics and the Professions. The Center's financial support has enabled me to make substantial progress toward the completion of my dissertation project, and has provided an extremely congenial environment of support (intellectual and logistical) in which to further this work. I particularly want to express my appreciation to the donors of the scholarship—the Board of the Hong Kong Shanghai Bank—who give the award to honor the memory of Mr. Edmond J. Safra, whose name I've been privileged to bear this year.

In awarding me this fellowship, the Center agreed to support my work in the history of moral and political thought, which might appear to constitute something of a leap of faith since connections between that work and contemporary practices of professional ethics might seem to be somewhat indirect. However, I think it's important to do this kind of intellectual archaeology—it is potentially of considerable, though indirect, practical relevance—so I'm grateful to the Center for supporting me in this kind of exploration.

In particular, I've been concerned with the question of how the hard facts of political responsibility shape and constrain the demands of ethical action. That question lies at the heart of what political theorists call the problem of "dirty hands." Politics, this problem suggests, seems to require those who exercise political power to behave, at least occasionally, in ways which would otherwise be considered immoral; the exigencies of public life so frequently, and predictably, seem to make it necessary—and, in the most sophisticated versions of the problem, even *morally* necessary—for those who exercise power to perform or condone such acts as killing, lying, or betraying.

My project, as a whole, seeks to provide an account of how certain versions of the problem, and strategies of coping with it, emerged and developed historically. In particular, I examine the hypothesis that one prominent strain of the "dirty hands" problem—its paradoxical understanding of the relation between virtue and vice in the public realm—may have helped to shape and to justify the "invisible hand" understanding of the modern commercial economy. During the course of this year I was able to complete work on a chapter on Augustine and finish the research on four other projects that are now rapidly being turned into chapters in their own right.

The Center made my stay here pleasant in a myriad of other ways. There were a number of free lunches (widely reputed not to exist) and even more free dinners; these were usually tacked at the end of a series of often invigorating, always inviting, lectures and workshops drawing a variety of hard-to-come-by speakers from an even harder-to-come-by range of disciplines and endeavors. We graduate Fellows were really spoiled with intellectual opportunities this year, and I wish only that we'd been able to take even fuller advantage of these.

I also want to express my gratitude to the members of the Center's permanent staff. It takes a somewhat unusual work ethic to be the professional support staff for a group of people who sit around thinking about the ethics of professionals (and who need lots of support). Allison, Sowmya, Judy, Maria, and Jean have done this for us throughout the year with a pleasant matter-of-fact efficiency that has made our lives much easier. Thanks also to Martha Minow for running the place and to the big (faculty) Fellows for always asking interesting questions at the joint seminars.

Arthur Applbaum occupies a place of particular importance in these thank yous because I've probably spent more time trying to shout down Arthur shouting me down than doing anything else. Arthur runs the weekly graduate fellowship meeting, which despite all the causal thanks passed around before, is far and away the self-justifying reason for spending a fellowship year at the Center. As an academic, you often feel a sense of wonder that they're paying you to do this, but I felt wonder as intensely as I have ever felt it in our weekly colloquium on ethics. Arthur's job is a tough one. He has to take from a range of disciplines and professions that don't often communicate well a group of late-term graduate students running on the fumes of dissertation exhaustion and make them get in a room three hours a week and talk to one another. And not just talk, but argue, in a way that draws on the sophisticated analytical tools you've been acquiring in graduate school; that draws you back to the core ethical concerns and tricky practical judgments about the most important things that were the reasons you got into the business in the first place; that makes them matter to you like they did when you got into the business in the first place. It's Arthur Applbaum's very difficult job to make that almost impossible thing happen year after year. And Arthur is just very good at his job.

Most of all, I want to thank my fellow graduate students: Aaron, Bryan, Jill, Madeleine, Peter, and Tamara. They will know that my association with them was, to a very great degree, what made this year worthwhile for me intellectually and personally and that that, at least, is no joke.

John Michael Parrish

**Peter Spiegler  
Eugene P. Beard Graduate Fellow 2000-2001  
Center for Ethics and the Professions**

**Final Report**

If I had been asked to write a plan for a perfect third year of graduate study, I could not have devised a better situation than the one I encountered at the Center for Ethics and Professions. The Center's Eugene P. Beard fellowship offered me what I needed most at this stage in my program—the time, space and support to find the roots of my academic project. I am very grateful to the fellowships committee and Eugene P. Beard for giving me this opportunity. And I am especially grateful to Arthur Applbaum, Martha Minow, Jean McVeigh, Sowmya Bharathi, Allison Ruda, and Maria Catoline for making the Center such a special place.

In the course of my preparation to become an economist-critic of economics, I have come firmly to believe three things: that an effective critic of economics should learn economics from economists, moral philosophy and philosophy of science and of language from philosophers, and history of thought from intellectual historians. Without the first, one runs the risk of critiquing a straw-man. Without the second, one runs the risk of stopping short of addressing the real questions or at least of reaching question-begging conclusions. And without the third, one runs the risk of reinventing poorly arguments already made well, tested, and refined. While I have some claim to have addressed the first of these three commandments as a graduate student in economics, I am lacking with respect to the latter two.

Before coming to the Center for Ethics and the Professions, my academic project reflected this deficiency—I had strong intuitions about peculiarities in economic theory and application, but only vague notions of how to translate these intuitions into an effective critique, or even what an effective critique might look like. During my fellowship year, I received the valuable gift of engagement with a brilliant and generous group of scholars—Aaron, Arthur, Bryan, Jill, John, Madeline and Tamara—who, through our weekly seminars and other discussions inside and outside the Center, have helped me to put some structure on my inchoate critique and to see directions in which productive work may be done. I am very grateful to have realized that my suspicions run clear down to philosophy of language concerns, and although I do not intend to try to masquerade as a proper philosopher, I know that I must at the very least understand how philosophers of language have dealt with the questions that concern me in economics. I am also grateful to have discovered the intellectual history context within which economics and rational choice theory reside, and I intend to do further research in the beginnings of the conception of the self that

made these disciplines possible. And I am grateful to have discussed the impact of and applicability of economics in law and policy with seminar participants who have experience on the front lines of these issues. And after getting this guidance from my fellow Fellows, I was fortunate to be able to try out these new directions by presenting my own work in an ideal atmosphere. The seminar participants were always supportive but critical, and my work has greatly benefited from their critiques and suggestions.

My next challenge is to begin to distill what I have learned this year into a dissertation, a task which Arthur has patiently reminded me of several times as I have delved with wide-eyed fascination into somewhat esoteric topics. [I am very grateful to him for helping me to keep in mind the difference between a dissertation topic and a lifelong research project.] With the progress I have made this year, I have begun to see a clear path to that goal.

On a more personal note, my experience at the Center has been the most rewarding and enjoyable aspect of my time at Harvard so far. And this is due mostly to the seven wonderful people with whom I shared the experience. I consider myself very lucky to have gotten to know them all, and wish them success and happiness as they champion the cause of ethics in the wide, wide world.

***APPENDIX III***  
***Faculty Seminar in Ethics 2000-2001***  
***Seminar Syllabus***



**Harvard University  
Center for Ethics and the Professions**

**FACULTY FELLOWS SEMINAR 2000-01  
Fall and Spring Syllabi**

**September 19. Cases in Practical Ethics**

*Spaulding v. Zimmerman*, adapted by Harold Pollack from L. R. Patterson, *Legal Ethics* (1982)

KSG Case Program, "The Debate Over Clinical Trials of AZT to Prevent Mother-to-Infant Transmission of HIV in Developing Nations" (June 1999)

NOTE: for full text of article, see <http://www.ksg.harvard.edu/case/azt/index.html>

Michael M. Weinstein, "Economic Scare: The ins and outs of putting a price tag on product safety," *New York Times* (August 12, 1999), p. C2.

Ann W. O'Neill, Henry Weinstein and Eric Malnic, "GM Ordered to Pay \$4.9 Billion in Crash Verdict," *Los Angeles Times* (July 10, 1999), p. A1.

"Duke University and Tobacco Companies" (photocopy)

Simone Sandy, "Bombing the Bunker in Baghdad" from *Ethics and Politics*, 3rd edition (Nelson Hall, 1997), ed. Gutmann and Thompson, pp. 27-31.

Simone Sandy, "Tossing Dwarfs in Illinois," from *Ethics and Politics*, pp. 3

**September 26. The Ethics of Role**

**Presentation:** Applbaum

Alasdair MacIntyre, *After Virtue* (Notre Dame, 1981), pp. 175-181.

Michael Hardimon, "Role Obligations," *Journal of Philosophy* 91 (1994), pp. 333-363.

A. John Simmons, "External Justifications and Institutional Roles," *Journal of Philosophy* 91 (1996), pp. 28-36.

## **October 3. The Role of Philosophy in Practical Affairs**

**Presentation:** Williams

Richard Posner, "The Problematics of Moral and Legal Theory," *Harvard Law Review* (May 1998), pp. 1638-93.

**Optional:** Ronald Dworkin, "Darwin's New Bulldog," *Harvard Law Review* (May 1998), pp. 1718-38

## **October 10. Legal Ethics**

**Presentation:** Minow

William H. Simon, "The Practice of Justice," (1998), pp. 1-25, 77-92, 162-169.

David Luban, *Lawyers and Justice* (1988), pp. xvii-xxv.

**Optional:** David Luban, *Lawyers and Justice* (1988), pp. 50-92.

## **October 17. Political Ethics**

**Presentation:** Meyer

Henry L. Stimson, "The Decision to Use the Atomic Bomb," in Amy Gutmann and Dennis Thompson, eds. *Ethics and Politics* (2<sup>nd</sup> Ed., 1990), pp. 5-15.

Dennis Thompson, *Political Ethics and Public Office* (Harvard 1987), pp. 11-39.

Michael Walzer, "Political Action: The Problem of Dirty Hands," *Philosophy & Public Affairs* (1972), pp. 160-80.

Bernard Williams, "A Critique of Utilitarianism," in Smart and Williams, eds. *Utilitarianism: For and Against* (Cambridge University Press, 1973), pp. 98-99.

## **October 24. Medical Ethics: Physician-Assisted Suicide**

**Presentation:** Joffe

Arthur Chin, Katrina Hedberg, Grant Higginson, and David Fleming, "Legalized Physician-Assisted Suicide In Oregon – The First Year's Experience," 340 (7) *The New England Journal of Medicine* (Feb. 18, 1999): 577-583.

Judith Jarvis Thomson, "Physician-Assisted Suicide: Two Moral Arguments," 109(3) *Ethics* (April 1999): 497-518.



Ezekiel J. Emanuel, "What Is the Great Benefit of Legalizing Euthanasia or Physician-Assisted Suicide?" 109(3) *Ethics* (April 1999): 629-642.

Noam Zohar, "Jewish Deliberations on Suicide," in *Physician Assisted Suicide: Expanding the Debate*, ed. Margaret P. Battin, Rosamond Rhodes, & Anita Silvers (NY: Routledge, 1998), pp. 362-372.

### **October 31. No Seminar – Fall Break**

### **November 7. Medical Ethics: Managed Care**

**Presentation:** Pearson

Marcia Angell, "The Doctor as Double Agent" 3 *Kennedy School of Ethics Journal*. (1993): 279-86.

Norman Daniels, "Why Saying No to Patients in the United States is So Hard: Cost Containment, Justice, and Provider Autonomy," 314 (21) *The New England Journal of Medicine* (May 22, 1986): 1380-1386.

Malik M. Hasan, "Let's End the Nonprofit Charade," 334 (16) *The New England Journal of Medicine* (April 18, 1996): 1055-1057.

Steven D. Pearson, "Caring and Cost: The Challenge for Physician Advocacy," 133 (2) *Annals of Internal Medicine* (July 2000): 148-153.

Peter Ubel, "The Unbearable Rightness of Bedside Rationing: Physician Duties in a Climate of Cost Containment" 155 *Archives of Internal Medicine* (1995): 1837-1842.

Steffie Woolhandler and David Himmelstein, "Extreme Risk – The New Corporate Proposition for Physicians," 333 (25) *The New England Journal of Medicine* (Dec. 21, 1995): 1706-1708.

### **November 14. Business Ethics**

**Presentation:** Applbaum and Williams

Paula Casal and Andrew Williams, "Rights, Equality and Procreation," *Analyse & Kritik* 17 (1995), S93-116.

Arthur Applbaum, "Failure in the Cybermarketplace of Ideas," in *Democracy.com* ed. Elaine Kamarck and Joseph Nye (Hollis, NH: Hollis Publishing, 1999), Excerpt: "Legitimacy," pp. 24-28.

Arthur Applbaum, "Culture, Identity, and Legitimacy"

## **November 21. No meeting Thanksgiving**

## **November 28. Moral Conflict: Dilemmas and Cultures**

**Presentation:** Joffe and Minow

Thomas E. Hill, Jr. "Respect for Humanity," *The Tanner Lectures on Human Values*, 18, Grethe B. Peterson, Ed. (Salt Lake City: University of Utah Press, 1997), excerpt, pp. 3-30.

Oscar Schachter, "Human Dignity as a Normative Concept," 77(4) *American Journal of International Law* (October 1983), pp. 848-854.

"The Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research," Report of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, Department of Health, Education, and Welfare. 18 April 1979.

Lionel Trilling, "Of This Time, Of That Place"

Thomas E. Hill, Jr., "Beneficence and Self-Love: A Kantian Perspective," 10(1) *Social Philosophy and Policy* (1993), pp. 1-23.

## **December 5. Moral Conflict: Modes of Resolution**

**Presentation:** Bottis

Nancy Levit, "Ethereal Torts," *The George Washington Law Review* Vol. 61, No. 1 (November 1992), pp. 136-192.

Linda M. Roubik, "Recovery for 'Loss of Chance' in a wrongful death action – *Herskovits v. Group Health*, 99 Wn. 2d 609, 664 P.2d 474 (1983)," *Washington Law Review* Vol. 59 (1984), pp. 981-992.

Maria Bottis, "Choices, Chances and the Law"

## **December 12. Past and Future from a Cosmopolitan Perspective**

**Presentation:** Meyer

Derek Parfit, "The Non-Identity Problem," *Reasons and Persons* (Oxford: Clarendon Press, 1984), pp. 351-379 (ch. 16).

Lukas Meyer, "Past and Future from a Cosmopolitan Perspective"

**Suggested further readings:**

David Heyd, *Genethics. Moral Issues in the Creation of People* (Berkeley: University of California Press, 1992).

Jeff McMahan, "Wrongful Life: Paradoxes in the Morality of Causing People to Exist," in *Rational Commitment and Social Justice. Essays for Gregory Kavka*, ed. Jules L. Coleman and Christopher W. Morris (Cambridge: Cambridge University Press, 1998), pp. 208-247.

Martha Minow, *Between Vengeance and Forgiveness. Facing History after Genocide and Mass Violence* (Boston: Beacon Press, 1998).

Jeremy Waldron, "Superseding Historic Injustice," *Ethics* 103 (1992), pp. 4-28.

**December 19. No Seminar – Semester Break**

**February 6. Ethics of Triage**

**Presentation:** Robert Truog

Robert Truog, "Triage in the ICU," *Hastings Center Report* (May/June 1992): 13-17.

Shana Alexander, "They Decide Who Lives, Who Dies," in *Ethical Issues in Modern Medicine*, eds. R. Hunt and J. Arras (Palo Alto, CA: Mayfield), pp. 409-424. Originally appeared in *Life Magazine* (1962).

**February 13. Dworkin on Equality**

**Presentation:** Andrew Williams

Dworkin, *Sovereign Virtue* (Harvard University Press, 2000)  
Chapter 1: "Equality of Welfare"  
Chapter 2: "Equality of Resources"  
Chapter 8: "Justice and the High Cost of Health"

**February 20. Dworkin on Equality**

**Presentation:** Andrew Williams

Dworkin, *Sovereign Virtue* (Harvard University Press, 2000)  
Chapter 6: "Equality and the Good Life"  
Chapter 7: "Equality and Capability"  
Chapter 9: "Justice, Insurance, and Luck"

## **February 27. Dworkin on Equality**

**Presentation:** Andrew Williams

Dworkin, *Sovereign Virtue* (Harvard University Press, 2000)

Chapter 3: "The Place of Liberty"

Chapter 5: "Liberal Community"

Chapter 14: "Sex, Death, and the Courts"

## **March 6.**

**Cancellation Due to Snow**

## **March 13. Fellows' Works In Progress**

**Presentation:** Maria Bottis

The Commonwealth of Australia v. Amann Aviation Pty. Limited 174 CLR 64  
F.C. 91/043. 1992

"Should a Claim for the Loss of a Chance of Future Earnings Survive Death?"  
Alberta Law Reform Institute Report No. 76 December 1998

**Presentation:** Amnon Reichman

"The Supreme Court v. Balance of Powers", Larry D. Kramer. The New York  
Times, March 3, 2001.

H.C. 5100/94 Public Committee Against Torture in Israel v. The State of  
Israel. [September 6, 1999]

Book Review Essay: "Conscience and the Constitution" on *Constitutional  
Interpretation*, by Philip Bobbitt. The Columbia Law Review, January 1993.  
Vol. 93, pp. 270-307.

Book Review: "Law's Practice: The Case Law System in America", K.  
Llewellyn.

The Columbia Law Review, March 1990. Vol. 90, pp. 575-600.

## **March 20. Ethics and the Human Genome**

**Presentation:** Steven Pearson and Steven Joffe

Buchanan, Allen, et al. *From Chance to Choice: Genetics and Justice*.  
(Cambridge University Press, 2000)

**March 27. NO SEMINAR – SPRING BREAK**

**April 3. Fellows' Works In Progress**

***Presentations:*** Andrew Williams, Lukas Meyer

Meyer, Lukas. "Asymmetry Theses". Work In Progress.

Scanlon, T.M. What We Owe to Each Other. Cambridge University Press, 1998. Chapter 6: "Responsibility"

Nagel, Thomas. "One to One". London Review of Books, February 4, 1999.

**April 10. Fellows' Works In Progress**

***Presentations:*** Steven Pearson, Steven Joffe

Pearson, Steven. "The Professional Way: Summary of the Argument". Work in Progress.

Margalit, Avishai. The Decent Society. Translation by Naomi Goldblum. Harvard University Press, 1998. Chapter 1: "Humiliation," Chapter 2: "Rights," Chapter 3: "Honor".

"The Place of Autonomy in Bioethics". Childress, James F. Hastings Center Report, Vol 20, Number 1, January/February 1990. pp. 12-17.

**April 17. Trust**

*Trust: Making and Breaking Corporate Relations.* Edited by Diegò Gambetta. (Basil Blackwell Ltd. 1988)

Chapter 6: Luhmann, Niklas, "Familiarity, Confidence, Trust: Problems and Alternatives" pp.94-107

Chapter 7: Hawthorn, Geoffrey, "Three Ironies in Trust" pp.111-126

Minow, Martha. "On Being a Religion Professional: The Religious Turn in Professional Ethics." [Roberts Lecture, University of Pennsylvania, February 8, 2001]

## **April 24. Teaching Ethics**

Derek C. Bok, "Can Ethics Be Taught?" *Change* v. 2 (October 1976), pp. 26-30.

Barbara Herman, "Training to Autonomy: Kant and the Question of Moral Education." *Philosophers on Education*. Ed. Amelle O. Rorty. London, Routledge, 1998

### **Optional Readings:**

Lynn S. Paine, "Ethics as Character Development"

Rhode, "Ethical Reasoning and Ethical Conduct." Excerpt from *Professional Responsibility*.

G. Ryle, "Can Virtue Be Taught?" *Education and the Development of Reason*. Ed. R.F. Dearden, P.H. Hearst, R.S. Peters. Routledge and Kegan Paul, 1972.

***APPENDIX IV***  
***Graduate Seminar in Ethics 2000-2001***  
***Seminar Topics***





**CENTER FOR ETHICS AND THE PROFESSIONS  
HARVARD UNIVERSITY  
GRADUATE FELLOWSHIP SEMINAR  
2000-2001  
(Thursdays, 12:30-3:30)**

**FALL 2000**

Session 1: September 21  
**Syllabus Planning**  
Arthur Applbaum

Session 2: September 28  
**Cases in Professional and  
Practical Ethics**  
Arthur Applbaum

Session 3: October 5  
**Ethics of Role I**  
Arthur Applbaum

Session 4: October 12  
**Ethics of Role II**  
Bryan Garsten

Session 5: October 19  
**Legal Ethics**  
Madeline Kochen

Session 6: October 26  
**Moral Dilemmas**  
John Parrish

Session 7: November 2  
**Political Ethics**  
Tamara Metz

Session 8: November 9  
**Group Action**  
Aaron James

Session 9: November 16  
**Managed Care**  
Jill Horwitz

Thanksgiving Break - No Session  
November 23

Session 10: November 30  
**Ethics and Economics**  
Peter Spiegler

Session 11: December 7  
**Presentations of the Fellows**

Session 12: December 14  
**Presentations of the Fellows**

**SPRING 2001**

Session 13: February 1  
**Presentations of the Fellows**

Session 14: February 8  
**Presentations of the Fellows**

Session 15: February 15  
**Money, Politics, and Speech**  
Peter Spiegler

Session 16: February 22  
**Deliberation**  
Bryan Garsten

Session 17: March 1  
**Public and Private**  
Tamara Metz

Session 18: March 8  
**Public Reason**  
John Parrish

Session 19: March 15  
**Constitutional Democracy**  
Madeline Kochen

Session 20: [rescheduled] Wednesday,  
March 21, 10 a.m.  
**Political Legitimacy**  
Jill Horwitz

Spring Break – No Session March 29

Session 21: April 5  
**Law of Peoples**  
Aaron James

Session 22: April 12  
**Nonideal Theory**  
Bryan Garsten

Session 23: April 19  
**Humanitarian Intervention**  
John Parrish

Session 24: April 26  
**Normativity**  
Aaron James

Session 25: May 3  
**Presentations of the Fellows**

Session 26: May 10  
**Presentations of the Fellows**

Session 27: May 17  
**Presentations of the Fellows**

Session 28: May 24  
**Presentations of the Fellows**

**APPENDIX V**  
***Faculty Fellows in Ethics 2001-2002***



**NOMY ARPALY** is an Assistant Professor in the department of philosophy at Rice University, where her areas of study and teaching include ethics, moral psychology, action theory, and metaethics. She received her Ph.D. from Stanford University in 1998, and the following year was appointed a Visiting Assistant Professor at the University of Michigan, Ann Arbor. Two of her recent publications are "On Acting Rationally Against One's Best Judgment" in *Ethics*; and "Hamlet and the Utilitarians" in *Philosophical Studies*. Her articles have also appeared in *The Canadian Journal of Philosophy*. During the Fellowship year, Professor Arpaly intends to research some questions of moral psychology and metaethics while attempting to pay particular attention to the way real persons act.

**DAVID BRENDEL** holds a BA in philosophy from Yale College, an M.D. from Harvard Medical School, and a Ph.D. in philosophy from the University of Chicago. He is a psychiatrist at McLean Hospital, where he served as chief resident in 2000-01. He is a member of the ethics committees at McLean Hospital and Massachusetts General Hospital, and is an assistant editor for the *Harvard Review of Psychiatry*. His graduate work focused on the complex relation between psychological and neuroscientific forms of explanation in philosophy of mind and psychiatry. He has lectured and published articles on this topic, on related issues in psychiatric diagnosis, and on applications of these ideas to clinical work and psychiatric ethics. During the Fellowship year, he plans to work on a book examining conceptual and practical links among philosophy of mind, clinical psychiatry, and psychiatric ethics.

**MARGO SCHLANGER** teaches constitutional law, torts, and civil rights law at Harvard Law School, where she is an assistant professor. Her BA is from Yale College and her J.D. from Yale Law School. Following her graduation from law school, she clerked for two years for U.S. Supreme Court Justice Ruth Bader Ginsburg and then became a trial attorney for the U.S. Department of Justice Civil Rights Division, where she did civil rights enforcement work involving jails, prisons, and police departments. Her scholarly work has focused on court-connected reform efforts, especially in corrections and policing. The Fellowship year will be devoted to research and writing on appropriate definition, normative assessment, proof, and regulation of police "racial profiling."

**DAVID SUSSMAN** teaches moral philosophy at Princeton University, having received his Ph.D. from the University of Chicago in 1999. His main research interests are metaethics, moral psychology, and the philosophy of action, with an emphasis on Kant and post-Kantian German idealism. He has written on Kant's moral philosophy and philosophy of religion. He is currently investigating the relations between conceptions of trust, autonomous agency, and such moral or quasi-moral emotions as remorse, shame, and regret, along with attendant conceptions of expiation and forgiveness.

**KOK-CHOR TAN** received his Ph.D. in Philosophy in 1998 from the University of Toronto and was a Social Sciences and Humanities Research Council of Canada Postdoctoral Fellow at Queen's University from 1999-2001. He works mainly in political philosophy and ethics, and has a special interest in issues of global justice. For the Fellowship year, he plans to complete a book on cosmopolitanism, examining

specifically the challenges posed by nationalism and the practice of compatriot partiality for global justice. He is the author of *Toleration, Diversity, and Global Justice* , and has contributed to journals such as *The Canadian Journal of Philosophy* and *Ethics*. He has taught at the University of Toronto and at Queen's University.

**APPENDIX VI**  
***Graduate Fellows in Ethics 2001-2002***





**DOUG EDWARDS** is a Ph.D. candidate in philosophy. His research concerns the fundamental assumptions and sensibilities animating socialist politics and the quest for an ideal, egalitarian society. The central theme is a conception of the person as essentially social, rather than private, and the attendant understanding of society that informs the work of such thinkers as Aristotle, Rousseau, Hegel, Marx, and Rawls. His work seeks to clarify the political ideals of fraternity, civic friendship, and community, and asks how such ideals can be compatible with the recognition of a pluralism of reasonable moral doctrines found in contemporary societies. A related aim is to clarify the moral psychology underlying the justificatory standard of "reasonability." Edwards graduated with a BA in economics from Brown University. After a brief but obscure career as a financial analyst, he returned to academia, earning an MA in philosophy from Tufts University. At Harvard he has been a teaching fellow for courses in moral and political philosophy, and has led a tutorial on Rousseau. Edwards has been named a Eugene P. Beard Graduate Fellow in Ethics.

**LOUIS-PHILIPPE HODGSON** is a Ph.D. candidate in philosophy. His dissertation will explore the implications of Kant's approach to social contract theory for problems of international justice, and examine how these implications can shed light on related contemporary debates. He is generally interested in political and moral philosophy, both contemporary and historical. He holds a BA from Laval University (Quebec City) and an MA from the University of Toronto, both in philosophy. At Harvard he has been a teaching fellow for a class in the philosophy of law in the Core Program, and for a class on Kant's ethical theory in the Department of Philosophy. Hodgson has been named an Edmond J. Safra Graduate Fellow in Ethics.

**ORLY LOBEL** is an S.J.D. candidate at Harvard Law School. Her dissertation examines the challenges that globalization poses to collective struggles for social reform. She analyzes the place of individual and group empowerment in a changing web of arenas, regulations, and norms, especially in relation to transnational employment and the provision of social welfare. Her publications include a book on Israeli labor and employment law, and papers on the structures of power in the workplace and the relations between class and care. Lobel has an LL.M. *summa cum laude* and first in her class from Harvard Law School, and an LL.B. *magna cum laude* and first in her class from Tel Aviv University. She has also studied at the Sorbonne University, Northwestern Law School in Chicago, and the Max Planck Institutes. She has been awarded a Fulbright Fellowship and an E. David Fischman Scholarship. Lobel has clerked on the Israeli Supreme Court; taught criminal law at Tel-Aviv; and has been granted the Knesset Award for Outstanding Young Academics. At Harvard she leads a year-long colloquium on legal education as the Law Teaching Fellow of the Graduate program. Lobel has been named an Edmond J. Safra Graduate Fellow in Ethics.

**MATTHEW PRICE** is a Ph.D. candidate in government. His dissertation explores public discourse about the meaning and value of American citizenship over the last two centuries. Drawing on contemporary and historical debates over immigration, education, and suffrage, he examines the claim that an economic-rather than political-idea of citizenship has gained prominence, and assesses the normative implications of such a trend. Price graduated *magna cum laude* with an AB in Economics and Public

Ethics from Harvard, and received a Dorot Fellowship to study Talmud and work for a Palestinian human rights group in Jerusalem. Since returning to Harvard, he has taught moral reasoning and political ethics in the Core Program and at the Kennedy School. Price will hold an Edmond J. Safra Graduate Fellowship in Ethics.

**MARTIN SANDBU** is a Ph.D. candidate in Political Economy and Government. Originally from Oslo, he was educated in Rouen and at Oxford, where he read Philosophy, Politics and Economics. His dissertation explores how economic methodology informs common normative principles at the level of policy evaluation and to what extent the economic way of looking at the world favors certain strands of political philosophy. He also has a general interest in international politics and international economic policy. This past year he has worked with the Commission on Macroeconomics and Health of the World Health Organisation, in Geneva and in Cambridge. He also taught courses in political philosophy and in economic theory at Harvard College and at the Kennedy School of Government. Sandbu has been named a doctoral fellow of the Research Council of Norway.

**ANDREA SANGIOVANNI-VINCENTELLI** is a Ph.D. candidate in government. His dissertation assesses the democratic legitimacy of supranational nonmajoritarian institutions in the European Union, such as quasi-autonomous regulatory agencies, constitutional courts, and a central bank. Drawing on arguments both for and against the 'constituent power,' his dissertation also addresses broader normative debates on the possible emergence of transnational constitutionalism outside the EU. His other research interests include seventeenth- and eighteenth-century political thought, civil religions in early-modern political theory, and vagueness in moral predicates. After graduating from Harvard College in 1996, he spent a year as a Visiting Scholar at the European University Institute, where he studied immigration politics in Western Europe. He has taught courses in moral and political theory, globalization, and American constitutional democracy. In the previous year, he was a Graduate Student Fellow at the Center for European Studies. Andrea will hold a Eugene P. Beard Graduate Fellowship in Ethics.

**PENNY TUCKER** is a Ph.D. candidate in the History of American Civilization. Her dissertation analyzes the philosophy of promising in nineteenth-century American culture with special emphasis on literature, law, and business. She is interested particularly in how promises were used to depict and to reform the society, describes their use as both conservative and progressive tools to counter marginal social status, to relate individuals in a growing economy, and to make claims for political rights. During her fellowship year, she will focus on the role of promises in fashioning an emerging American business class in the first half of the nineteenth century. She holds an A.B. with honors in Religion and the Humanities from the University of Chicago and an A.M. in English and American Literature and Language from Harvard University. She has been named a Truman Scholar, a finalist for the Charlotte W. Newcombe Dissertation Fellowship, and a recipient of the Judge A. Leon Higginbotham Research Fellowship for scholarship related to social justice. Tucker has been named an Edmond J. Safra Graduate Fellow in Ethics.



