



Harvard University
The Center for Ethics and the Professions
Annual Report 2001-2002

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To: Provost Steven Hyman
From: Dennis Thompson
Subject: Report of the Center for Ethics and the Professions, 2001-2002
Date: July 10, 2002
cc: President Lawrence H. Summers

If the demand for ethics education increases as the supply of ethical action declines, then the need for ethics programs has never been greater than during 2001-02. The financial misconduct of corporations from Enron to WorldCom, the ecclesiastical misdeeds in the Catholic Church, and the governmental responses to terrorism provided a surplus of ethical dilemmas and moral lessons. The horror of the events of September 11th gave new urgency to the need to understand the forms that evil take in our time, and to reaffirm the values that support our efforts to resist it.

The Center was certainly affected by these events. Our intellectual activities as well as our emotional reactions seemed more intense and more significant than ever before. Many of the issues with which we have long been concerned became more vivid and relevant.

One of the leading aims of much of our work has been to stress the institutional dimension of ethics—in particular, the ways that organizations respond to wrongs they and their members commit. In the large and complex institutions in which so many now work, mistakes and misdeeds are bound to occur. A primary task of ethics is to show not only how to make them occur less often but also how to act when they do occur. What one should do when others do not do what they ought to do thus is a central question in institutional ethics. It is also one of obvious relevance to the recent corporate and ecclesiastical scandals.

The old problem of dirty hands—doing wrong to do right—also gained new significance, as we discussed ways to respond to the threat of

terrorism. We even devoted some time to a serious study of torture, and one of the Fellows wrote an insightful philosophical analysis of its meaning. Our Tanner Lecturer, Kathleen Sullivan, Stanford Law Dean (and former Faculty Associate of our Center) changed her topic after 9-11, and spoke about the importance of maintaining constitutional rights in a time of crisis.

The Center was not completely occupied with tragedies and scandals. Many of our normal activities—and some extraordinary ones—also took place this year. The rest of this report chronicles many of the impressive achievements of the Fellows, the associates of the Center and others active in ethics at Harvard and elsewhere, but a few highlights can be mentioned in this introduction.

For the first time, we received gifts to support our Faculty Fellowships. Mrs. Lily Safra, who had previously endowed six graduate fellowships in the Center, this year established a Faculty Fellowship. Ockert Dupper, a South African professor of law who will join the Center next year, has been named as the first Edmond J. Safra Faculty Fellow in Ethics. We were pleased to honor Mrs. Safra at a luncheon in the spring, after which she attended the graduate fellows seminar.

Gene Beard, who has also supported several graduate fellows in the past, this year enabled us to create a new Faculty Fellowship. David Brendel held this position this year, with the title of Eugene P. Beard Faculty Fellow in Ethics.

The Center was invited to organize a symposium for the occasion of the inauguration of

the new president of Harvard, Lawrence Summers. Our topic was "The Professional Ethic Meets the Market Economy," which as you might expect generated a lively and illuminating discussion. Two of our Faculty committee members, Martha Minow and Michael Sandel, gave presentations, along with three distinguished visitors, Arnold Relman, Professor Emeritus of Medicine and of Social Medicine, Harvard University, Judge Richard Posner, United States Court of Appeals for the Seventh Circuit, and Samuel Their, President and CEO, Partners HealthCare System, Inc. I served as moderator.

The School of Public Health, with the help of our Center, concluded its search for an ethics professor, and ended up appointing two distinguished scholars, Norman Daniels and Daniel Wikler, both former Fellows in the Center. Daniels has made major contributions to the study of justice of health care, and has collaborated with faculty in our medical school and elsewhere on studies of managed care. Wikler, recently returning from service with the World Health Organization in Geneva, is a leading expert on international aspects of health care.

The Kennedy School's search for an assistant professor in ethics produced such an impressive pool that the faculty found three candidates whom they believed outstanding. The Dean agreed to appoint two, Michael Blake (from Harvard) and Mathias Risse (from Yale). Our Center invited the third, Katie McShane (from Michigan), to be a visiting scholar next year. The School also appointed former Beard Graduate Fellow in the Center, Samantha Power as a Lecturer. Her book, *A Problem from Hell: America and the Age of Genocide*, received widespread praise when it was published this year. With three junior faculty and five senior faculty specializing in ethics and public

policy, the School is now recognized as having the strongest group in this field of any school.

Two faculty associated with the Center, Michael Sandel and former Fellow Rebecca Dresser (now at Washington University), were named to President Bush's Council on Bioethics. Dresser is scheduled to speak at our Center next fall on some of the issues that the Council is addressing.

Faculty and former Fellows continue to produce scholarship of high quality and lasting influence. Among the authors and the books they published this year: Joe Badaracco, Jr., *Leading Quietly: An Unorthodox Guide to Doing the Right Thing*; Lawrence Blum, *'I'm Not a Racist, But...': The Moral Quandary of Race*; Derek Bok, *The Trouble with Government*; James Sabin and Norman Daniels, *Setting Limits Fairly*; Lawrence Lessig, *The Future of Ideas*; and John Rawls, *Justice as Fairness: A Restatement*. Tim Scanlon's *What We Owe Each Other*, published in 1998 was the subject of a special issue of *Ethics* this spring.

We also experienced sad losses this year. Ken Ryan, one of the founding Senior Fellows of the Center, died in early January of a myocardial infarction. His contributions over the years, and especially as a devoted member of the Faculty Fellows seminar in 1997-98, are immeasurable. His intellectual support, encouragement and thoughtful criticism will be greatly missed by all his colleagues at the Center and in the field of medical ethics.

Later in January Bob Nozick succumbed to complications from stomach cancer. A devoted participant in the Center activities, Bob mentored many of our graduate fellows, and participated with enthusiasm in our seminars. Those of us who have known Bob from the earliest days at Princeton and Harvard, feel the loss personally. But his intellectual contributions to ethics, in the

broadest sense, will be missed by everyone who cares about the subject.

A different kind of loss was the departure of Father Bryan Hehir, who stepped down as head of our Divinity School to assume the directorship of the Catholic Charities USA. He too had been active in our Center from its earliest years, and will be missed. While we appreciate the good work he will be doing in this new calling, we still hope that he may someday return to the university to which he has made so many valuable contributions.

Finally, we welcomed the news of your appointment this fall as Provost. We were of course pleased for the University, but especially pleased for the Center because the Provost has responsibility for all the interfaculty initiatives. As the founding director of one of the most successful ones before you left for Washington, you understand well the distinctive needs and contributions of these efforts. The faculty and staff of the Center look forward to working with you.

The Current Faculty Fellows

This year's group was somewhat smaller in size than usual (one Fellow-to-be withdrew at the last minute for personal reasons), but certainly not slighter in substance. I was concerned at the beginning that the group was unduly heavy on philosophers (three out of five, and all grounded more in the mainstream of the discipline than in any applied approach).

But as it turned out one of the philosophers (David Brendel) is also a doctor, whose clinical experience kept him in touch with practical problems. The other two philosophers (Nomy Arpaly and David Sussman) have strong interests in moral psychology and practical affairs, which they developed further during the year. Our political theorist (Kok-Chor Tan) manages to keep

his theory politically informed, especially with regard to international affairs.



From left to right: (front row) David Brendel, Dennis Thompson, Nomy Arpaly; (back row) David Sussman, Arthur Applbaum, Margo Schlanger, Kok-Chor Tan, Robert Truog (Visiting Professor)

Although displaying considerable theoretical skill themselves, the other two members of the seminar kept us firmly grounded in practice: Margo Schlanger, the Fellow from our Law School, has spent time with the police and in prison (as a researcher and prosecutor, I hasten to add). She did not hesitate to press hard questions about the practical implications of our theoretical musings. Bob Truog, a former Fellow who is now head of the ICU at Children's Hospital, challenged us with some of the real life dilemmas he and his colleagues have faced. His participation confirmed the value of our policy of inviting each year a senior colleague to participate in the seminar as a visiting professor.

Looking over the syllabus we followed this year, I am struck by the range of topics that we covered—and given the time constraints the remarkable depth in which we covered them. In addition to our annual tour of the various fields of professional ethics (law, medicine, business, government), we explored the ethics of deliberative democracy, moral responsibility of groups and organizations, sexual boundaries in psychotherapy ("A Problem of Dirty Hands or Dirty Minds?"), the ethics of triage in hospitals, justice in sentencing, moral responsibility of mentally incompetent criminals, international

justice, the relevance of just war principles, the ethics of torture, narrative approaches to ethics, and the ethics of teaching ethics.

The range of competence and the value of contributions of each member were quite astonishing. We needed to call for intellectual reinforcements only once. For our session on business ethics, we benefited from the knowledge and experience of Ashish Nanda, a former Fellow and now associate professor in the Business School, who led us in a masterful discussion of several important cases he had written.

As you can see from their individual reports (Appendix I), the Fellows were remarkably productive this year. Arpaly finished her book on moral responsibility (*Unprincipled Virtue*), and made good progress on her next book—on the problem of free will. She took an active part in the Philosophy Department's workshop while she was here. She returns to Rice to teach ethics.

Brendel completed several papers on what might be called the ethics of the methods of psychiatry—the moral implications of choices of different clinical approaches. He will return to the McLean Hospital where he will assume leadership of the institutional review board. He will also develop a psychiatric ethics curriculum for the residency program at both McLean and Mass General.

Schlanger continued her work on racial profiling—an important issue when she began but even more timely now. Stimulated by a session on the philosophy of punishment in our seminar, she also moved forward on a second project—an analysis of the effects of inmate litigation on prisons. She will continue to teach in our Law School.

Sussman devoted himself to perversity this year—the philosophy of, I should say—and produced two important papers, one called “Sheer

Perversity” and the other asking “What’s So Bad About Torture?” He also continued his work defending a broadly Kantian view of autonomy. He returns to Princeton to teach both moral theory and practical ethics (at least as practical as Princeton philosophy can be).

In addition to writing or drafting some six papers this year, Tan completed a book length manuscript on cosmopolitanism, nationalism and patriotic obligations. Active in all the Center's events as well as in activities in many other parts of the university, he took a special interest in our seminar on the teaching of ethics. He takes up a new position at the University of Pennsylvania, where he will for the first time teach an introductory course on ethics.

Perhaps inspired by the intellectual energy of the Fellows, the regular faculty in the seminar—Arthur Applbaum, Bob Truog and I—also made progress on our work. Applbaum advanced his (and our) thinking on human rights and legitimacy, Truog developed his ideas on the discontinuity between the ethical principles generally endorsed in clinical settings and the actual practices found there, and I completed a book on the moral principles underlying the practice of elections in democracies (entitled *Just Elections* and to be published in September).

The New Faculty Fellows

Next year's Faculty Fellows were selected from a large pool of applicants from 49 colleges and universities. Twenty-six applications came from many foreign countries, including Australia, Canada, China, England, Germany, Israel, Korea, the Netherlands, New Zealand, Nigeria, Scotland, Spain, and South Africa. The applicants ranged in age from 29 to 64 years, with an average age of 39. Eighteen women applied (just over 27 percent of the total).

More applicants came from philosophy (42 percent) than any other field. Among other fields represented were: government including political science (7 percent), medicine (9 percent), law (13 percent), education (12 percent), business (4 percent), and religion (4 percent). The remaining 9 percent of applicants declared other fields of interest, including anthropology, disability policy, bioethics, journalism, applied sciences, psychology, environmental studies and computer technology.

The new class is professionally, as well as geographically, diverse. Two are lawyers, three are philosophers, and one is a professor of legal studies and management. Half the class is from abroad: Israel, Scotland and South Africa. The fellows' research interests cover a wide spectrum of topics, including labor and discrimination law, law of corporate governance, political ethics, moral psychology, law and economics, human rights, environmental policy and ethics, and ethical theory. (For biographical notes on the new Faculty Fellows, see Appendix V)

I am pleased that we will be joined in the weekly seminar next year by Nicholas Christakis, Professor of Medical Sociology in the department of Health Care Policy at Harvard Medical School; and Stephen Macedo, the Laurance S. Rockefeller

Professor of Politics and Director of the university Center for Human Values at Princeton. We have also invited a visiting scholar to join the group – Katie McShane, who recently finished her dissertation on environmental ethics at the University of Michigan.

The Faculty Fellows were selected by our university-wide Faculty Committee, which I chair. The members of the Committee, who represent several of our professional schools and the Faculty of Arts and Sciences, are Martha Minow (Law School), Tim Scanlon (Philosophy), Lynn Peterson (Medical School), Michael Sandel (Government), Joseph Badaracco (Business School), and Arthur Applbaum (Kennedy School of Government).

The Graduate Fellows

The Graduate Fellowship program, now in its twelfth year, continues to attract the strongest graduate students at Harvard who work on normative topics. Thanks to the generosity of Mrs. Lily Safra, six of the fellowships were endowed by the Hong Kong Shanghai Bank and the Edmond J. Safra Philanthropic Foundation in memory of Mrs. Safra's husband, the international banker and philanthropist. One graduate fellow was wholly supported by the Research Council of Norway.



From left to right: Louis-Philippe Hodgson, Martin Sandbu, Andrea Sangiovanni-Vincentelli, Orly Lobel, Arthur Applbaum, Matt Price, Penny Tucker, Douglas Edwards

The 2001-2002 class of Graduate Fellows consisted of two philosophers, two political theorists, a candidate in political economy and

government, a student of American literature, and a legal scholar. (See Appendix II for their individual reports.) Continuing a recent trend, four of the Fellows are writing dissertations on topics related to international ethics. Complementarities across topics and disciplinary boundaries have come to be a predictable feature of the Graduate Seminar, but happy connections among the work of the Fellows were especially thick this year. One could, and we did, trace a path from the noninstrumental value of institutional procedures to the legitimacy of non-majoritarian, supranational institutions to emerging intermediaries in global labor markets to the right of political asylum for refugees to contractualist foundations of international justice to the social basis of political union to the theme of trust and promising among citizens in 19th century American literature.

Doug Edwards made extensive progress on a dissertation exploring the essentially social foundation of rights, agency, and freedom. In one paper, he offered a new and demanding interpretation of the Rawlsian good of social union. In another, he argued that the concept of practical reason must be explained in terms of an ideal social convention, so that moral justification is possible only when we are in community with others. Doug and Andrea's spirited and illuminating e-mail exchanges mapping out the various arguments that the rest of us made (or should have made) were a highlight of the year.

Louis-Philippe Hodgson wrote four papers this year that will be a part of his dissertation on a Kantian account of social contract theory and international justice. One paper, on collective agency, was directly inspired by an early Graduate Seminar session on that topic, and another, on representation in classical social contract theory, made an important contribution to the Fellows'

ongoing exploration of political legitimacy. Louis-Philippe, one of our Edmond J. Safra Fellows, skillfully led the discussion with Lily Safra on humanitarian intervention.

Orly Lobel's proudest accomplishment this year was to give birth to our youngest (honorary) Fellow, but the arrival of Danielle did not keep Orly from completing two papers—one on the cooptation of social movements by their own success in courts of law, and another on the emergence of new labor market intermediaries. In the fall, she will be a Fellow at the Kennedy School's Hauser Center for Nonprofit Institutions.

Matthew Price, no doubt under the benevolent influence of the Center, switched dissertation topics, defended a new prospectus, and went on to present one chapter and make serious progress on two others. Matt argues that the granting of asylum to refugees—in contrast with providing humanitarian shelter—is a political act that expresses condemnation of the asylee's home country. This view shapes the conditions, if any, under which there is a right to asylum or a duty to grant it.

Martin Sandbu completed two chapters of a dissertation at the intersection of economic theory and political philosophy. One paper explored the ways in which the noninstrumental value people place on decision procedures and allocation mechanisms can account for the moral importance of such procedures. Another argued that the sort of moral perfectionism apparently ruled out by political liberalism pervades the fiscal policy of liberal democracies, and this calls for either a revised understanding of the demands of political liberalism or substantial changes in taxation and spending.

Andrea Sangiovanni-Vincentelli vigorously pursued both the political theory and the empirical reality of the new supranational institutions of

Europe. He has been developing his own answer to the charge that the European Union suffers from a democratic deficit. He completed one paper on the concept of output legitimacy, and presented another on what he calls representational legitimacy. After getting married in the summer light of Florence, Andrea will spend next year in the other, damper Cambridge.

Penny Tucker completed her dissertation on the practice of promising in 19th century American literature. In her close reading of novels and other texts of the period, she highlights the role played by literary representations of promise-making in offering the citizenry various models of social relations, and so, of nation-building. Her seminar session on the portrayal of violence in literature was one of the most lively and stimulating. Next year, Penny will be a lecturer at Harvard in history and literature.

A luncheon to honor Mrs. Lily Safra was held at the Faculty Club in April. She attended with her grandsons, Samuel Elia '04 and David Elia, a student at Brandeis, and with Jeffrey Keil, Chairman, International Real Returns LLC, and Ezra Marcos of the Edmond J. Safra Philanthropic Foundation. We were pleased (and so was Mrs. Safra) that you could attend as Provost. Guests also included Harvard President Emeritus Neil L. Rudenstine, the Graduate Fellows in Ethics, Dennis Thompson, Arthur Applbaum, and Faculty Fellows Margo Schlanger of the Law School and David H. Brendel of McLean Hospital. After lunch, Mrs. Safra and her colleagues were treated to a seminar on humanitarian intervention with the Graduate Fellows.

The incoming class of Fellows looks every bit as promising. It includes three philosophers, a scholar of international law, and a business ethicist. (See Appendix VI for the biographies of the new Graduate Fellows.)

One mark of the extraordinary success of the Graduate Program is the placement of our Fellows in leading academic institutions around the world. In the last six years, thirty-four of our graduates have secured faculty positions at major colleges and universities. Seven more now hold senior positions. The list is quite impressive: see Appendix VII.

Joint Seminars

The Faculty Fellows and Graduate Fellows joined forces on three occasions this year to meet with both local faculty (including one of our own Faculty Committee members) as well as a visitor from another university. 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. This year's series turned out to be as lively and enlightening as ever.

Henry Shue, Professor of Ethics and Public Life, Cornell University: "A Legacy of Danger: The Date of Technological Transition and the Severity of Climate Change."

Frances Kamm, Visiting Professor of Philosophy and Public Policy, Harvard, and Professor of Philosophy, New York University: "Harming Some to Save Others From the Nazis."

Martha Minow, Professor of Law, Harvard: "Partners, Not Rivals: Privatization and the Public Good."

The Public Lectures

Now in its 16TH year, our public lecture series continues to provide our own faculty and students, and members of the wider Cambridge-Boston community, with a satisfying intellectual feast.

Each event further strengthens interfaculty collaboration across the University and beyond, and often serves as a kind of intellectual reunion as former faculty fellows and graduate fellows return to participate in the dinner seminars that follow the lectures. This series, which strives to promote philosophical reflection on problems of human values in contemporary society, is supported by a fund established by the late Obert Tanner. The lectures this year featured:

Glenn C. Loury, University Professor and Professor of Economics; Director, Institute on Race and Social Division, Boston University: "The Superficial Morality of Color Blindness"

Jose Zalaquett, Professor of Human Rights; Professor of Ethics and Government, University of Chile, Santiago: "Transition to Democracy: The Ethics of Responsibility"

Yael Tamir, Professor of Philosophy, University of Tel Aviv, former minister in the Israeli government and former Visiting Scholar in our Center: "Global War and Class Struggle"

G.A. Cohen, Chichele Professor of Social and Political Theory and Fellow, Oxford University: "How Facts Ground Principles: By Grace of Principles that are not Grounded in Fact"

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. Perhaps more than at any earlier time in their history the 2001-2002 lectures had to meet an urgent need for ethical reflection about current events. In the aftermath of the terrorist attacks of September 11th, Kathleen Sullivan, Dean of Stanford Law School,

confronted the challenge of providing answers to some of the many difficult questions that these events and their aftermath raised. Her topic was "War, Peace and Civil Liberties," and her chosen focus was American Constitutionalism in times of national emergency.

At a seminar which concluded the three-day public event, the lectures provoked thoughtful commentaries by Nancy Rosenblum, Professor of Government, and John Ruggie, the Evron and Jeane Kirkpatrick Professor of International Affairs at the Kennedy School. Arthur Applbaum skillfully moderated the session. At a lunch following the seminar, Dean Sullivan engaged a group of graduate students in a discussion that further explored the issues raised during the event. (A report on the event by Graduate Fellows Orly Lobel and Martin Sandbu appears in the Center's newsletter Summer 2002. Audio tapes of the Tanner lectures may be obtained from the Center.)

Ethics Beyond Harvard

Our Center continues to receive many requests each year from other universities throughout this country and abroad for advice and collaboration. This year faculty and administrators from several universities visited here or communicated with us to discuss starting centers or programs similar to ours. They included representatives from the University of Washington, St. Louis, the President of Oglethorpe University in Atlanta, and a professor from the University of Oslo who is planning a center on human rights.

Although my various local responsibilities limit my own travel, I did respond to an invitation from Tulane University to advise the faculty there on the progress of the Murphy Ethics Center. I also traveled south at the invitation of the National Institutes of Health to give a seminar on "Conflict of Interest." The Fellows Program at the NIH is

directed by Zeke Emanuel, former Faculty Fellow in Ethics.

During the year our staff and faculty in the Center also assisted inquirers from dozens of colleges, corporations, and professional associations from around the world. Fortunately, we are able to call on colleagues in each of the schools, particularly members of our Committee and Faculty Associates, to help respond to these requests for advice.

Our faculty and former Fellows continue to play an important role in the Association of Practical and Professional Ethics, the international organization that we helped establish. It will be celebrating its twelfth anniversary during the next academic year. I have been invited to give the keynote address on that occasion. I continue to serve on the organization's executive committee.

One of the most important links to the outside world comes through the work of our former Fellows. In the early years, the alumni were small in number and close in location. But in this, the second decade of the Center, we have reached a milestone: we have appointed the 100th Faculty Fellow. In addition, we have trained some 65 Graduate Fellows. Both the Faculty and Graduate Fellows are now teaching ethics and in many cases leading ethics programs in colleges and universities throughout the United States and many foreign countries (including Australia, Austria, Canada, England, Germany, India, Israel, Italy, Norway, The Netherlands, Scotland, South Africa, and Switzerland). Through these links and others we are developing, the Center is reaching increasingly large numbers of students, faculty and future leaders of society.

Plans and Prospects

Our Graduate Fellowships program received a further boost this year thanks to the generosity of

Mrs. Lily Safra. Having earlier established the Edmond J. Safra Graduate Fellowships in Ethics in memory of her husband, Edmond Safra, the distinguished international banker, Mrs. Safra facilitated a further gift from the Edmond J. Safra Philanthropic Foundation. This timely gift has allowed the Center to endow the first Faculty Fellowship in Ethics, as well as enabling us to appoint up to six Edmond J. Safra Graduate Fellows in any given year. Ockert Dupper, Associate Professor of Law at the University of Stellenbosch, South Africa, has been named as the first Edmond J. Safra Faculty Fellow in Ethics.

Edmond Safra was a far-sighted philanthropist who supported a number of charitable institutions and universities, including Harvard, where he established 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 are grateful for Mrs. Safra's ongoing support of the Center.

We have also been fortunate to have the continuing support of Eugene Beard, who took a serious interest in the Center earlier in its history, and established our first named graduate fellowships. This year he also enabled us to create another faculty fellowship, to which David Brendel was appointed as the first Eugene P. Beard Faculty Fellow.

The last meeting of the Center's Advisory Council (held last spring while I was on sabbatical leave) was facilitated by Acting Director Martha Minow. At that meeting, former Provost Harvey Fineberg announced the establishment of the Lester Kissel Presidential Fund for Ethics and Values. Provost Fineberg welcomed this Fund as the beginning of the Center's endowment. Since

that time (as noted above) we have received endowment funds from Mrs. Safra and current use funds from Mr. Beard.

The Kissel bequest supports a portion of the Center's activities, but also includes a small endowment for activities "beyond the classroom." Projects being considered for the use of these funds are (1) Web site development, including access to Fellows' writings, and interactive features to encourage sharing of research; (2) preparation of case studies based on field research; and (3) conferences and workshops for faculty and administrators at other institutions who are planning to establish ethics centers or similar programs. We have also received a proposal to produce a video and other materials about the Center, and are asking our Advisory Council for guidance about this and other possibilities for taking ethics on the road.

We continue to need term funds to strengthen our core activities (including the Faculty Fellowships), and endowment funds to support our plans for expansion. The most important needs in this respect are additional professorships for faculty specializing in ethics. The recent appointment of two former Faculty Fellows to professorships at the School of Public Health will directly benefit the Center, as will the appointment of a professor of bioethics in the Medical School, which we hope will take place next year. But we need more faculty and more resources to support faculty research in ethics in the Center and in all the schools at Harvard. We continue to work with all the schools that are seeking funds for ethics, whether for faculty positions or curricular initiatives. The health of the Center depends on maintaining strong ethics activities in the schools.

The rest of this report chronicles many of the impressive achievements of the Fellows, the Center, and others active in ethics at Harvard and

elsewhere. In the early years of the Center, I was able to write all the sections myself, because I not only knew about but also participated in almost every endeavor related to ethics education and research at Harvard. Now no one person, however much time he or she might have, could keep up with the splendidly abundant and valuable activity in this field. Even since you have been gone, remarkable progress has been made. I trust that you will find the achievements as impressive as we do.



Arts and Sciences

(reported by Tim Scanlon)

Throughout the Faculty of Arts and Sciences, ethics and political theory continue to be active topics of interest to faculty and students alike. In the Philosophy Department, the workshop in Moral and Political Philosophy, meeting weekly through the year, continued to attract distinguished speakers, faculty and graduate students. Three of the Faculty Fellows in Ethics—Nomy Arpaly, David Sussman, and Kok-Chor Tan—were among the regular participants. The Workshop invited two outside speakers: Onora O'Neill addressed questions of international justice in her talk: "The Agents of Justice," and Simon Blackburn discussed "The Truth and Relativism," maintaining that general worries about substantive forms of relativism end up being self-refuting.

Significant faculty changes include the (already mentioned) appointment of Michael Blake as Professor of Philosophy and Public Policy at the Kennedy School of Government. The Philosophy Department is sorry to lose Michael but the School will give him greater scope to develop his interests in more applied aspects of international political philosophy. Sharon Street, a

former participant in the workshop in moral and political philosophy, and a former Graduate Fellow in Ethics, was appointed Assistant Professor of Philosophy at New York University—one of the leading positions in moral philosophy advertised in 2001-2002.

As was noted earlier, Harvard lost a distinguished colleague this year. Robert Nozick, one of the late 20th century's most influential thinkers, died at the age of 63. Known for his wide-ranging intellect, challenging views, and popular teaching style, his works throw light on a broad range of philosophical issues, and on their connection with other disciplines. Christine Korsgaard, Philosophy Department Chair and Faculty Associate of the Center, characterized him as "a brilliant and fearless thinker...who did not stay within the confines of any traditional field, but rather followed his interests into many areas of philosophy."

In the Government Department, Professor Nancy Rosenblum convened the Political Theory Colloquium, which met regularly during the year. The colloquium brings together faculty from both inside and outside the department, as well as political theory graduate students, to discuss a paper by a leading theorist. The format calls for a paper to be submitted in advance and distributed to all faculty and graduate students. The invited speaker gives a thirty-minute presentation, and two graduate students, elected to critique the paper, serve as commentators. There follows an hour of open discussion, followed by a reception and dinner with the guest speaker.

Over the course of the year eleven speakers presented their work at the colloquium. In the fall semester the presenters were Russell Hardin (Stanford), Jean Bethke Elshtain (Chicago), Joshua Cohen (MIT), Steven Holmes (New York University), Dana Villa (University of California,

Santa Barbara), and Patrick Riley (Wisconsin). The spring presenters were Nasser Behnegar (Boston College), Jeremy Waldron (Columbia), Patrick Deneen (Princeton), Melissa Lane (Cambridge), and Susan Moller Okin (Stanford). The subjects ranged from historical (Waldron's novel interpretation of Locke) to contemporary (Okin on women and international development), and included a presentation on business ethics (Lane). Twenty-three graduate students delivered commentaries.

Thanks to the increase in the number of faculty working in ethics and related areas, the number of Moral Reasoning courses offered in the Core Curriculum has risen to ten, a new record and, for the first time, close to the target for this division of the Core. Two faculty who offered new Moral Reasoning courses this spring received course development support from the fund established by Paul Josefowitz for the development of moral reasoning courses: Nancy Rosenblum, a newly tenured member of the Government Department, offered a very successful course titled "Legalism: Ruly and Unruly Thought and Practices." Professor Sharon Krause, who joined the Government Department in the last academic year, offered a very well received course titled "Rights."

Putting practical ethics into practice, Martha Minow and Tim Scanlon, members of the Ethics Center Faculty Committee, along with David Wilkins, a former Faculty Fellow in Ethics, served on the Diversity Committee on Employment and Contracting Practices (part of the "Living Wage" Committee.") They met weekly during the fall term and developed a set of recommendations on the University's treatment of its lowest paid workers.

The Weatherhead Center for International Affairs continued its sponsorship of the seminar on

Ethics and International Relations, now in its ninth year. Co-chaired by Bryan Hehir and Stanley Hoffmann, the seminar provides a forum for scholars to explore a broad range of ethical issues with relevance to international affairs. Some of the most recent speakers have addressed international ethics from a philosophical perspective, applying moral and political theory to problems such as humanitarian intervention or environmental protection. Other speakers have taken a more empirical approach, asking whether ethical ideas and norms affect the behavior of states and non-state actors.

Other recent seminars have addressed the ethics of globalization, humanitarian intervention, and foreign aid, as well as some specifically regional issues, such as the African AIDS crisis and prescription drug provision. Speakers address issues from the perspectives of social science, public policy, and a variety of ethical and religious traditions. Participants are drawn from the Weatherhead Center, the Departments of Government, Philosophy, and History, the Kennedy School of Government, the Divinity School, and other area universities.

Business School

(reported by Joe Badaracco)

During the past year, we continued to implement the strategy described in the report for the previous year: working with colleagues in various units of the School in order to increase the impact of our efforts in business ethics.

As part of this strategy, Joshua Margolis (former Graduate Fellow in the Center) joined the Organization Behavior Unit and began teaching the first-year leadership course. At the same time, he continued his research on necessary evils—the unavoidable harms that professionals must sometimes perform in order to advance valuable

ends—and he also coordinated our Ethics & Law Workshop. Ashish Nanda, a member of the Negotiation, Organizations, and Markets Unit, taught his second-year elective on managing professional service organizations and continued his research and writing on how conflicts of interest shape the identities of professionals and the organization and behavior of professional service firms. Finally, Joe Badaracco, who recently joined the Strategy Unit, has begun work on the relationship between ethics and business strategy.

Lynn Paine (former Faculty Fellow in Ethics) is completing the final editing of her new book *Value Shift: Merging Social and Financial Imperatives to Achieve Superior Performance*. Lynn has also continued to write cases for her elective course “Managing Across Cultures.” Joe Badaracco’s book *Leading Quietly: An Unorthodox Guide to Doing the Right Thing* was published last February.

We also organized two seminar series at the School. The Law and Ethics Group held a Lunch Series that met eight times to hear presentations from a wide range of Business School faculty; the Workshop series heard six presentations from speakers at HBS and elsewhere in the University.

Design

(reported by Victoria Beach)

Our principal ethics course, “Issues in the Practice of Architecture,” is now in its second year as 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.

Students attended a weekly lecture by all three instructors as well as a weekly seminar led by one of the three instructors. The lectures included discrete presentations devoted to general theories of ethics and the professions. Ideas drawn from the work of Arthur Appolbaum, Aristotle, Derek Bok, Michael Davis, Robert Gordon, Regina Herzlinger, Kant, Elliot Krause, David Luban, Machiavelli, Mill, Talcott Parsons, Arnold Reiman, Rousseau, Paul Starr, Adam Smith, and Judith Jarvis Thomson were explored. This year the lecture format was re-interpreted as a forum for debate between the instructors whose divergent backgrounds and opinions seemed to provoke the students.

All this was facilitated by yet another complete rehabilitation of the course Web site, which continues to enable 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. A new case study on the integrity and ethics of "green" design is under development for use in future semesters.

The course materials have also become the foundation for the newly established Ethics Forum. Sponsored by the local chapter of the American Institute of Architects and chaired by Beach, it is the first academic colloquium of its kind for local design professionals. This year, the local AIA chapter also sponsored a regular ethics column written by Beach in its monthly newsletter.

Other current HSD courses that explore the ethical dimensions of architecture and its practice include: "Practices in Democracy," taught by Hashim Sarkis; "Introduction to Architectural Theory," taught by Michael Hays; "Configurations of Public Space—Debate and Design," taught by Martin Zogran; "Planning and Environmental Law" taught by Jay Wickersham, and "Legal Aspects," taught by Carl Sapers.

Divinity

(reported by Acting Dean William Graham)

The Divinity School seeks to foster an awareness of personal ethical convictions, of the historical and cultural roots of those convictions, and of challenges arising for individuals as they learn about, and learn to appreciate, other belief systems. This kind of inquiry emphasizes the development of not only ethical values and moral norms, but also processes of moral decision-making and action that are humane and effective.

This inquiry is implicit in the School's curricular offerings, public lectures, and faculty seminars, as well as in the programs of the Center for the Study of World Religions, the Women's Studies in Religion Program, the Program in Religion and Secondary Education, the Urban Ministry Fellowship Program, the Summer Leadership Institute, and the Initiatives in Religion and Public Life. .

The School's courses on ethics cover a wide range of issues and approaches, including

international relations, economics, medicine, education, interpersonal relations including gender and race relations, and politics and public policy. The importance of Bryan Hehir's "The Use of Force: Political and Moral Criteria" was heightened by the events of September 11. In addition, as head of the School, Hehir organized and moderated the forum "Dimensions of a Tragedy: an Opportunity to Think and Talk," to enable students, faculty, and the public to respond to 9-11 and its immediate aftermath and to consider questions such as the ethical complexities of patriotism. Among the other courses that explicitly focused on ethics were Preston Williams's "The Ethical and Religious Thought of Martin Luther King, Jr."; Ronald Thiemann, Elisabeth Schüssler Fiorenza and Cornel West's "Christianity and Democracy"; Arthur Dyck's "Ethics in Medical Practice" and "Theological Perspectives in Bioethics;" and Ralph Potter's "Christian Social Ethics," and "The Ethics of Relationships." Diane Moore, Director of the Program in Religion and Secondary Education, taught "Religion, Values, and Public Education: A Look at the First Amendment."

The mission of the Initiatives in Religion and Public Life (IRPL) 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, and to support the valuable contributions that religious commitments can make to public life. Under the auspices of IRPL, the School was host to four Research Associates during the year: James Carroll, author and columnist for the *Boston Globe*; Rita Nakashima Brock, feminist liberation theologian; Paula Rayman, economist and sociologist, and Lucie White, Professor of Law at Harvard Law School.

The primary public activity of IRPL was the presentation of a series of three Forums on Religion and Public Policy. The first, held in October, was entitled "The Question of Faith After September 11" and featured E.J. Dionne, columnist for the *Washington Post*. In December, Marian Wright Edelman presented "It's Time to Leave No Child Behind!" Edelman is the founder and president of the Children's Defense Fund. In April, Jean Bethke Elshtain of the University of Chicago spoke on "Identity, Loyalty, and Politics."

The Women's Studies in Religion Program encourages critical scholarship on the interaction between religion and gender in the world religions. Several of the Research Scholars developed projects directly related to ethics, notably Emilie M. Townes (Union Theological Seminary), who worked on "Dismantling Evil: Black Women's Religious Moral Wisdom in the Analysis and Critique of the Cultural Production of Evil." The Program is now engaged in planning a major conference scheduled for November 2002. "Religion and the Feminist Movement," focused on the interconnections between religion and second-wave feminism, a first effort to elicit and document the collective narratives of the religious women who have advanced the movement.

The Center for the Study of World Religions supports 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 fellowships, public lectures, research, and publications, the center encourages multidisciplinary approaches to religious expressions. In regard to ethics, the Center has recently initiated a new program called the Religion, Health, and Healing Initiative. Led by Dr. Susan Sered, it was established to expand

cross-cultural studies of the intersections of healing and religion. In April, the Center co-sponsored "Resurrected Cities, Barbecued Love: Creole Materialities and Travails of the Soul in *Texaco*," which addressed themes of creolization in post-colonial cultures, including the ethical issues that arise as a result of religious traditions, national identities, and languages.

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 focusing 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' courses, "Education, Poverty, and Inequality in Latin America" and "Implementing Educational Change for Social Justice in Marginalized Settings" look at issues of equality and education cross-culturally. Howard Gardner's "Creativity and Morality: Need They Be Disjunct?" and Mary Casey's "Social and Moral Development," focus on moral psychology. Robert Selman and Dennis Barr teach a course on promoting ethical awareness in children and adolescents.

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. Howard Gardner, Mihaly Csikszentmihalyi, and William Damon discussed their new book, *Good Work: When Excellence and Ethics Meet*. Bernardine Dohrn, Christopher Edley, Jr., Pedro Noguera, and Nan Stein discussed their book, *Zero Tolerance: Resisting the Drive for Punishment*. The Principals Center sponsored a lecture by Sally Schwager, "Teaching Social Justice through Women's History" and a session of the Distinguished Authors Series to Sarah Lawrence-Lightfoot's book, *Respect*. Evan Thompson gave a talk on empathy as a way of knowing to the Qualitative Brown Bag Lunch Discussion Group.

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

Government

(reported by Arthur Applbaum)

In recent years, the Kennedy School has experienced a major expansion of its ethics-related faculty. This year, the focus was on junior faculty hiring, and the School successfully recruited two new assistant professors and one lecturer.

Michael Blake, currently an assistant professor in Harvard's own philosophy department, and Mathias Risse, currently an assistant professor of philosophy at Yale, will join the School in the fall as assistant professors of philosophy and public policy. Both will teach the

core political ethics course in the MPP degree program. Blake works on problems in international ethics, such as global distributive justice, multiculturalism, immigration, and just war theory. He taught a hugely successful moral reasoning course in Harvard College.

Risse has published widely on topics in group decision theory, theories of voting, egalitarianism, and interpretations of Nietzsche. At Yale, he taught eight different moral and political philosophy courses in two years, all of which were well received, and took part in Yale's undergraduate program in ethics, politics, and economics. The School also appointed Samantha Power to a lectureship in human rights policy. Power, who has been executive director of the Carr Center for Human Rights Policy, recently published *A Problem from Hell*, a widely acclaimed history of American responses to genocide.

These three join an ethics faculty that has recently expanded at the senior level as well. Michael Ignatieff, a leading public intellectual and director of the Carr Center, completed his first year as the Carr Professor of the Practice of Human Rights Policy. Ignatieff regularly teaches to a standing-room only classroom. The prominent moral philosopher Frances Kamm, to whom the School has extended a tenure offer, began a year-long term as visiting professor in January, and taught a course on bioethics. She will join Blake, Risse, and Archon Fung in teaching the core political ethics course in Fall 2002.

Much of the ethics-related activity at the Kennedy School this past year had an international flavor. The Carr Center launched a year-long speaker series on "American Exceptionalism," which will result in a volume edited by Michael Ignatieff. The project analyzes the unique constitutional and civil rights tradition of the

United States, explores its divergence from other Western rights cultures, and seeks to understand the root causes of the United States' longstanding habit of exempting itself from international legal frameworks. The Center's National Security and Human Rights Program, with the support of the Carnegie Corporation of New York, continued work on a project on military strategies for humanitarian intervention involving high-level military officers and national security officials.

Ken Winston continued his efforts at teaching ethics in overseas executive programs. Two week-long programs were in India: one for high-ranking officers of the Indian Administrative Service posted in Andhra Pradesh, the other as part of a refresher course on ethics at the National Academy of Administration in Mussoorie. He also traveled to Singapore to teach the Lee Kuan Yew Fellows, a group of government officials from eight East Asian countries enrolled in a masters program at the National University of Singapore. As part of their program, the Fellows visited the Kennedy School for the first half of the fall semester and took Winston's ethics course. Winston continued to convene the interfaculty seminar on "The Professions in Asia" supported by the Provost's Fund. Fred Schauer, in addition to his duties as academic dean, took over the required course in legal development for the Kennedy School's new MPA in International Development program.

Archon Fung has developed a proposal for raising international labor standards through public deliberation and regulatory transparency, which appeared in a co-authored book, *Can We Put an End to Sweatshops?* He also edited a volume, *Deepening Democracy*, that explores practical innovations in participatory and deliberative democracy in Brazil and India.

Law

(reported by David Wilkins)

The Law School continues to give prominence to legal ethics teaching and scholarship. In recognition of the importance of ethical issues to its future—and the future of the profession it serves—the School's faculty has pursued the goal of developing and expanding the study of lawyers and legal ethics through the Program on the Legal Profession, directed by David Wilkins, former Faculty Fellow. This is now a core component of the School's strategic plan. Another element of this plan calls for breaking-out the first year class into seven colleges or sections, each led by a faculty member. All first year students meet with faculty and administrators to consider the changing shape of the profession as part of their career goals development. They also meet regularly with practitioners (including public interest visiting fellows), and visit local prisons and courts.

A year-long course on lawyering, now required for all first year students, includes a module on the Legal Profession, taught by David Wilkins and Elizabeth Chambliss, research director of the Program. Students discuss their career expectations and the course lecturers focus their discussion on the legal profession, with an emphasis on the practice and ethics of law firms.

The ethics faculty, many of whom are active members and former Fellows of the Center for Ethics, lead the efforts to place ethics teaching and scholarship at the center of the School's intellectual life. It is clear that their combined experiences have influenced the work of their colleagues as well as the students at the School. The 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.

The complement of ethics courses includes both general survey courses ranging from two to four credits and several specialized courses focusing on ethics issues in specific practice settings, including transnational practice, trial work, and Federal tax practice.

The Legal Profession Program further developed its major study entitled "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. Last year the Program successfully conducted three 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 and third focus groups brought together in-house ethics specialists from leading law firms to discuss "best practices" in identifying and resolving ethical issues in large law firms. Wilkins and Chambliss reported the findings of these two focus groups at several conferences and colloquia (including the Ethic's Colloquium at our Business School) and have written three forthcoming articles: "New Terms for the Debate on Law Firm 'Discipline'," "The Emerging Role of Ethics Advisors, General Counsel, and other Compliance Specialists in Large law Firms"; and "Promoting Effective Ethical Infrastructure in Large Law Firms," all forthcoming in law journals in 2002.

Another study relates to 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; a comprehensive study of the careers of the law school's black graduates, and a national ten-year study of lawyers' careers. Wilkins' publications relating to these projects include: *The State of Black Alumni: Final Report of the Harvard Black Alumni Survey* (with Elizabeth Chambliss), and "What Law Students Think They Know About Elite Law Firms: Preliminary Results of a Survey of Third Year Law Students."

Wilkins also co-authored a completely revised (and renamed) edition of Andrew Kaufman's ethics casebook entitled *Problems in Professional Responsibility for a Changing Profession* as well as the entry on "law firms" in the *International Encyclopedia of the Social and Behavioral Sciences*, an article in Australia's *Legal Education Review* entitled "Professional Ethics for Lawyers and Law Schools: Interdisciplinary Education and the Law School's Ethical Obligation to Study and Teach About the Profession," and a commentary on an article about the ethics of the NAACP's early litigation tactics for the *Law and History Review* entitled "Class not Race in Legal Ethics: Or Why Hierarchy Makes Strange Bedfellows." Wilkins also taught a full load of ethics-related courses, including a course on "Professional Services Firms in the Twenty First Century" (featuring an extensive examination of the role of professionals in Enron and other related scandals) and a seminar examining the normative implications of the intersection of globalization and diversity.

Martha Minow continued to teach her course in Civil Procedure, and a seminar on Law and Society. She also made several outside presentations including the keynote speech: "Lawyering at the Margins" at the College of Law, American University; and the Marks Lecture:

"Education for Co-Existence" at the College of Law, University of Arizona. Among her most recent writings are: *Partners, Not Rivals: Privatization and the Public Good*; the introduction and commentaries in *Breaking the Cycles of Hatred: Memory, Law and Repair*, edited by Nancy Rosenblum; and *Engaging Cultural Differences*, co-edited with Richard Shweder and Hazel Markus.

Carol Steiker was on research leave from the School during this academic year. She continued her research on issues relating to criminal justice. She presented a paper in March at the Center for Law and Politics at the University of Oregon School of Law on "Capital Punishment and American Exceptionalism," as part of a symposium on "The Law and Politics of the Death Penalty: Abolition, Moratorium, or Reform?" She gave a plenary address in April, at the University of Chicago Divinity School on "Tempering or Tampering? Mercy and the Administration of Criminal Justice" as part of an inter-disciplinary conference entitled "Doing Justice to Mercy." Each of these papers is part of two book-length works in progress, one on the legal regulation of capital punishment in the United States and the other on mercy and criminal justice.

Richard Fallon, a Visiting Professor in Ethics in 1995-96, taught a Constitutional Law course during the fall semester. The course explored basic constitutional doctrine and addressed a number of issues involving constitutional roles, the relation between role-based ethical obligations and the constraints of lawyers and especially judges, and personal morality. During the past academic year, Professor Fallon published two articles in law reviews: "The 'Conservative' Paths of the Rehnquist Court's Federalism Decisions," 69 U. of Chicago Law Review 429 (2002), and "Judicial Legitimacy and the Unwritten Constitution: A

Comment on Miranda and Dickerson," 45 New York Law School Law Review 119 (2001). The former focuses on federalism doctrine, and the latter on the nature of constitutional and judicial "legitimacy." Among the issues that he discusses is the extent to which Supreme Court Justices do and should allow their concern to maintain public acceptance shape their performance of their role.

Medicine

(reported by Joel Roselin)

This academic year has been one of the busiest to date for the Division of Medical Ethics, with the introduction of new courses, the expansion of our public programs and the continuation of our successful education and research programs. As this report demonstrates, the Division is committed to increasing the role of ethics at the Medical School and beyond.

Undergraduate Medical Education

The Division seeks to educate 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 a successful roster of opportunities for our students that includes "Living with Life-Threatening Illness," "Narrative Ethics: Literary Texts and Moral Issues in Medicine" and "Pain and Palliative Medicine: From Basic Science to Clinical and Ethical Concerns," two new courses were offered this year for the first time.

Walter Robinson (former Faculty Fellow in Ethics) created an introductory course, "Medical Ethics in Clinical Practice," based on actual cases brought before the Harvard Clinical Ethics Consortium. The course gives students a window on the complex ethical problems that physicians face each day. For the course, Robinson received a teaching award from the HMS First-Year Class. In addition, Drs. Robinson, Edward Lowenstein and Eric Krakauer were all invited to be Scholars in the inaugural group of the Academy at Harvard Medical School.

Another new Social Medicine course that addresses ethical issues, "Medicine and Religion," co-taught by the Department of Social Medicine's Arthur Kleinman and Sarah Coakley of Harvard Divinity School, brought together medical and divinity students to create critical conversation between Medicine and Religion as they relate to health, pain, suffering, death and dying, healing and the professional work of physicians and clergy. Today, HMS students with interests in ethics have more options than ever to engage in course work or extracurricular activities.

Several new initiatives have expanded our education efforts beyond the classroom. As part of the new Social Medicine Commons, a year-long program coordinated by Eric Krakauer that introduces first-year students to topics in social medicine, the Division presented two popular seminars in the series: Walter Robinson on ethics and end-of-life decision making, and Marcia Angell on the ethics of medical research in developing countries. Under the direction of Lisa Lehmann, former Faculty Fellow in Ethics, 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 geared toward 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 approach strives to more fully integrate ethics into students' overall educational experience.

In connection with the first year course on Pharmacology, the Division ran "Education or Influence? Ethics and Pharmaceutical Marketing," a forum that featured representatives from the pharmaceutical industry, government and the academy that educated students on becoming savvy consumers of marketing messages.

The Division continued to offer "Ethics in the Clerkships," a program that provides opportunities for first and second year students to hear the first-hand experiences of their third and fourth year counterparts around ethical issues. Plans are currently underway to make the program a formal part of the clerkship orientation all third year students attend. The bi-weekly seminar, "ER: Ethics Rounds" had a successful second season of promoting student discussion of the ethical issues raised in the popular television series ER. And the Cinema Veritas Ethics Film Series ran several films and discussions timed to coincide with curricular events and other student milestones.

The Division provides support, both advisory and financial, to student groups interested in mounting ethics-related programs. This year these included: Medical Students for Choice on challenges faced by abortion providers; American Medical Women's Association on women in

underrepresented medical specialties; American Medical Association – Medical Student Section on conflicts of interest in medicine; and Maimonides, the Jewish students' organization, on physician participation in Nazi medicine.

The Henry K. Beecher Prize in Medical Ethics continued to inspire student ethicists, with this year's prize going to first-year student Shelley Day for her paper, "Fetal Surgery, Medical Ethics, and Abortion Politics." For the first time, the Beecher Prize was announced at Soma Weiss Student Research Day in recognition of the place of ethics research among the other medical pursuits of HMS students.

Public Programs

As part of our mission to provide ethics education to the medical school campus, the medical professionals in our affiliate hospitals, and the community at large, the Division runs an active calendar of public programs on contemporary ethical problems. Through lectures, the medical ethics forums and community outreach programs, the Division promotes discussion and debate on the critical healthcare issues of our time.

Lectures, both our annual named lectures and the occasional lectures we present, create opportunities for audiences to hear from thoughtful leaders in the fields of ethics, social medicine, law, politics and medical practice and research.

This past year was no exception. Dr. Phillip Stubblefield, Chair of the Department of Obstetrics and Gynecology at Boston University School of Medicine, presented this year's Lawrence Lader Lecture on Family Planning and Reproductive Rights, "Safe Abortion: Will There Be Providers?" At this year's Henry Hardy Lecture in Bioethics, cosponsored by the Division and the Beth Israel Deaconess Medical Center, Dr. Aaron Lazare of the University of Massachusetts

Medical School spoke on "Shame and Humiliation in the Medical Encounter," encouraging the audience of students and professionals to become cognizant of their own dealings with patients.

The Medical Ethics Forums provide a platform for addressing emerging healthcare issues. This year's program featured topics of local, national and international interest including stem cells, bioterrorism, organ donation, drug access, and assisted suicide. In response to the national debate over federal funding for embryonic stem cell research, the Division presented "The Stem Cell Debate: Ethics and Science in the Political Arena" which featured representatives from academia, the media and industry, including Michael West of Advance Cell Technology, who made headlines by claiming to have successfully cloned a human embryo for the purposes of extracting stem cells.

To draw attention to the ethical controversies surrounding the price and availability of pharmaceuticals in the world's poorest nations, the Division mounted "Making Life-Saving Drugs Available in the Developing World: Whose Responsibility?" The panel discussion, moderated by Dean Bloom of the School of Public Health, featured representatives and critics of the pharmaceutical industry, consumer groups and public policy researchers.

Other forums included: "Bioterrorism's Threat: Civil Liberties vs. Public Health," which featured Dr. Howard Koh, Massachusetts Commissioner for Public Health, as well as public policy experts, ethicists and historians; "Death, Assisted Suicide and the Double Effect: Why Oregon Matters;" "Time, Money and Ethics: The Debate over 'Concierge Medicine;" and two programs on organ donation and transplantation: "Dead Enough to Donate? Death, Organ Donation and Public Perception," and "Organs for Sale? The

Economics of Altruism" on the AMA's recent proposal to provide financial incentives for the families of cadaveric organ donors.

The Division's commitment to community education is demonstrated by several programs and initiatives. Our media outreach has increased over the years and today we have on-going relationships with many key local and national media outlets, providing avenues for extending the reach of our public programs beyond our immediate constituents. This year, stories based on Division programs and research activities have appeared in the *Washington Post*, *Boston Globe*, *Boston Herald*, Public Television, Canadian and British Broadcasting, and local radio and television stations. Information, photos and video highlights from several Division programs are now available on-line, a project that will continue to increase.

Other community programs include Division personnel speaking at local schools and other facilities, and the on-going Harvard-Fox Hill Village Medical Ethics Series, which brings ethics lecturers to a local assisted-living facility.

Graduate and Professional Education

The Division is committed to supporting the ethical development of professionals throughout the course of their careers. To that end, the Division provides several key programs for health care professionals and others.

Fellowship in Medical Ethics. The Division's Fellowships in Medical Ethics program 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. The Fellowship program brings together physicians, nurses, lawyers, social scientists, and academics from diverse fields such as religion and literature

to examine the moral, social, and historical forces that shape contemporary medical practice. The structure of the program, 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 historical contexts of brain death and organ transplantation, the use of pre-implantation genetic screening in assisted reproduction, and the implications of public health regulations for nursing home residents.

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. The Fellowship program 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. 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, University of Illinois, and Medecins Sans Frontieres, as well as the philosophy

departments at Amherst College, Drew University, UMass Boston, and The Free University in Amsterdam.

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*, *Nature Medicine*, *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*.

Medical Ethics Faculty Seminar. One important goal for the Division is the fostering of communication and collaboration in medical ethics among faculty at the affiliated hospitals, members of the faculties of other Harvard Schools, as well as other universities and institutions. Several programs contribute to that effort, including the Faculty Seminar and the Clinical Ethics Consortium.

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

This year, the seminar looked at issues related to The Role of the Pharmaceutical Industry in American Medicine, with such speakers and topics as Jerome Kassirer on marketing to doctors, Jim Kim on the role of industry in the developing world, Sidney Wolfe with a critique of the industry, Eve Slater of Merck on the industry's perspective, and Janet Woodcock of the FDA on relations between industry and the FDA.

Harvard Clinical Ethics Consortium. Now in its fourth year, the 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. Through the Consortium, the Division serves to bring together wide-ranging work in medical ethics. At monthly meetings, members meet to discuss and critique recent ethics consultations from different hospitals.

During the past year the discussions continued to range widely over the vast landscape of ethical dilemmas that arise in practice of clinical medicine. Included among the cases discussed were the following: whether it would be acceptable for a department to accept gifts from a pharmaceutical company in exchange for anonymous data on the prescribing practices of the physicians; the ethics of informing parents when there has been an outbreak of a nosocomial infection in a newborn nursery; whether to allow organ donation between strangers who have established a relationship over the internet; and whether to allow a woman to be implanted with a donor egg that has been fertilized with her father's sperm, as a way of establishing some genetic connection to the child she will bear.

In addition, the Consortium has extended its reach beyond the Harvard community by establishing relationships with two journals. The *Journal of Clinical Ethics* will now have a regular section in each issue devoted to cases from the Consortium, co-edited by Christine Mitchell and Robert Truog. In addition, under editor Thomas Magnell from Drew University, the *Journal of Values Inquiry* will publish edited transcripts from the Consortium on a regular basis. The first articles in both of these series are scheduled for publication in the next several months.

Program in the Practice of Scientific Investigation. This Program provides ethics training to post-doctoral research fellows,

concentrating on ethical issues, which arise in "wet bench" medical and biological research. The Program offers monthly sessions on topics such as authorship of scientific papers, peer review, data interpretation and management, mentorship, inter- and intra-lab relationships, and conflict of interest. These sessions fulfill the federal mandates for training in the responsible conduct of science.

The Program seeks to increase understanding of how established guidelines and ethical standards apply to actual research situations facing investigators. Using case based discussion, the participants explore the underlying principles of scientific practice and examine situations in which those principles can conflict with the everyday practice of science. Under the leadership of former Ethics Center Fellow Walter Robinson, the Program has expanded beyond its original mission and now serves researchers from throughout the School and the affiliated hospitals.

Ph.D. in Health Policy. Under the direction of Allan Brandt, and with support from Daniel Callahan, doctoral students in health policy can participate in the track in medical ethics. The ethics concentration integrates quantitative and qualitative approaches to the analysis of ethical issues in health policy and clinical practice. Students focus on developing skills in a range of disciplines, with the goal of evaluating, through empirically based research, how moral, ethical, and socio-cultural values shape health policies as well as clinical practices.

Professional Education Opportunities. In addition to its ongoing professional education and development programs, the Division provides outlets for important professional education opportunities, such as the premiere of a new film, "Caring at the End of Life", which focused on the key roles of nursing and medical staff in patient care and communication.

Inter-Institutional Collaboration

As a primary center for medical ethics research and education, the Division fosters collaboration with other national and international institutions and agencies. Two major meetings this past year brought members of the Division into dialogue with international medical ethics organizations. As part of a multi-year collaboration among the Division, the Hastings Center, and Oxford University, the Division hosted colleagues from those institutions for a conference examining cultural differences between the U.S. and the U.K. with regard to the relationship between a population-based approach to health care, such as that found in the U.K., and an individual-oriented approach, such as is found in the U.S. Members of the Division also participated in a meeting with representatives from the European Parliament Temporary Committee on Human Genetics, who were visiting the U.S. on a fact-finding mission.

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 affiliated hospitals.

Faculty Research. Current research and recent projects, applying both empirical and theoretical research methods, include truth telling in oncology; a national survey of medical ethics education in North America; a national review of informed consent for phase-1 clinical cancer trials; a program to enhance family-centered care for children with life-threatening diseases; ethical issues in pediatric end-of-life care; a survey of post-operative patients on care in teaching

hospitals; the role of family interests in medical decision-making; a project to develop and study institutional policies to promote optimum end-of-life care; development of tools to optimize physician communication skills in difficult and stressful situations; understanding cultural differences in ethical decision making; and a study of governmental intrusion into medical practice.

Student Research. 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, student researchers undertook projects examining the ethical issues in informed consent for genetic research, balancing hope and truth in physician-patient communication, and a study of patient perceptions of medical student involvement in patient care. Additionally, HMS students have the opportunity to work on faculty-sponsored projects both in the summer and throughout the academic year.

Public Health

(reported by Dean Barry Bloom)

Ethics continues to play a significant role across the spectrum of teaching, research and service activities at the School of Public Health. This year many ongoing activities were continued and augmented, ethics was incorporated into new areas, and new initiatives were undertaken.

The Department of Population and International Health (PIH) has demonstrated an interest in furthering the role of ethics in the international health arena. During this year a search for senior leadership in ethics, with support from the Provost's Office, has led to two senior appointments noted earlier in this report. Norman

Daniels and Daniel Wikler will be joining the Department in the fall of 2002 as professors of ethics and public health. They will be involved in the development of new course offerings in consultation with several HSPH departments as well as advising students.

The Program on Ethical Issues in International Health Research (directed by Dr. Richard Cash) has continued its international research ethics-related educational initiatives this year. These include domestic and international short-courses; the Program Web site and Internet discussion list; the Research Ethics Fellowship program; and other educational initiatives. The Program held its third annual domestic workshop last June, bringing some 59 participants to the school, half of whom came from developing countries. Another workshop was held this June. In addition the Program collaborated with the Aga Khan University on a workshop in Karachi, Pakistan in July 2001.

The Program ran two other international workshops: a five-day course for 60 participants in Abuja, Nigeria last December (in collaboration with the HSPH AIDS Prevention Initiative in Nigeria), and a two-day course for 70 participants in Abu Dhabi, United Arab Emirates in March, as a lead-in to a much larger conference on health-care ethics.

The Program's workshops have an even greater impact as a result of several ancillary activities. A number of requests have come in from past participants for assistance with designing similar courses in their own countries and institutions. There are teaching materials developed for the courses which include: an extensive collection of readings; a series of teaching cases (25 at present) eventually to be published as a case-book; a self-learning CD-Rom; a video developed by the Kennedy School; and an

interactive discussion list (listserv) and Web site -- <http://www.hsph.harvard.edu/bioethics>. The Web site has been operational since 1999 and the listserv has been running since May 2000, with over 600 active members at this time.

In September, the Program welcomed its first group of Research Ethics Fellows. During their brief time here, they have been able to take advantage of a number of the courses and seminars that HSPH (and other schools at Harvard) have to offer, and have also had the opportunity to attend regular meetings of six of the Institutional Review Boards at various Harvard schools and affiliated hospitals. Currently, they are working on developing proposals for research projects that they will conduct in their home countries over the next fellowship year.

In January, a faculty seminar entitled "Ethical Issues in International Health Research: Informed Consent," was held at the school. This evening program included dinner and an overview of the current guidelines that deal with informed consent in international health research, followed by a discussion of two case studies. Over 15 faculty members (including Dean Barry Bloom), all of whom are actively involved in either conducting international research or serving on the HSPH Human Subjects Committee, attended the seminar.

To give additional visibility to ethics within the School, the Department of Population and International Health is reorganizing its space to create an ethics section. Included in this will be both the new ethics professors, their assistants and post-docs along with the Program in Ethical Issues in International Health Research. This research program includes the director, a program assistant, and four international post-doc research fellows. The space will accommodate faculty offices, a staff area, and carrel space equipped with computers for the post-docs and fellows.

Another arena of activity in ethics this year has been within the Program in Law and Public Health (LPH) where the faculty have made ethics an area of emphasis in their teaching and research. Issues of individual freedom and coercion, distributive justice, medical ethics, and the ethical conduct of research are explored in courses on Public Health Law, Health Care Law and Policy, and Research Ethics. A summer course is also offered in the Ethical Basis of the Practice of Public Health, with a special focus on the application of ethical analysis to problems in health care policy.

LPH faculty research projects have covered topics ranging from the care of the critically ill to the ethics of insurance coverage for expensive investigational therapies. Members of the LPH faculty also serve on institutional ethics committees including the School's Human Subjects Committee and the Ethics Advisory Committee at Children's Hospital.

The Human Subjects Committee, the institutional review board for the School underwent significant changes this year. The primary thrust of the year's activities has been the implementation of a Quality Improvement Plan and the submission of responses to the Office for Human Research Protections in its ongoing investigation of human research protections at the School and certain studies in the People's Republic of China. The QIP was created in August to improve policies and procedures in all aspects of the IRB's operations as well as the overall program for human subjects protections at the School. The Committee's Plan and revised Operations Manual are available if further details are of interest to others in the Harvard University research ethics community.

The staff of the Human Subjects Committee increased five-fold and was reorganized to fulfill

new roles, including increased training and education of investigators, students and staff, and real-time consent-process monitoring of research studies taking place in the Boston and in Botswana (the Botswana-Harvard AIDS Partnership). The Committee trained over 600 individuals in over a dozen workshops held between October and June. Over 1,000 individuals took our online training module in human subjects protections, of whom 700 took the module since August. Eighty-four students participated in the Research Ethics Seminar this spring. The Committee has partnered with its sister IRBs at the Faculty of Arts and Sciences and the Medical and Dental Schools to submit a grant application to NIH for support of a state-of-the-art database for tracking training and protocol information for all three Harvard IRBs.

The School continues to teach its required courses in ethics in public health including three sections of "Ethical Basis of the Practice of Public Health" during the academic year and a similar course, "Ethical Basis of Health Care Delivery" with application of ethical analysis to contemporary health policy, in the summer session.

Finally, Dean Bloom devoted one of the five symposia addressing overarching public health issues in his two-year "Future of Public Health" symposium series to ethics. This forum was entitled "Ethical Issues in Public Health Research in Vulnerable Populations" and can be found on the Web at <http://www.hsph.harvard.edu/foph/ethics.html>.



APPENDIX I
Reports of the Faculty Fellows 2001-2002

Final Report Nomy Arpaly

During my year at the Center for Ethics and the Professions, I have completed one project, and started another. My recently completed project, which has gained me a number of publications, has culminated in my forthcoming book with Oxford University Press, *Unprincipled Virtue: An Inquiry Into Moral Agency*. It is tentatively scheduled to appear in the fall of 2002. My current project, on which I have recently started to work, is not titled yet, but concerns the problem of free will, and I hope it will also result in a book at some point. I shall now describe the content of both projects.

My recently completed project concerns ethics, rationality, and moral responsibility (the latter two subjects being the province of action or theory). My thesis is that philosophical treatment of these subjects, (sometimes referred to together as "human agency"), has been led astray by a false picture of the human psyche. According to this picture, first sketched by Plato, human minds are neatly divided into a rational component (known as the Faculty of Reason) and an irrational component (known as appetite, inclination, passion, etc). Reason is the locus of deliberation, and people act for reasons when (and only when) they deliberate and when the irrational part of their mind is under the control of the faculty of reason; when they act for reasons, they know which reasons they act for. In my project I argue that this picture is misleading and has little to do with real human beings. Philosophers, I argue, have been ill served by using overly Cartesian models of the human mind and discussing humans on a very abstract level ("suppose s wants to f in order to bring about G-ing") ignoring along the way both the observations of psychology and cognitive science and, on the other hand, the observations of great novelists and poets. I argue that prominent contemporary philosophical theories concerning ethics, rationality, moral responsibility and human action have false implications because they implicitly assume some version of the Reason vs. Inclination picture of the human mind. I try to sketch some alternative answers to a few of the questions these theories try to solve, attempting to incorporate the insights of scientists and novelists into a richer view of moral worth, responsibility and rationality. I show that if one puts aside the Reason vs. Appetite paradigm, some riddles about human nature, such as weakness of the will and self deception, begin to become less baffling.

My new project concerns the problem of Free Will, as well as issues involving acting for reasons and the concept of a meaningful life. Much of the philosophical writing about free will is concerned with the following question: if it turns out that everything that happens in the world is causally determined, and thus each and every human action happens inevitably, does it still make sense to make judgments of moral praise and blame? One thing I would like to do in my project is to argue that a deterministic world is compatible with both moral responsibility and meaningful lives. Previous attempts to reconcile moral responsibility and determinism (that is, previous versions of compatibilism) have been severely criticized recently, and I think well known attempts to reconcile moral responsibility and determinism do in fact suffer from fatal flaws. Thus, if moral responsibility and determinism are compatible, they are compatible in a different way than the ways previously suggested. Drawing in part on my theory of

moral worth, I shall attempt to provide a new and original answer to the question "how can there be moral responsibility in a deterministic world?", an answer that by nature will include an account of moral responsibility itself. The latter account will owe some to the theory of moral worth developed in my forthcoming book, and will rely substantially on the concepts of good and ill will and on the rejection of the idea that moral praising and blaming are "practices" or "reactive attitudes". I discuss, among other things, the puzzle of constitutive moral luck and the status of agents who suffer from various mental conditions. I will argue, among other things, that sometimes it makes sense to think of someone as both crazy and blameworthy.

One thing that I hope will become evident in the course of this discussion is that the problem of moral responsibility in a deterministic world is not all there is to the problem of free will. Even if one has a compatibilist theory of moral responsibility, a different question remains – a question that is sometimes confused with the question of moral responsibility, and which is related to it, but is still a different question. The question is the following: if everything is causally determined, does this imply that our lives must be devoid of meaning? For example, one of the things that seems to make my life meaningful is my love of philosophy. If it were to turn out that my love of philosophy is the inevitable result of environmental and genetic factors, would my love of philosophy lose its meaning? Some philosophers maintain –often without much argument– that it would. If everything is causally determined, they say, then what looks like my considered preference and my meaningful response to the inherent value of philosophy is in fact nothing of a kind, and in my pursuit of philosophy I am nothing but a glorified robot following a script that it was programmed to follow. What is true of my pursuit of philosophy seems to hold for all pursuits that human beings take to be meaningful. As a rule, it seems to these authors, people in a deterministic world cannot be said to act, or believe, or value, *for reasons*. I would like to argue that this is false – that it is possible to have a meaningful life, act for reasons, and respond to truth and value in a deterministic world. I would also like to offer an account of the concept of a meaningful life – a surprisingly under-discussed subject in philosophy.

If moral responsibility, acting for reasons, and meaningful lives are all possible in a deterministic world, why does the possibility of a deterministic world appear so intuitively disagreeable to some of us? Is there something valuable, something that may or may not be called "free will", that is lamentably missing or lost in a deterministic world? I argue that while determinism itself, strictly speaking, does not entail such a loss, the fact – if it is a fact– that human lives follow the laws of earthly nature in general and of human psychology in particular does entail the absence of something whose absence is regrettable. This something, I will argue, is the ability to change our strong desires, preferences, tendencies, beliefs or values, by a sheer act of will.

I would like to note the invaluable contribution of the center to my work. Though philosophy is not known as a group enterprise, it is a fact that the philosopher cannot make the most of her abilities without opportunities to discuss ideas with varied people, preferably varied formidable intellects. Thus, this program provides exactly what the doctor ordered. The seminar was truly unique in its combination of intellectual rigor and the sort of informal, open-minded, irreverence-friendly atmosphere in which

creative thinking thrives. The resulting one-on-one conversations with other faculty fellows, and graduate fellows, as well as with Dennis and with Arthur, were equally helpful (David Brendel and I are planning a joint paper). The proximity of the Harvard philosophy department, the excellent staff and the comfortable conditions rounded off exactly the sort of environment in which inspiration must come. I am grateful and proud to have been in this program.

David H. Brendel, M.D., Ph.D.
Faculty Fellowship
Harvard University Center for Ethics and the Professions
End-of-year report (2001-02)

The Faculty Fellowship this year allowed me to continue my academic work in numerous areas of longstanding interest and to develop several new interests. During the course of the year, I expanded my work on the integration of philosophy of science, philosophy of mind, explanatory models in psychiatry, and psychiatric ethics. In January of this year, I published in the *Harvard Review of Psychiatry* a paper entitled "The ethics of diagnostic and therapeutic paradigm choice in psychiatry". In addition, I submitted to the *American Journal of Psychiatry* a paper entitled "Reductionism, eclecticism, and ethics in psychiatry: the dialectic of clinical explanation." In this manuscript, I discussed empirical and ethical principles which can help clinical psychiatrists negotiate the tension between scientific rigor and individual variation and complexity in the field. Clinical explanations and treatment plans in psychiatry, I argued, must be pluralistic, pragmatic, prudential, participatory, and provisional. It was very helpful to get feedback and suggestions in the Faculty Fellows seminar on an earlier draft of this manuscript. This feedback also helped me to refine and edit my book project on the philosophy and ethics of twenty-first century psychiatry.

Based on my work in the ethics center, I was asked in January 2002 by Dr. Bruce Cohen (President and Psychiatrist-in-Chief at McLean Hospital and Professor of Psychiatry at Harvard Medical School) to join the institutional review board (IRB) at McLean Hospital. During the course of this calendar year, I will move into a leadership position as co-chair of the board, which is responsible for conducting ethical and regulatory reviews of all research protocols involving human subjects at McLean. Some of the most pressing topics I have begun to confront in this capacity include the ethics of placebo-controlled medication trials, the capacity of cognitively impaired subjects to give informed consent to participate in studies, the challenge of ensuring privacy and confidentiality of computerized medical research data, and the difficulty of ensuring that genetic information is adequately anonymized by sophisticated coding techniques. This work is rewarding because it allows me to stay abreast of developments in clinical research while also helping protect the rights and interests of subjects who participate. This work dovetails with my ongoing work on the ethics committees at McLean Hospital and Partners Health Care System.

Because of my work in the center, I have also been asked to develop a psychiatric ethics curriculum for the residency training program at Massachusetts General and McLean Hospitals for the upcoming academic year. I have developed a basis for this curriculum by preparing and delivering lectures on the conceptual and ethical basis of psychiatry in the following venues this year: the American Psychiatric Association annual meeting, the Association for Advancement of Philosophy & Psychiatry annual meeting, Boston University's philosophy of science colloquium, and a panel discussion on professional ethics at the MIT Sloan School of Business. I was further assisted in thinking about this curriculum development project in one of the Faculty Fellows seminars in which I led a discussion on the ethics of sexual boundaries (and violations of those

boundaries) in psychotherapy.

I am fortunate to have the opportunity to continue to pursue all aspects of my scholarly work next year at McLean Hospital and Harvard Medical School, where I will continue to have clinical, research, teaching, and administrative responsibilities. A one-year fellowship from the American Psychiatric Institute for Research and Training (APIRE) will provide me with support for these endeavors in academic year 2002-03.

Margo Schlanger
Final Report

The national tragedy with which we all started off the academic year has colored life in the Ethics Center as everywhere. The year has posed terribly difficult ethical questions, though we have tried to grapple with (even answer) some in many of our weekly lunches and seminars. But for me more personally, the combination of September 11 with my mother's untimely death of cancer in October started off the year in what seemed like unalterable grey. I was lucky, then, to be in the Center. The joint commitment to justice, clear thinking, and collegiality made this a supportive and cheering place for me.

Academically, the year didn't go quite as planned, actually. I made some progress on my planned project, on racial profiling by police departments and its regulation. I started off the year with a trip to Washington for a working group session of the Police Executive Research Forum on data collection and racial profiling, which was very edifying. And late in the year one of our Tuesday seminars in which I presented my early thinking on racial profiling was very helpful in bringing me back into the topic. But I ended up spending most of the time in between on a different effort – an analysis of the impact of inmate litigation on jail and prison life and operations. For this, the seminar turned out to be amazingly useful, because a session on punishment and its justifications pushed me to think harder about incarcerated inmates and their appropriate relationship to the government that holds them, now a large part of my paper. I'll be presenting a draft in May at the Law & Society Conference in Vancouver.

The seminar had other more important joys. I'm neither a philosopher nor a legal ethics teacher. So for me, it was a terrific introduction to some of the basic problems in practical ethics. What I learned will greatly enrich my teaching and thinking in torts and constitutional law. And the seminar was also terrific fun – a sustained conversation between good colleagues, with wonderful direction from Dennis and Arthur.

I couldn't describe the year without also expressing gratitude towards the Center's marvelous staff, led by Jean McVeigh. Jean, Maria Catoline, Carrie Vuori, Kim Tseko, and Chambers Moore were invariably available, helpful, and good humored. It was a joy to join and work in such a smoothly functioning organization. I hope very much to maintain and strengthen the connections I made here this year.

I have spent this year working primarily on three articles. The first concerns the rationality and moral psychology of perverse action, where the bad is chosen or valued precisely in its badness. Such action seems to be both possible and more intelligible than unproblematically irrational or lunatic behavior. Such action thus poses a serious challenge to rationalistic understandings of agency that take acting for the good to be a constitutive feature of intentional action. In "Sheer Perversity" I argue that a suitably nuanced rationalism about action can make sense of what appears to be perverse action, without assimilating it to more prosaic (and less interesting) forms of irrationality or confusion.

I had originally intended this discussion to be a springboard into a broader project concerning the relation between trust and autonomy, but it has since taken on a life of its own. Out of this paper, I am now trying to develop a general account of how such "bad-valuing" attitudes such as guilt, shame, and spite can rationalize a desire for the bad simply as such. I hope to extend this account to encompass the similarly problematic cases of purely expressive or whimsical action, where the agent seems to act without regard to anything thought good or bad at all. With such a unified account of "anomic" action, I intend to show that Kantian moral psychology can illuminate precisely those phenomena that are normally offered as the most compelling counter-examples to it. Versions of this paper were presented at UC Davis and the University of Virginia earlier this year.

I am also finishing a related but more applied piece, "What's So Bad About Torture?" Here, I try to understand what properly counts as torture, and why torture might count as a morally distinctive type of act bearing a burden of justification greater and different from that borne even by killing. Here I take a broadly Kantian line, but argue that orthodox Kantianism fails to capture the significance of the way torture involves acting directly on its victim's body and through the distinctive experiences of pain and fear. In a more Sartrean vein, I argue that self-betrayal is morally central to torture. Torture is morally distinctive in part because the victim is made to experience both his body and his freedom as belonging to another, yet such that he retains a kind of responsibility for them. So understood, torture turns out to be not just a violation but a perversion of the value of autonomy, and the

relationship of torturer to victim an obscene parody of love. I conclude that in most contexts, torture has a burden of justification unlike almost any other presumptive wrong, with the possible exception of rape, which it importantly resembles.

I also reluctantly conclude that the distinctive moral objections to torture need not apply when torture serves as a form of criminal punishment, particularly in the context of a liberal democracy. If I'm right, then punitive torture is not really part of the same moral class as other forms of torture, but belongs with such other problematic forms of punishment as mutilation and humiliation. In a sequel, I intend to consider this latter class of acts, and how it might be morally distinct from both torture proper and from less worrisome kinds of punishment.

Finally, I am completing revisions on "The Authority of Humanity: A Reply to Regan," forthcoming in *Ethics*. In this piece, I respond to charges that Kantian moral philosophy rests on an incoherent conception of value. The problem, as Donald Regan argues, is that the Kantian must claim both that all value is a product of our rational choices, and that there are objective values that rationally constrain those choices. In reply, I concede that it has been a mistake for contemporary Kantians to argue that our rational nature is the ground of all objective or intrinsic value. However, the Kantian does not need this claim to establish that our humanity is the morally authoritative "end-in-itself." Instead, I argue that all we need show is that our rational nature is the ground of all practical necessity, distinguishing what we have reason to do from what we are rationally obligated to do. Such a Kantian can thus be a common-sense realist about value, and must be a constructivist only about rational necessity. This combination I take to be both the most plausible and conceptually stable strategy available to the contemporary Kantian, as well as the strategy truest to Kant himself.

This year has been very fruitful for me. In addition to relieving me of teaching duties, it has brought me into close contact with some of the most interesting people working in ethics in both the Center and the Harvard philosophy department. The Fellows Seminar and the Moral and Political Philosophy workshop were continual sources of intellectual stimulation and motivation, and I feel that I am starting to break some new philosophical trails. I am particularly grateful to both Dennis Thompson and Arthur Applbaum for their encouragement and their challenges, and especially their patience.

I would like to start by expressing my sincere thanks and gratitude to Harvard University, The Center for Ethics and the Professions, The Center's Selection Committee, and particularly Arthur Applbaum, Martha Minow, and Dennis Thompson for presenting me with this unique opportunity to visit the Center as a Faculty Fellow for the year 2001-02.

One principal goal of my fellowship year was to complete a book tentatively called "Cosmopolitanism, Nationalism and Patriotic Obligations". A revised first draft ready for submission is expected by July 2002; a university press has already expressed an interest in reviewing the manuscript, though I hope to hear back from other presses to which I have also submitted a proposal.

I also finished revisions on a paper, "Cosmopolitan Justice and Liberal Nationalism" (forthcoming); and completed a draft of a paper to be included in an anthology on globalization and democracy (to be edited by D. Chatterjee and M. Krauz). I have also received an invitation to contribute a paper for a forthcoming Canadian Journal of Philosophy supplementary volume (to be edited by D. Weinstock), and I am now beginning to draft an outline for this paper.

Other papers that were drafted or revised this year include "Special Obligations and Global Justice" (submitted), "Justice and Personal Pursuits" (revising for resubmission). Other (early) drafts completed include "Cosmopolitan Impartiality and Patriotic Partiality," and "Boundary-Making and Equal Concern."

Conference participation this year includes a main contribution to a workshop on "Cosmopolitanism" in Kingston, Canada (September-October 2001), which I also helped to organize; and a commentary in an APA Pacific Session symposium on "Nationalism" (March 2002). I also presented a paper, "Special Obligations", to an audience at the Program for Ethics and Public Life, Cornell University, April 2002; and was I twice invited to do presentations to students at Tufts University (in a class on Rawls and a class on global justice). The research allowance the Center provided has made many of the above participation possible.

Some of the work that I have done this academic year will be carried forward to the next in the form of invited conference presentations. These include a commentary for a session on "Intervention" in the upcoming ASPLP/NOMOS conference (September 2002); a main paper for a panel on Globalization, Eastern APA (December 2002); and a main paper for a session on "Global Politics" in the Central APA (April 2003).

Other professional duties performed during the Fellowship year include serving as manuscript reviewer for Westview Press and Yale University Press, and an article reviewer for a journal. I also completed two book reviews, and served as an examiner for a PhD thesis at Queen's University, Canada. This "sabbatical" year has also allowed me

to comment more extensively on works in progress of former students and colleagues than, perhaps, I normally would be able to do.

The Center provided a most stimulating environment for inquiry and learning. In addition to the informal scholarly interaction among the Fellows and other members of the University that it facilitated, the Center also organized formal events throughout the year (e.g., joint seminars, public lectures, The Tanner Lectures, and so on). The highlight for the Faculty Fellows was the weekly seminar, expertly chaired by Dennis Thompson. With Dennis's supervision, the seminar exposed participants to a wide and diverse range of topics in ethics and the professions, and very importantly for teachers of ethics, new ideas and pedagogical tools for teaching ethics. The seminar also allowed Fellows to "test out" their own ongoing research, and the feedback that I received in this regard has been invaluable.

Outside the Center, I had the opportunity to attend courses by Professors C. Korsgaard ("Kant's Religious and Political Philosophy" and "History of Modern Moral Philosophy"), M. Ignatieff ("Human Rights and International Politics"), T.M. Scanlon ("Morality and Action"), and a course on Philosophy of Law at MIT taught by J. Cohen. The philosophers at the Center were also invited to participate in the weekly Workshop on Moral and Political Philosophy, Department of Philosophy (which I attended regularly). Fellows were also invited to the legal theory workshops (due to conflicts I was able to attend only one session) and political theory colloquium series.

In short, this year has everything, and more, that an academic could hope for – time and resources for personal research, a scholarly community to support and to provide feedback on the research, a most supportive office staff, and exposure to new areas of inquiry as well as tools for teaching ethics. That I had to turn down an attractive tenure track offer in Canada to take up this Fellowship was no cause for regret at all, and I look forward to bringing some of my newly acquired ideas on teaching ethics (e.g., the use of cases, and the sorts of cases not to use!) to the University of Pennsylvania, where I will be lecturing next year.

I would like to thank the various individuals who made this year possible and as pleasant in all the ways that it has been. In particular, my heartfelt thanks to the indefatigable Jean McVeigh and the members of her staff -- Maria Catoline, Chambers Moore, Allison Ruda, Simone Sandy, Kim Tseko, and Carrie Vuori -- who went way beyond the call of duty in everyway (Maria and Allison were of special help to the Faculty Fellows with the running of the Seminars and in providing library research); to Arthur Applbaum, who was supportive of our individual projects, and for sharing his insights with us in the seminars; and most especially to Dennis Thompson for his leadership of the Center, his guidance in the seminars, and for showing how to combine uncompromising intellectual rigor and high professional standards with great generosity and a good heart.

I had the pleasure of being Visiting Faculty to the Harvard University Center for Ethics and the Professions during the 2001/2002 academic year. This was something of a homecoming for me, since I was one of the Faculty Fellows more than a decade ago, in 1990/1991. In many ways the two experiences were very similar – the drive at noon every Tuesday from the Longwood Medical Area over to Cambridge, the warm and generous smile of Jean McVeigh greeting me as I came in the door, and the stimulating discussions over lunch with Dennis, Arthur, and the fellows about something that had been in the New York Times during the previous day or two. In other ways, the experiences were very different – the Fellows look to be at least ten years younger now than they were then (or at least that's how it seems to me), they're much smarter than they used to be (or is my brain just no longer able to follow the rapid pace of the philosophical arguments?), and the parking is even more outrageously expensive than it was in 1990.

The reunion with the Center also made me see how much my life has changed in the last ten years. The number of meetings on my calendar now seem to multiply like rabbits. Whereas before I remember leisurely reading the materials for the seminar on Monday afternoon, on more than one occasion this year I had to set my alarm for 3:30 am Tuesday morning so I could do all the reading for the seminar before leaving for work at 6:00 am. And yet despite the hassles of finding time to do the reading, the Seminar itself was like an oasis in the desert. I turned off my pager, settled into my seat at the conference table, and for more than three hours enjoyed the consummate pleasure of doing nothing but listening, reflecting, and engaging in stimulating, thoughtful, and sometimes hilarious conversation.

Throughout this year, my colleagues at Children's Hospital and the Medical School would ask me why I chose to spend half a day a week sitting around (and, in their fantasies, drinking port and aperitifs) with people who don't share and couldn't possibly understand the world of clinical medicine and the problems that I research and write about. In one sense, they had a point. Very little of the dialogue during the seminar was directly relevant to the central activities of my professional life. But two events can illustrate, I believe, the reasons why this year has been both so valuable and valued.

The first occurred with the seminar that was devoted to the topic of "double effect." When I saw it on the syllabus, I was a little disappointed, because if there is one topic in philosophy that I teach on an almost weekly basis, this is it. Double effect is at the foundation of our practices related to end-of-life care in the ICU and palliative care medicine in general. I make it a point to read everything in the medical literature on this topic, and have heard all the debates about double

effect so many times that I know exactly what my students are going to say before they say it. Yet when the topic was discussed in the Seminar, it was like I had never thought about it before. The articles were from journals that I never read, the examples and distinctions were not the ones that I knew by heart. What made the session so memorable for me, however, was the opportunity to read an article by Tim Scanlon that, it seems to me, once and for all explains the mystery and confusion of double effect with clear and convincing arguments. At last, I think I understand double effect "all the way down." As I told the group that day, it almost felt like a religious experience for me! Within the insular world of medical ethics, such an experience would never have occurred.

The second came when I took the opportunity to present some of my own work to the group. The ideas came from my own reflections over the past couple of years about the way that clinical practices have developed in high intensity environments like the pediatric ICU. On the one hand, the ethical principles that are said to guide such practices are fairly standard and uncontroversial. On the other hand, when the actual practices are examined in detail, they seem to be only loosely related to the accepted principles. I've had a hunch that we seem to be missing something. Unfortunately, I've had a very difficult time articulating exactly what this "something" is. I doubt I ever would have taken the time to try to work this out if it were not for the unique opportunity provided by the seminar to experiment and to present ideas that may (or may not) ever pan out as useful. Not only was the seminar an opportunity to explore this interest of mine in the company of some of the smartest people I know, but it was also an opportunity to take some risks in an environment where I could be sure I wouldn't be intellectually embarrassed or shamed. Opportunities like this are few in the academic world – they need to be nurtured and cherished.

This has been a wonderful opportunity, and I will always be grateful to Dennis for the invitation to return. Hopefully Dennis will agree to stay on schedule, and will invite me back again for the 2012/2013 academic year. See you then!

APPENDIX II
Reports of the Graduate Fellows 2001-2002

Doug Edwards
Ph.D. Candidate, Philosophy
Eugene P. Beard Graduate Fellow
Center for Ethics and the Professions

Year-end Report 2001-2002

I would like to thank the Center for providing the opportunity for an unusually productive academic year at a crucial stage in my graduate studies.

I entered the year with a rather vague set of intuitions which by year's end have been translated into a detailed and lengthy prospectus for my dissertation.

My work is animated by a negative response to 'individualist' attitudes toward action, morality, and politics, as exhibited for example in libertarian theory or economic rational choice theory. The sensibility found in such theoretical work, and in a significant portion of the public culture, has struck me for some time now as objectionably *private*. As an alternative, my constructive response has been to investigate approaches to political relations that take as their starting point the essentially social foundation of our rights, agency, and freedom.

My fellowship, which released me from the necessity of assistant teaching for the entire year, has allowed me to identify this common 'socialist' thread in the work of a diverse set of thinkers including social contract theorists such as Rousseau, Kant, and Rawls; critics of this tradition such as Hegel and Marx; and contemporary communitarian theorists such as Sandel and MacIntyre.

In my dissertation, I plan to offer a reconstruction of the most striking expression of the social basis of moral action: that we find self-realization in a political union that delivers the good of community. To defend this thesis, I will argue that the normativity inherent in the concept of a practical reason, the basic unit for justifying an action, must be explained in terms of an ideal social convention, which literally imbues the valueless world of empirical objects (states of affairs, psychological interests, behavior, and humans in the strictly biological sense) with practical significance (goods, reasons, actions, persons). My thesis is that reasons and persons are only such in virtue of their being recognizable to agents party to such an ideal convention. Thus, where being in community with others might be regarded only as an *aspiration* for ideal civic relations, I will argue that such a relation is itself constitutive of moral *justification*. The broadly egalitarian and communal thrust of the theories I examine are then given firm foundations in an account of what is required for an action and interaction to be justifiable to another person. The source of justification, then, cannot reside in a capacity or attribute of an individual isolated from an interpersonal relationship.

The Center's contribution to my progress has been considerable.

As mentioned, of foremost importance is the time made available through financial support.

Second, the weekly seminar brings together all the Fellows for stimulating discussion of a wide array of topics in applied and professional ethics, moral theory, and political theory. I was not sure what to expect from the seminar, and I came in somewhat skeptical about the possibility of making real headway in our discussions, given the relatively brief exposure to new topics and the interdisciplinary make-up of the Fellows. Thanks, however, to the outstanding guidance of Arthur Applbaum, what I thought would be obstacles to progress ended up helpful to it. The compression of so much material into a single year was made fruitful through our concentrated attention made possible by Arthur's leadership. I have not had a more productive graduate discussion group, owing to the spirited engagement and complimentary perspectives of the Fellows, and to Arthur's sound judgment about when to let things run, and when to intervene and bring matters back into focus. My own work was also prodded along by the task of presenting at the end of each semester, and was greatly improved by the critical scrutiny of our group.

Third, the office space and computer equipment provided by the Center should not be underestimated; a quiet place devoted strictly to study and writing, twenty-four hours a day, is enormously helpful.

Finally, the staff at the Center must be acknowledged for their professional assistance and friendliness. Thanks to Jean, Chambers, Maria, Carrie, and Kim for helping to create a terrific place to work, talk, and laugh.

Louis-Philippe Hodgson
Edmond J. Safra Graduate Fellow in Ethics, 2001-02
Ph.D. Candidate in Philosophy

It has been a pleasure and a privilege to be a Graduate Fellow at the Center for Ethics and the Professions this year. I have benefited tremendously from my exchanges with the Graduate and Faculty Fellows of the Center, as well as with Arthur Applbaum and Dennis Thompson. I have also greatly enjoyed the ideal working environment provided by the Center, and owe many thanks to its wonderful support staff: Jean McVeigh, Maria Catoline, Chambers Moore, Kim Tseko, and Carrie Vuori. This has been by far the most productive year of my graduate career so far, and I owe it to the wonderful opportunities offered by the Center.

The weekly seminars lead by Arthur Applbaum clearly formed the heart of the program, and constituted a wonderful occasion to interact with the other Graduate Fellows. The discussions during those seminars were constantly stimulating, thanks to the engaging and challenging topics selected by Arthur, and to his extraordinary skills at leading the discussion in productive directions. I have learned a tremendous amount over the course of these sessions, both from Arthur and from other Fellows, about topics of great practical relevance about which I knew much too little. In that sense, the seminar provided an essential complement to the rigorous, but strictly theoretical, training I am receiving in the Ph.D. program in philosophy.

The various other intellectual opportunities offered by the Center were also invaluable. The lecture series and the dinners and discussions that followed were always interesting. And the joint seminars with the Faculty Fellows generated animated and exciting discussions on topics of capital interest. All these events were, for me, excellent occasions to broaden my interests, or to deepen ones I already had.

I was able, during the course of the year, to make serious progress on various projects that will eventually become part of my dissertation. I wrote three new papers during the fall semester, two on Kant's political philosophy, and one on the problem of collective responsibility. This last paper, I should say, was directly inspired by our discussion of that topic during the weekly seminar, and is considerably better than it could have been without that original stimulus. I spent the first half of the spring semester doing a fair amount of reading for my dissertation, and also revisiting the papers I wrote in the fall. During the second half, I wrote a new paper on the notion of representation as it appears in classical social contract theory. Again, this paper is heavily indebted to discussions we had in the weekly seminar over the course of the semester. I plan to spend much of the summer and next year reworking these papers and bringing them together into a continuous dissertation, to produce a contractarian theory of international justice that takes seriously the idea that states are collective agents.

I am extremely grateful to the Edmond J. Safra Fund and to all those at the Center for making this year possible, and to Arthur Applbaum in particular for constantly providing me with intellectual stimulation, sharp criticisms, and wise advice. His dedication made all the difference.

Orly Lobel
S.J.D. Candidate, Harvard Law School
Final Fellowship Report, 2001-2002
Center for Ethics and The Professions

This has been an incredible year for me at the Center for Ethics and the Professions. The Center has provided me with a challenging and stimulating environment, far exceeding my initial (high) expectations. I am grateful to the entire staff of the Center, led by the extraordinary Jean McVeigh, operating in a way I have seen in no other place – a Swiss clock with a heart and soul. I thank Dennis Thompson – his leadership instantly integrated a bunch of very different scholars into a non-hierarchical passionate intellectual community, and he taught us all, during our dinner and lunch series, his copyrighted art of “Eating While Solving Ethical Dilemmas” (EWS). And of course, Arthur Applbaum – not only did he know to select an amazing bunch of eager and able graduate fellows, but also led us in our wild ride of intense ethical inquiries and supported our work both in the weekly seminar and in informal settings. This report will not be complete without mentioning my greatest achievement this year – my three-month-old daughter, Danielle. She too thanks the Center for participating, while still in the womb, in the majority of its weekly seminars.

In my legal writing, I continue to engage theory with doctrine, and the debates at the Center have strengthened my belief that the two are, in fact, inseparable. The interdisciplinary readings and discussions at the Center broadened my horizons and proved beneficial to my research and writing. During this year, I have written two papers that are part of my broader thesis on workplace regulation and social empowerment. In the first paper, *The Politics of Flexibility: A Study of Intermediaries*, I develop a concept of new labor market intermediaries – third-party actors that are becoming increasingly central in mediating the relations between worker and employer. The paper brings together and compares the legal treatment of a range of ostensibly very different intermediaries, ranging from the highly institutionalized and differentiated types of employment agencies to the seemingly informal, often purposely invisible, ethnic networks. The paper links the regulatory framework of new intermediaries to the understanding of the role of law as itself the primary mediating system between market realities and normative goals.

The second paper, *The Paradox of Extra-Legal Activism: Legal Cooptation Analyses and Transformative Politics*, is a response to recent accounts of legal theorists who charge the law as bringing more harm than good to the social movements that rely on it in their struggles. I explore three genres that have emerged in the literature as alternatives to earlier models of law and social activism: the reformulation of the purpose of the legal system as serving indirect goals rather than direct outcomes; the move away from the legal arena to an “extralegal” sphere of action, often framed as a return to *civil society*; and the reconceptualization of the meaning of “law” and “legality,” building on earlier understandings of the Legal Pluralism school. The paper argues that these movements produce a mirror-effect of practical and conceptual cooptation and rely on a

false necessity, aligning a conservative tilt with formal politics and a transformative tilt with informal activism. I demonstrate how the concepts of civil society, informalization, and the proliferation of norm-generating actors have been appropriated by supporters from a wide range of political commitments, and how progressive visions often converge with dominant processes of privatization, deregulation and devolution of state authority over welfare and social provision. In this context, the paper argues that the idea of social-reform movements opting-out of the legal arena conceals the on-going importance of law and the possibilities of law reform in seemingly unregulated spheres.

In addition to my fellowship at the Center, I have completed, at the beginning of the year, my doctoral general exams at the Law School and have served this year as the head of the Law School's Graduate Forum, a yearlong colloquium on international legal studies. I also saw two of my earlier papers published during this academic year - *Family Geographies: Global Care Chains, Transnational Parenthood, and New Legal Challenges in an Era of Labor Globalization*, Current Legal Issues (Oxford University Press); and, *Agency and Coercion in Labor and Employment Relations: Structures of Power in Shifting Patterns of Work*, University of Pennsylvania Journal of Labor and Employment Law. With the help of my fellowship funding, I will also be presenting a paper this June at the Annual Law and Society Conference, Vancouver 2002. Finally, I am glad to report that next year I will be named a Hauser Center Doctoral Fellow, 2002-2004 for the completion of my thesis work. This means that I am only moving across the street to the Hauser Center's space at the Charles Hotel complex, and so when in need of *true inspiration* ("the action or power of moving the intellect or emotions" - Webster), I can always cross the street and find my way back to the Ethics Center.

My year at the Center for Ethics and the Professions has been extraordinary, and I am deeply grateful for having been a Fellow this year. I began the year frustrated with my dissertation, struggling to put together a prospectus – something that, as a fourth year student, I should have already done. About midway through the fall, I switched my topic; by the end of February I had defended my prospectus, and I now have one chapter done and two more on the way. I'm excited to spend the summer writing.

The CEP was critical in several ways in facilitating my progress. First, I greatly appreciated the relief from teaching that the stipend allowed me. I found that I was far more productive and focused on my research when free of other distractions. To be able to take time away from teaching was a real luxury for me, since I ordinarily have no other means of financial support. Second, the office space provided to me by the Center was a vast improvement over the dark and dingy accommodations provided by the Government Department. Having an office that was comfortable, and in which I liked to spend time, made me work harder and take my work more seriously. Third, it was a wonderful experience to be surrounded by such smart people working in allied disciplines. Too often, academics only talk to others within their field, but there is so much to be gained from interdisciplinary conversation. The philosophers pushed me (a political theorist) to be more rigorous than I might otherwise have been inclined to be, and the others reminded me to continue paying attention to the practical upshot of my theoretical reflections. Their advice and comments were critical in helping me think through my new topic. I also owe a debt of gratitude to the Center's staff, who not only are wonderful and fun people, but also cheerily answered my stupid questions.

The highlight of each week was the Graduate Fellows Seminar. We began our discussions each week by subjecting a current event (unfortunately, it was a busy news year) to philosophic scrutiny. We continued by exploring a topic in practical ethics. These sessions were led masterfully by Arthur. Not only does he possess an impressively perspicacious mind, but he is also a terrific discussion leader. It is no easy task to hold together a seminar of seven opinionated people from five different disciplines, each of which has its own approach and jargon. Although the seminar was supposed to end by 3:30, we would frequently continue talking until 4:30 or 5. The group reminded me of just how much fun philosophy can be.

My thanks to the Center for a great year!

Final Report
Martin E. Sandbu, Graduate Fellow in Ethics 2001-2002

Between the time I applied to the Ethics Center Graduate Fellowship and the time I received the welcoming notice telling me that I had been accepted, I was so fortunate as to secure dissertation funding from the Research Council of Norway. Thus some of the most desperate needs that make Ph.D.-students scurry for fellowships had already been alleviated for me. But as Arthur Applbaum said when dispelling my temporary illusions that I may be able to realise that most impossible of graduate students' dreams (double funding, that is): "At least now you'll know you're not doing it for the money!" And indeed it was the non-material benefits of the fellowship that made the greatest contribution to my ability to do my academic work.

I do not want to diminish the importance of the material and logistical amenities that the Center provides, of course. It makes a great difference for a graduate student to be given a structure which co-ordinates and eases all the practical problems that otherwise take away time from working on the dissertation. So having an office space with printing, copying and mailing facilities has been tremendously useful. But the work environment at the Center goes far beyond simple logistics; it really feels like a place one *wants* to go and becomes a little home on the university campus. For all their help with practical affairs, and especially for the way they made us feel welcome and for their understanding attitude to our work (and to deadlines), I wish to thank Maria Catoline, Chambers Moore, Kim Tseko, Carrie Vuori, and most of all the inimitable Jean McVeigh.

The focal point of the fellowship was of course the weekly seminar. Since I came to Harvard I have been intent on training myself as both a political philosopher and an economist. The Center's graduate fellow seminar enabled me to take care of the first part of that training this year. The challenge of bringing together people from different disciplinary backgrounds is a serious one, but an all the more important one for that. Even (or perhaps especially) at Harvard there is in general far too little cross-disciplinary discussion on serious normative questions, which can only benefit from additional and novel perspectives as long as they are brought into an intelligible dialogue. The graduate seminar succeeded very well in doing this. While I will not suggest that we necessarily agree on most of the topics we have discussed, I will confidently assert that we understand them much better, and more importantly that we understand our respective positions and perspectives much better than we otherwise would. The main credit for this must go to Arthur Applbaum, who managed to strike a good balance between theory and applicability both in terms of our topics and the approach to them. But the seminar would have been much less rewarding were it not also for the intellectual quality and committed and friendly attitude that prevailed among the fellows. I would like to thank Doug Edwards, Louis-Philippe Hodgson, Orly Lobel, Matt Price, Andrea Sangiovanni-Vincentelli and Penny Tucker for being such good intellectual sparring partners who have also become my friends. I have learned a lot from all of them and leave the Ethics Center intellectually and personally enriched from encountering them.

Over the course of the year, I have managed to develop my dissertation work from a rough idea to a more substantive research project – as well as a draft of two

chapters and parts or sketches of two more. The project is to analyse how people may evaluate decision procedures and allocation mechanisms non-instrumentally.

Traditionally economic analysis assumes that people's preferences and choices are motivated in a consequentialist fashion, and that the value individuals put on procedures is reducible to the value they put on the outcomes the procedures may produce. Non-instrumental valuation of process raises issues that range from the philosophical question of the rationality of such preferences to the empirical question of their exact nature, strength and prevalence. My work on this topic over the course of the year has extended to thinking about how this phenomenon should influence normative social evaluation and the role it puts on individual preferences, and to how it may affect the positive analysis of economic phenomena such as wage-setting.

I have been aided in the development of these ideas by three aspects of the Center's activities. First, it has allowed me to concentrate on reading and discovering other analyses of the phenomena that interest me, often in other disciplines. Second, the environment and the presence of other fellows (graduate and faculty) and the directors makes it very easy to bounce off new gestating ideas and be sure to get immediate constructive feedback. Finally, the opportunity (and obligation) to present one's own work in the seminar is a fantastic spur to sitting down and writing. Most of the written material I find myself with at the end of the year was produced for my graduate seminar presentations.

In sum, the fellowship has been an extremely useful and enriching experience, on the intellectual and personal level. I wish the Center all the best for the future.

ANDREA SANGIOVANNI-VINCENTELLI
EUGENE P. BEARD GRADUATE FELLOW IN ETHICS
REPORT ON FELLOWSHIP YEAR 2001-2002

I can imagine few, if any, places in the world that would provide a more pleasing and productive environment than the Center for Ethics and the Professions for pursuing a dissertation project. It is rare to find a research center that can inspire thought, discussion, and argument over questions of the deepest ethical and political concern not only in seminar rooms and lecture halls, but also over dinners, in hallways, doorways, gardens, and throughout mornings, evenings, and nights—anywhere there is enough space and time to reflect with others. When I began here last year, I had a set of intuitions about the concept of political legitimacy, which together indicated the way without really illuminating it. As I end my stay at the Center, I see how much this year has contributed to the casting of these basic intuitions into a more determinate shape. My dissertation can now be said to consist of arguments rather than merely impressions. It is only with the help—financial, logistical, and above all intellectual—of my friends, Fellows (both graduate and faculty), and colleagues at the Center that this would have been possible. I am deeply grateful for having been given the opportunity to spend the year here as a Eugene P. Beard Graduate Fellow.

Let me begin with a few words about my dissertation project. Perhaps one of the most striking characteristics of contemporary European constitutional democracies is the rise of the 'regulatory state' and the relative decline of parliamentary governance. Characterized by delegation to a growing panoply of 'non-majoritarian institutions'—including regulatory agencies, constitutional courts, and central banks—the regulatory state now extends, as in the European Union, beyond national boundaries. While there is a large political science and economic literature on such institutions, political philosophers and theorists have left this development and the challenge it poses to the democratic legitimacy of the modern state largely untouched. My dissertation aims to reflect on this development, using it to shed light on the nature of political legitimacy. The key puzzle for political philosophy in an age of globalization is to explain how it is possible for indirect political rule to be democratic once key areas of policymaking are delegated to and constrained by international and supranational institutions. I argue that exploring this puzzle requires a fresh look at the concept of representation. Much in the spirit of the Center, my dissertation attempts to bring together political science and normative philosophy in novel and unexplored ways.

The support of the Center has allowed me to bring to completion two parts of my project. First, I have been able to complete a piece on 'output legitimacy' in the context of the European Union to be published in a *Festschrift* for Fritz Scharpf. Second, I have been able to work on another project on representation and political legitimacy, which I will present at the American Political Science Association's annual meeting in Boston in August of this year.

The highlight of this year was without doubt our weekly graduate seminar led by Arthur Applbaum. We entered each week pitched for a heated battle on topics ranging from medical ethics and Israeli politics to incommensurability and autonomy. Invariably each week's discussion would spill over far beyond the three hours allotted to it and invariably the complaint would be that the session was just too short. I often left the seminar impatient for the following week's discussion, anxious to pursue an insight left hanging or sharpen an unfinished thought. The seminar owes its success, above all, to Arthur's boundless passion and enthusiasm as well as the sheer and visible joy with which he teaches.

I would also like to express my gratitude to the staff—especially to Chambers, Carrie, Maria, Kim, and Jean—whose support and encouragement form, in many ways, the unshakeable foundation of the Center. Their generosity and good spirit often felt as if it were unwinding the dark and meandering corridors of Taubman's second floor. Without their hard work—often beyond the call of duty—very little would be possible at the Center. I would especially like to thank Jean McVeigh, whose intelligence, warmth, and wit seems to find its way in almost everything at the Center. It is a testament to her character and hard work that a colleague, Allison Ruda, made a documentary about her life. Jean McVeigh is a gift to the Center and source of inspiration for all those who have had something to do with the Center.

I reach the end of this year like one reaches the end of a good book: while fresh with the excitement of having unraveled some of its mysteries, one finishes the last page with a nostalgic yearning to go back.

Penny Tucker
Edmond J. Safra Graduate Fellow in Ethics
Final Report, 2001-2002

As an Edmond J. Safra Graduate Fellow, this year at the University Center for Ethics and the Professions has been perhaps the most important of my entire graduate experience at Harvard. Important theoretical claims in my dissertation were formulated and informed through the readings and discussions in an excellent and vibrant graduate seminar led with intellectual energy, high intelligence, and analytical insight by Arthur Applbaum. Through contact with faculty fellows, I also deepened my understanding of the many roles philosophy plays in my study of ethics in literature. All these strands were brought together in the series of informative lectures, joint seminars, and good dinner conversation.

For making this such an exceptional year, I thank Arthur Applbaum and Dennis Thompson for their leadership and enthusiasm that makes the University Center for Ethics and the Professions such a special place for intellectual exchange in the Harvard community. I was also fortunate to enjoy the good company and good advice of an impressive group of graduate fellows including Doug Edwards, Orly Lobel, Louis-Philippe Hodgson, Matt Price, Martin Sandbu, and Andrea Sangiovanni-Vincentelli. I am also grateful to the generous help of Jean McVeigh and the wonderful staff members who did so much to make this such a productive year. I especially thank Chambers Moore, Carrie Vuori, and Maria Catoline. In addition, my daily life at the center and my intellectual life during the year was enhanced by interaction with the faculty fellows, but I am especially grateful and indebted to Nomy Arpaly for her fiercely intellectual approach to living, healthy curiosity, abundant good humor, and, most of all, for her unique philosophical spirit that so well combines exceptional intellect and sharp wit. I cannot think of any other fellowship at Harvard that would have permitted me the rare opportunity to meet and come to know such a wonderfully vibrant group of people.

This has been a very productive and important year for me intellectually. In addition to completing my dissertation, I also began to formulate ideas for future projects through the weekly graduate seminar and monthly lectures. The work completing my dissertation, however, was the centerpiece of my year. My dissertation entitled "The Culture of Promises: Literary Ethics and American Cultural Politics, 1820-1870" was accepted by the Committee on Higher Degrees in the History of American Civilization and was nominated for the American Studies Association's Gabriel Prize for Outstanding Dissertation by the program chair.

In my dissertation, I analyze the representation of promises in nineteenth-century American literature as a form of ethical, cultural, and political practice and discourse. I refer to this confluence of practice and discourse, of action and thought, as the nineteenth century's "culture of promises." I argue that within the literature of the period there was a sustained debate over the values of a promise-based culture. One line of argument saw

promises as a stabilizing force at the level of individual and society. Another saw promises as effective tools authors might use for progressive social critique and advocating social reform. Still another saw promises as conservative relics incompatible with the newer order of commerce and dislocation. To make this argument, I develop two concepts—"literary contractarianism" and "nation-building"—to explain the cultural work promises perform in American literature. With these terms, I suggest how novels in particular may well fill the gap in nineteenth-century American philosophy regarding social contract theory, and I argue that through novels authors could propose models of social relation and, in doing so, participate in the larger project of the early national nation-building.

I focus primarily on fiction and specifically on novels, but I do consider one novelized autobiography and other texts that represent promising. I analyze writings by Catharine Sedgwick, Hawthorne, Melville, and Harriet Jacobs. My research draws on work in literary criticism, cultural history, political theory, philosophy, and the histories of economics and law. Because little sustained analysis has been given to the representation of promises in American literature, my work offers a set of questions and interpretations for making sense of what has more often than not been seen as the ubiquitous, but hollow tool of sentimental rhetoric. My project challenges this dismissal of literary promises, and it seeks to offer a systematic account of why so many American novels are inordinately saturated with promises. It also suggests how we might see these promises as part of a larger philosophical and political debate about the nature of American democratic culture and social membership. In the dissertation's epilogue, I propose some important considerations for rethinking the philosophical emphasis on promise-making and keeping as the ubiquitous model for clarifying moral principles. I suggest that key elements of democratic deliberation are lost in political models that overemphasize the place of promises in constructing the social life of liberal democracies.

Next year I have accepted an appointment in Harvard College as a Lecturer on History and Literature, and I will conduct a job search for positions as an assistant professor of English. I also will be preparing my dissertation manuscript for publication. Again, I cannot say how important this year and the support from the Edmond J. Safra Foundation has been to making this year a significant intellectual moment in my academic career. For this, I will always be grateful.

APPENDIX III
Faculty Seminar in Ethics 2001-2002 Syllabus

Harvard University Center for Ethics and the Professions

FACULTY FELLOWS SEMINAR 2001-02 *Final Syllabus*

F A L L T E R M

September 25. Cases in Practical Ethics

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

"InteliHealth And Harvard's Health" (photocopy)

"Three Moments in the Stem Cell Debate" (photocopy)

KSG Case Program, "The Debate Over Clinical Trials of AZT to Prevent Mother-to-Infant Transmission of HIV in Developing Nations" (June 1999). For full text of article, go to
<http://www.ksg.harvard.edu/case/azt/index.html>

William Glaberson, "Lawyers Consider Easing Restriction on Client Secrecy," New York Times (July 31, 2001), p. A1.

Sheryl Gay Stolberg, "Bioethicists Find Themselves the Ones Being Scrutinized," New York Times (August 2, 2001), p.A1.

October 5. The Morality of Roles {N.B. The session is on Friday this week only}

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* 93 (1996), pp. 28-36.

Kazuo Ishiguro, *The Remains of the Day* (Knopf, 1989), pp. 31-37, 103-117, 138-139, 146-154, 164-169, 199-201.

October 9. SEMINAR CANCELLED

October 16. Moral Conflict I

Presentation: Arpaly

Thomas Nagel, "The Fragmentation of Value," *Moral Dilemmas*, Christopher Gowans, ed., (Oxford, 1987), pp.174-187.

Bernard Williams, *Moral Luck* (Cambridge, 1981), pp. 20-39, ("Moral Luck").

Amy Gutmann, "The Challenge of Multiculturalism in Political Ethics," *Philosophy & Public Affairs* (Summer, 1993), pp. 171-206.

Ruth Chang, ed., *Incommensurability, Incomparability, and Practical Reason* (Harvard, 1997), Introduction, pp. 1-34.

October 23. Political Ethics

Presentation: Tan

Henry L. Stimson, "The Decision to Use the Atomic Bomb," in Amy Gutmann and Dennis Thompson, eds. *Ethics and Politics*, (Chicago: Nelson-Hall, 1990) 2nd Edition, pp. 5-15.

Samuel Scheffler, ed., *Consequentialism and its Critics*, (Oxford, 1988), Introduction pp.1-5, pp.9-13.

Dennis Thompson, *Political Ethics and Public Office* (Harvard, 1987), pp. 11-33.

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

October 30. No seminar – Fall Break

November 6. Legal Ethics

Presentation: Schlanger

Bill Simon, *The Practice of Justice*, (Harvard University Press, 1998), Introduction (pp.4-25), Legal Ethics as Contextual Judgement (pp. 138-156).

David Luban, *Lawyers and Justice* (Princeton University Press, 1988), The Adversary System (pp. 68-93).

"Model Rules of Professional Conduct", (American Bar Association, 1999 ed.)

Rule 1.1 (Competence)

Rule 1.2 (Scope of Representation)

Rule 1.3 (Diligence)

Rule 1.6 (Confidentiality)

Rule 3.3 (Candor toward the tribunal)

Rule 3.4 (Fairness to opposing party and counsel)

Rule 4.1 (Truthfulness in statements to others)

Rule 8.4 (Misconduct)

Federal Rules of Civil Procedure

Rule 11 (Signing of Pleadings, Motions, and Other Papers; Representations to Court; Sanctions)

Rule 26 (General Provisions Governing Discovery; Duty of Disclosure)

November 13. Moral Conflict II

Presentation: Thompson

John Rawls, "The Idea of Public Reason," in *Political Liberalism* (Columbia University Press, 1993), pp. 212-22, 249-51.

Michael Sandel, "Political Liberalism," *Harvard Law Review* (May 1994), pp. 1777-82, 1789-1794.

Gregory Stankiewicz, "The Controversial Curriculum," in *Ethics and Politics*, ed. A. Gutmann and D. Thompson (Chicago: Nelson-Hall, 1997), 3rd edition, pp. 327-31

Amy Gutmann and Dennis Thompson, *Democracy and Disagreement* (Harvard University Press, 1996), pp. 52-69

William Galston, "Diversity, Toleration, and Deliberative Democracy," in *Deliberative Politics*, ed. S. Macedo (Oxford University Press, 1999), pp. 43-47

November 20. No seminar —Thanksgiving

November 27. Moral Responsibility of Groups and Organizations

Presentation: Sussman

Thomas Hobbes, *Leviathan*, ch. 16, Tuck Edition pp. 111-115 ("Of Persons, Authors, and Things Personated")

Christine Korsgaard, *Creating the Kingdom of Ends*, pp. 369-374 ("Unity of Agency")

Ronald Dworkin, *Law's Empire*, pp. 167-175 ("Community Personified")

Joel Feinberg, "Collective Responsibility," *Journal of Philosophy*, vol. 65 (Nov. 7, 1968), pp. 674-688.

December 4. Business Ethics: Conflict of Interest and the Professions

Presentation: Ashish Nanda

Assigned case studies:

- The American Medical Association – Sunbeam Deal (role of professional associations)
- AdNet (Venture Capital) –Professional-Client Conflict
- Prince Jefri v. KPMG – Client Conflict (Scale)
- SEC v. the Big Five – Client Conflict (Scope)

December 11. Ethics of Sexual Boundaries in Psychotherapy: A Problem of Dirty Hands or Dirty Minds?

Presentation: Brendel

Alan Wertheimer, *Exploitation*, pp. 158-188 "Sexual Exploitation in Psychotherapy", (Princeton, 1996).

Irvin D. Yalom, *Lying on the Couch*, pp. 1-33 (BasicBooks, 1996).

Jody Messler Davies, "Love in the Afternoon: A Relational Consideration of Desire and Dread in the Countertransference," (Psychoanalytic Dialogues, Vol.4, No.2) pp. 162-167.

February 12. Ethics of Triage

Presentation: Truog

February 19. Fellows' Works In Progress

Presentations: Sussman, Brendel

David Brendel, "Reductionism, Eclecticism, and Ethics in Psychiatry: the Dialectic of Clinical Explanation."

David Sussman, "Sheer Perversity."

February 26. Fellows' Works in Progress

Presentations: Tan, Arpaly

Kok-Chor Tan, "Justice and Personal Pursuits."

Nomy Arpaly, "Moral Worth."

March 5. Punishment

Presentation: Sussman, Schlanger

Sanford H. Kadish and Stephen J. Schulhofer, *Criminal Law and its Processes: Cases and Materials*, 7th edition (Gaithersburg, New York : Aspen Law & Business, 2001), selected non-case readings.

Federal Sentencing Guidelines Manual, United States Sentencing Commission, 2001 Edition. Selected passages, pp.1-7, 55-59.

Professor David Meltzer, *Criminal Law Materials*, Harvard Law School, Spring 2002. (Reprinted with permission.

Herbert Morris, "Persons and Punishment." *Monist* 52, 4, October 1968 475-501.

Friedrich Nietzsche, *On the Genealogy of Morals* II, sec.4-6, 8-13 (pp.62-65, 70-81).

March 12. Moral Responsibility/Free Will

Presentation: Arpaly, Brendel

Antonio R. Damasio, *Descartes' Error: Emotion, Reason and the Human Brain*, (New York: Putnam, 1994) chapter 1.

Sigmund Freud, *The Ego and the Id and Other Works*, ed. James Strachey (New York: Norton, 1961), pp.131-134.
David H. Brendel, MD, "Philosophy of Mind in the Clinic: The Relation between Casual and Meaningful Explanation in Psychiatry," (President and Fellows of Harvard College, 2000).
Nomy Arpaly, "Moral Worth, Autonomy and Deviant Mental Conditions," in *Unprincipled Virtue: An Inquiry into Moral Agency* (Oxford Press, forthcoming).
"Father of 5 Slain, Children Recalls Wife's Depression," *The New York Times*, February 28, 2002.

March 19. Justice and Boundaries

Presentation: Tan

"Immigrants, Welfare and the GOP," *The Washington Post*, May 28, 1997.
"Challenge to Welfare Reform Act Rejected," *The Washington Post*, March 28, 2000.
Alasdair MacIntyre, "Is Patriotism a Virtue?" University of Kansas Department of Philosophy, 1984.
Henry Sidgwick, *The Elements of Politics*. (New York: MacMillan, 1969), pp.308-310.
Charles R. Beitz, "Social and Cosmopolitan Liberalism." *International Affairs* 75, 3 (1999) 515-529.
Samuel Scheffler. "Families Nations and Strangers" in *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought*. (Oxford, 2001) pp.48-64.

Optional Readings:

Robert E. Goodin, "What is so Special About our Fellow Countrymen?" *Ethics*, (July, 1988) pp.663-686.
Richard W. Miller, "Cosmopolitan Respect and Patriotic Concern." *Philosophy & Public Affairs* 27, no.3, (Princeton: Summer 1998) pp.202-224.

March 26. No Seminar – Spring Break

April 2. Fellows' Works In Progress

Presentation: Schlanger, Truog

Robert Truog, M.D., "Natural Death."

Margo Schlanger, "Defining, Assessing, Proving, and Regulating Racial Profiling By Police."

April 9. Double Effect/Just War: "A Trolley Named Double Effect"

Presentations: Sussman

Michael Walzer, *Just and Unjust Wars*, 151-159.

Jonathan Bennett, "Morality and Consequences." *The Tanner Lectures of Human Values* II (1980) lecture III, 95-116.

Warren Quinn, "Actions, intentions, and consequences" in *Morality and Action*, (Cambridge, 1993), 175-193.

April 16. Torture

Presentation: Sussman

Henry Shue, "Torture". *Philosophy and Public Affairs* 7, no.2 1978; 124-143.

Elaine Scarry, "The Structure of Torture" from *The Body in Pain*. Oxford, 1985: 27-59.

Primo Levi, "Useless Violence" from *The Drowned and the Saved*. Vintage, 1988: 105-126.

April 23. Ethics and Narrative

Presentations: Tan, Arpaly

Richard Rorty, "Human Rights, Rationality, and Sentimentality," excerpts. Oxford Amnesty Lectures (BasicBooks, 1993), pp.127-134.

Martha C. Nussbaum, *Poetic Justice: The Literary Imagination and Public Life*. (Boston: Beacon Press, 1995), pp.79-121.

Rohinton Mistry, *A Fine Balance*. (Toronto : McClelland & Stewart, 1995), pp. 95-115.

Judith Jarvis Thomson, "A Defense of Abortion." *Philosophy & Public Affairs* 1, no.1. (Princeton, 1971).

Russell Hardin, *Morality Within the Limits of Reason*. (University of Chicago, 1998). pp. 22-29.

Harper Lee, *To Kill a Mockingbird*. (New York: HarperCollins, 1995), pp. 170-180, 312-318.

April 30. Teaching Ethics

Each fellow presented a short piece about teaching experiences.

APPENDIX IV
Graduate Seminar in Ethics 2001-2002 Topics

CENTER FOR ETHICS AND THE PROFESSIONS

**Harvard University
Graduate Fellowship Seminar
2001-2002
(Thursdays, 12:30-3:30)**

FINAL SYLLABUS

FALL 2001

**Session 1: September 13
Syllabus Planning
Arthur Applbaum**

**Session 2: September 20
Cases in Professional and Practical Ethics
Arthur Applbaum**

“Spaulding v. Zimmerman”

“The Saturday Night Massacre”

Kazuo Ishiguro, *The Remains of the Day* (Random House, 1989), pp. 31-44, 103-117, 138-139, 146-154, 164-169, 199-201.

No Session September 27

**Session 3: October 4
Ethics of Role I
Arthur Applbaum**

MacIntyre, After Virtue (Notre Dame, 1981), pp. 175 – 181, 190-197.

John Rawls, “Two Concepts of Rules,” in *Collected Papers* (Harvard, 1999), pp. 20-46 and skim pp. 21-29.

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

Session 4: October 11
Ethics of Role II
Doug Edwards

Arthur Applbaum, "Are Lawyers Liars? The Argument of Redescription," in *Ethics for Adversaries: The Morality of Roles in Public and Professional Life* (Princeton, 1999), pp. 76-109.

Gerald A. Cohen, "Beliefs and Roles," *Proceedings of the Aristotelian Society* (1996-97), pp. 17-34; reprinted in H. Glover, ed., *The Philosophy of Mind* (Oxford, 1976), pp. 53-66.

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

Session 5: October 18
Legal Ethics
Orly Lobel

David Luban, *Lawyers and Justice* (Princeton Univ. Press, 1988), intro and Chapters 1, 4, and 5.

William Simon, *The Practice of Justice* (Harvard Univ. Press, 1998), intro and Chapter 6.

Duncan Kennedy, "The Responsibilities of Lawyers for the Justice of Their Causes," *Texas Tech Law Review*, 18:4 (1987), pp. 1157-1163.

Alan Dershowitz, "Justice Swings in the Balance," *Harvard Law Record*, Oct. 2001.

ABA Model Rules and ABA formal opinion on diligence, confidentiality, and tribunal candor (skim).

Session 6: October 25

Moral Dilemmas

Matt Price

Michael Walzer, "Political Action: The Problem of Dirty Hands," in Marshall Cohen, Thomas Nagel, and Thomas Scanlon (eds.), *War and Moral Responsibility*, (Princeton Univ. Press, 1974), pp. 62-82.

Bernard Williams, "Ethical Consistency," in Christopher Gowans (ed.), *Moral Dilemmas* (New York: Oxford University Press, 1987), pp. 115-137.

Alan Donagan, "Consistency in Rationalist Moral Systems," in Gowens, pp. 271 – 290.

Bernard Williams, "A Critique of Utilitarianism" in J.J.C. Smart and Bernard Williams, *Utilitarianism For and Against* (Cambridge Univ. Press, 1963), pp. 96-100.

Session 7: November 1

Justice in War

Andrea Sangiovanni-Vincentelli

Michael Walzer, *Just and Unjust Wars* (Basic Books, 1977), Chapters 8, 9, 13, and 16.

Thomas Nagel, "War and Massacre," in *Mortal Questions* (Cambridge University Press, 1979), pp. 53-74.

Warren Quinn, "Actions, Intentions, and Consequences: The Doctrine of Double Effect," in *Philosophy and Public Affairs* 18:4 (1989), pp. 334-351.

Jonathan Bennett, *The Act Itself* (Oxford: Clarendon Press, 1995), pp. 201-225.

Session 8: November 8

Group Action

Louis-Philippe Hodgson

Thomas Hobbes, *Leviathan*, Ch. 16, Tuck Edition, pp. 111-115 ("Of Persons, Authors, and Things Personated").

Christine Korsgaard, *Creating the Kingdom of Ends* (Cambridge Univ. Press, 1996), pp. 369-374 ("Unity of Agency").

Ronald Dworkin, *Law's Empire* (Belknap Press of Harvard Univ. Press, 1986), pp. 167-175 ("Community Personified").

Joel Feinberg, "Collective Responsibility," *Journal of Philosophy*, vol. 65 (Nov. 7, 1968), pp. 674-688.

Session 9: November 15
Violence and Literature
Penny Tucker

Bernard Williams, "Moral Incapacity" in Bernard Williams, *Making Sense of Humanity* (Cambridge Univ. Press, 1995), pp. 46-55.

Elaine Scarry, "The Difficulty of Imagining Others" in Eugene Weiner (ed.), *The Handbook of Interethnic Coexistence* (New York: Continuum, 1998), pp. 40-62.

Richard Rorty, excerpts from pages 78-95 of *Contingency, Irony, and Solidarity* (Cambridge University Press, 1989).

Theodore Dreiser, "Nigger Jeff" in Theodore Dreiser, *Short Stories* (New York: Dover, 1994) pp. 29-50.

George Orwell, "Shooting and Elephant" in "A Collection of Essays/George Orwell" (San Diego: Harcourt Brace, 1981), pp. 148-156.

Ernest Hemingway, *A Farewell to Arms* (New York: Scribner, 1929), pp. 186-225.

Thanksgiving Break – No Session November 22

Session 10: November 29
Ethics and Economics
Martin Sandbu

Geoffrey Brennan, "The Contribution of Economics," in Goodin and Pettit (eds.), *A Companion to Contemporary Political Philosophy* (Blackwell, 1993), pp. 123-141.

Amartya Sen, "Rights and Consequences" and "Consequential Assessment and Deontology," in *On Ethics and Economics* (Blackwell, 1987), pp. 70-78.

Daniel Hausman and Michael McPherson, *Economic Analysis and Moral Philosophy* (Cambridge University Press, 1996), pp. 9-16, 27-30, and 38-50.

Thomas Schelling *Choice and Consequence: Perspectives of an Errant Economist* (Harvard University Press, 1984), pp. 1-26.

Amartya Sen, "Rational Fools," *Philosophy and Public Affairs* 6 (Summer 1976), pp. 317-344.

Session 11: December 6
Presentations of the Fellows
Martin Sandbu, Untitled Paper

Ethics of the Academy
Matt Price

Derek Bok, "Can Ethics Be Taught?" *Change*, Oct. 1976.

Gilbert Ryle, "Can Virtue Be Taught?" in *Education and the Development of Reason* R.F. Dearden, P.H. Hirst, and R.S. Peters (eds.), (Rutledge and Kegan Paul, 1972), pp. 434-447.

Amelie Oksenberg Rorty, "Moral Imperialism vs. Moral Conflict: Conflicting Aims of Education," in Barbara Darling-Smith (ed.), *Can Virtue Be Taught?* (Notre Dame Univ. Press, 1993), pp. 33-51.

Session 12: December 13
Presentations of the Fellows

Louis-Philippe Hodgson, "Collective Agency and Responsibility."

Orly Lobel, "Law From the Inside-Out: The Legal System and Transformative Politics."

Session 13: January 31

Presentations of the Fellows

Penny Tucker, "Paper Promises."

Matt Price, "From Persecution to Membership: Who Is a Refugee?"

Session 14: February 7

Presentation of a Fellow

Doug Edwards, "Rawls on Completion Through Social Union."

Andrea Sangiovanni-Vincentelli, "Input and Output Legitimacy in the European Union"

Ethics of the Academy I

Gilbert Ryle, "Can Virtue Be Taught?" in *Education and the Development of Reason* R.F. Dearden, P.H. Hearst, and R.S. Peters (eds.), (Rutledge and Kegan Paul, 1972), pp. 434-447.

Session 15: February 14

Public Reason

Doug Edwards

John Rawls, "The Idea of Public Reason," in *Political Liberalism* (Columbia Press, 1993) pp. 212-254.

John Rawls, "The Idea of Public Reason Revisited," in *Collected Papers* (Harvard Univ. Press, 1999), pp. 573-615.

Session 16: February 21

Democratic Deliberation

Matt Price

Seyla Benhabib, "Toward a Deliberative Model of Democratic Legitimacy," in Seyla Banhabib (ed.), *Democracy and Difference* (Princeton Univ. Press, 1996), pp. 67-94.

Joshua Cohen, "Procedure and Substance in Deliberative Democracy" in Seyla Banhabib (ed.), *Democracy and Difference* (Princeton Univ. Press, 1996), pp. 95-119.

Session 17: February 28
Constitutionalism and Democracy
Orly Lobel

Jeremy Waldron, *Law and Disagreement* (Oxford Univ. Press, 1999) Chapter 13.

Ronald Dworkin, *Law's Empire* (Belknap Press of Harvard Univ. Press, 1986), Chapter 10.

Ronald Dworkin, *Freedom's Law* (Harvard Univ. Press, 1996), Chapter 1.

Session 18: March 7
Political Legitimacy
Louis-Philippe Hodgson

Joseph Raz, "Legitimate Authority," in *The Authority of Law: Essays on Law and Morality* (Oxford University Press, 1979), pp. 3-27.

Joseph Raz, "Authority and Justification," *Philosophy and Public Affairs* 14:1 (Winter 1985), pp. 3-29.

Arthur Applbaum, "Culture, Identity, and Legitimacy" in Joseph S. Nye Jr. and John D. Donahue (eds.) *Governance in a Globalizing World* (Brookings Institution Press, 2000) pp. 319-329.

John Rawls, *Law of Peoples* (Harvard Univ. Press, 1999), pp. 62-81.

Session 19: March 14
Law of Peoples
Martin Sandbu

John Rawls, *Law of Peoples* (Harvard Univ. Press, 1999).

Session 20: March 21
Authority of International Institutions
Andrea Sangiovanni-Vincentelli

Neil MacCormick, *Questioning Sovereignty* (Oxford University Press, 1999), chapters 6, 7, 9, and 11.

Charles Sabel and Joshua Cohen, "Sovereignty and Solidarity in the EU: A Working Paper Where We Face Some Facts," forthcoming in Jonathan Zeitlin and David Trubek (eds.), *Governing Work and Welfare in a New Economy: European and American Experiments* (Oxford University Press, 2003).

Session 21: April 4

Globalization and Its Discontents

Martin Sandbu

John Quiggin, "Globalization and Economic Sovereignty," *Journal of Political Philosophy*, March 2001.

William E. Scheuerman, "Reflexive Law and the Challenges of Globalization" in Michael Trebilcock and Robert Howse, *The Regulation of International Trade* (New York: Routledge), pp. 17-38.

Dani Rodrik, *Has Globalization Gone Too Far?* (Institute for International Economics, 1997), intro.

Dani Rodrik, "A Day in the Life of a Finance Minister" in Dani Rodrik, *The New Global Economy and Developing Countries: Making Openness Work* (Washington, DC: Overseas Development Council; Baltimore, MD: Distributed by Johns Hopkins University Press, 1999).

Dani Rodrik, excerpts from "Governance of Economic Globalization," in J. Nye and J. Donahue (eds.), *Governance in a Globalizing World* (Brookings Institution Press, 2000), pp. 347-357 and 362-364.

John Gray, *False Dawn: The Delusions of Global Capitalism* (New York: The New Press: Distributed by W.W. Norton, 1998), "From the Great Transformation to the Global Free Market," pp. 1-21.

Dennis Thompson, "Democratic Theory and Global Society" *Journal of Political Philosophy*, 1999.

Session 22: April 11

Revolution, Secession, and Civil War

Doug Edwards

Christine M. Korsgaard, "Taking the Law into Our Own Hands: Kant on the Right to Revolution," in Andrews Reath, Barbara Herman, and Christine M. Korsgaard, eds., *Reclaiming the History of Ethics: Essays for John Rawls* (Cambridge University Press, 1997), pp. 297-328.

John Locke, *Two Treatises*, pp. 199-231 and 240-243.

Session 23: April 18
Sovereignty and Intervention
Louis-Philippe Hodgson

Michael Walzer, *Just and Unjust Wars* (Basic Books, 1977), pp. 51-63, 86-108.

David Luban, "Just War and Human Rights," *Philosophy & Public Affairs* 9:2 (1980), pp. 164-181.

Michael Walzer, "The Moral Standing of States: A Response to Four Critics," *Philosophy & Public Affairs* 9:3 (1980), pp. 209-229.

Charles R. Beitz, "Nonintervention and Communal Integrity," *Philosophy & Public Affairs* 9:4 (1980), pp. 385-391.

David Luban, "The Romance of the Nation-State," *Philosophy & Public Affairs* 9:4 (1980), pp. 392-397.

Session 24: April 25
International Development and Global Justice
Penny Tucker

G.A. Cohen, "Equality of What? On Welfare, Goods, and Capabilities," in Martha C. Nussbaum and Amartya Sen (eds.), *The Quality of Life* (New York: Oxford University Press, 1993), pp. 9-29.

Amartya Sen, "Capability and Well-Being," in Martha Nussbaum and Amartya Sen (eds.), *The Quality of Life* (New York: Oxford University Press, 1993), pp. 30-53.

Christine M. Korsgaard, "Response to Cohen and Sen," in Martha Nussbaum and Amartya Sen (eds.), *The Quality of Life* (New York: Oxford University Press, 1993), pp. 54-61.

Wulf Gaertner, "Response to Sen," in Martha Nussbaum and Amartya Sen (eds.), *The Quality of Life* (New York: Oxford University Press, 1993), pp. 62-66.

Session 25: May 2
The Ethics of Teaching
Martin Sandbu

Lionel Trilling, "Of This Time, Of That Place" in *Of This Time, Of That Place, and Other Stories by Lionel Trilling* selected by Diana Trilling (New York: Harcourt Brace Jovanovich, 1979).

Presentation of a Fellow
Penny Tucker, "The Culture of Promises."

Session 26: May 9
Presentations of the Fellows
Doug Edwards, "Ideal Civic Relations" and "Socialist Justification."
Andrea Sangiovanni-Vincentelli, "Representation and Political Legitimacy."

Session 27: May 16
Presentations of the Fellows
Matt Price, "Bringing the Political Back into 'Political Asylum.'"
Louis-Philippe Hodgson, "Social Contract Theory and Representation."

Session 28: May 23
Presentations of the Fellows
Martin Sandbu, Untitled Paper
Orly Lobel, "Flexibility: A Study of Intermediaries"

APPENDIX V
Faculty Fellows in Ethics 2002-2003

**FACULTY FELLOWS IN ETHICS
2002-2003**

Ockert C. Dupper is Associate Professor of Law at the University of Stellenbosch, South Africa, where he teaches and writes about labor law and employment discrimination law. His BA is from the University of Stellenbosch, his LLB from the University of Cape Town, and his LLM and SJD from Harvard Law School, where he was a Fulbright scholar. He also spent a year at HLS as a visiting researcher, and a member of the Human Rights Program Group Research Project on Violence against Women. In 1996 he returned to South Africa as Senior Lecturer of Law in the University of Stellenbosch, being promoted to Associate Professor in 2000. He serves as co-director of the Centre for International and Comparative Labor and Social Security Law (CICLASS). Professor Dupper plans to use his fellowship year researching the issue of justification in South African employment discrimination law, and exploring particularly the parameters of a 'general fairness defence' to a claim of unfair discrimination.

Alon Harel is a professor in the law faculty at the Hebrew University. He has also been a Visiting Professor at Columbia Law School and at the University of Toronto Law School. His areas of research include moral and political philosophy, criminal law, law and economics, and human rights. He received his D.Phil. at Balliol College, Oxford. He has written about hate crimes legislation, the philosophical foundations of rights, efficiency-based rationales of criminal law, and the right to free speech. Recent publications include "On Hate and Equality," *Yale Law Journal*; "Crime Rates and Expected Sanctions: The Economics of Deterrence Revisited," *Journal of Legal Studies*, and "Revisionist Theories of Rights: An Unwelcome Defense," *Canadian Journal of Law & Jurisprudence*. During the fellowship year, Professor Harel plans to complete a book on the relations between rights and values.

James W. Lenman is a Lecturer in Philosophy at the University of Glasgow. He was awarded a PhD from the University of St. Andrews in 1995 and lectured at Lancaster University for three years before moving to Glasgow. Recent and forthcoming publications include "Consequentialism and Cluelessness," *Philosophy and Public Affairs*, "Disciplined Syntacticism and Moral Expressivism," *Philosophy and Phenomenological Research*, and "On Becoming Extinct," *Pacific Philosophy Quarterly*. Professor Lenman's main research interests are in metaethics and normative ethics. His current work is centrally concerned with expressivism and constructivism in metaethics, with contractualism in normative ethics, with moral responsibility and rationality, and with how these ideas relate to one another.

Michelle N. Mason is Assistant Professor of Philosophy at the University of Minnesota, where her main research and teaching interests include ethics, moral psychology, and theories of practical reason. She received her Ph.D. from the University of Chicago in 2001, where she held a Charlotte Newcomb Fellowship for completion of her dissertation *Moral Virtue and Reasons for Action*. Recent writings include "Contempt as a Moral Attitude," forthcoming in *Ethics*. Professor Mason plans to devote the fellowship year to investigating questions about the moral responsibility of those who are deficient in moral education and experience, and so for whom the reasons and affections that guide the actions of virtuous agents might not be available.

Lionel K. McPherson is an assistant professor of philosophy at Tufts University. His active research interests are in moral and political philosophy, and he also has interests in social philosophy, philosophy of action, and aesthetics. He received his PhD from Harvard University in 1999, and his AB from Princeton University. Prior to entering graduate school, he worked as an arts and media critic and at Fairness and Accuracy in Reporting (FAIR). He is completing a book on the morality of special concern, and will use the fellowships year to develop a book that reexamines central aspects of just war theory.

Eric W. Orts is Professor of Legal Studies and Management at the Wharton School of the University of Pennsylvania. He also directs Wharton's Environmental Management Program. His BA is from Oberlin College, and he holds an MA in political science from the New School for Social Research, a JD from the University of Michigan and a JSD from Columbia Law School. His primary research interests are in the law of corporate governance and environmental policy. During the fellowship year, he plans to work on a social theory of business organization, as well as a philosophical extension of *Environmental Contracts: Comparative Approaches to Environmental Regulation* (Eric W. Orts & Kurt Duketelaere eds. 2001).

APPENDIX VI
Visiting Faculty in Ethics 2002-2003

**Visiting Professors in Ethics
2002-2003**

Nicholas Christakis is Professor of Medical Sociology in the Department of Health Care Policy at Harvard Medical School. He is also active in palliative medicine at Massachusetts General Hospital and is an Affiliate of the Department of Sociology in the Faculty of Arts and Sciences. He previously taught at the University of Chicago where he was co-director of the Robert Wood Johnson Clinical Scholars Program. As an internist and sociologist, Dr. Christakis conducts research on the socio-cultural factors that affect the supply, demand, and outcomes of medical care. He has been particularly interested in the role of prognosis in medicine and improving end-of-life care. His current work focuses on the health benefits of marriage and on how ill health in one family member can have cascading effects on other family members. The author of numerous peer-reviewed papers on topics such as physician decision-making and terminal care, his work has been published in such journals as the *New England Journal of Medicine*, *Lancet*, *British Medical Journal*, and *JAMA*. His book on prognosis, *Death Foretold: Prophecy and Prognosis in Medical Care* (University of Chicago Press, 1999), has been favorably reviewed in both American and European journals. Dr. Christakis will be a member of the Center's Faculty Seminar in 2002-2003.

Stephen Macedo is Laurance S. Rockefeller Professor of Politics and Director of the University Center for Human Values at Princeton. His writings encompass the fields of political theory, ethics, American constitutionalism, and public policy, with an emphasis on liberalism and its critics, and the roles of civil society and public policy in promoting good citizenship. He is author of *Diversity and Distrust: Civic Education in a Multicultural Democracy* (Harvard University Press, 2000). He is also the author of *The New Right v. The Constitution* and *Liberal Virtues: Citizenship, Virtue and Community in Liberal Constitutionalism*. Among his edited volumes are *Reassessing the Sixties: Debating the Political and Cultural Legacy* and *Deliberative Politics: Essays on Democracy and Disagreement*. Macedo has taught at Harvard University and at the Maxwell School at Syracuse University. He earned his B.A. at the College of William and Mary, earned Masters degrees at the London School of Economics and Oxford University, and earned his M.A. and Ph.D. at Princeton University. Professor Macedo will be a member of the Center's Faculty Seminar in 2002-2003.

**Visiting Scholar in Ethics
2002-2003**

Katie McShane is Assistant Professor of Philosophy at North Carolina State University. She received her Ph.D. from the University of Michigan in 2002, where she was the recipient of a Charlotte Newcombe Fellowship for the completion of her dissertation, "The Nature of Value: Environmentalist Challenges to Moral Theory." Her B.A. is from Northwestern University. Her main research interests are in the areas of environmental ethics and ethical theory. She is currently working on bringing contemporary neosentimentalist theories of value to bear on questions concerning the value of the natural environment. Professor McShane will be a member of the Center's Faculty seminar in 2002-2003.

APPENDIX VII
Graduate Fellows in Ethics 2002-2003

EDMOND J. SAFRA GRADUATE FELLOWS IN ETHICS
2002-2003

TAL BEN-SHACHAR is a Ph.D. candidate in organizational behavior. His research concerns the application of social psychology to ethics. How can the empirical study of human nature inform the study of ethical behavior? What can a manager interested in creating an ethical team or organization learn from research in psychology? Tal graduated from Harvard College with a degree in Philosophy and Psychology and then spent a year at the University of Cambridge studying education as Harvard's John Eliot Scholar. He has been the teaching fellow for courses in psychology applied to business, applied social psychology, and personality psychology.

MAXIMO LANGER is an S.J.D. candidate at Harvard Law School. His dissertation examines whether there have been tendencies towards globalization in criminal procedure, both in the common and in the civil law worlds. He analyzes what is at stake in these globalizing tendencies from the perspective of political philosophy. Langer did an L.L.M. at Harvard Law School and an LL.B. *magna cum laude* at the School of Law of the University of Buenos Aires. He has been awarded the Byse-Rockefeller Center, Fulbright, Harvard-Portabat and Organization of American States fellowships. His publications include articles on criminal procedure and criminology. Langer has clerked for a federal judge in Argentina and has taught jurisprudence, criminal law, and procedure in Buenos Aires. This year he is teaching a Law School workshop on legal transplants and globalization in criminal procedure.

SARA OLACK is a Ph.D. candidate in philosophy. In her dissertation, she will develop a theory of punishment. Drawing on the classical tradition of social contract theory, she will argue that the relations between the members of a well-constituted political society are characterized by certain forms of reciprocity and respect and that punishment is best understood as the means by which the political society expresses its commitment to these forms in its relations with persons who fail to conform to them. She will argue that this view of punishment and its related conception of desert incorporate the most plausible elements of contemporary deterrent and retributive accounts of punishment while avoiding their shortcomings. Sara holds a BA in philosophy from Rice University. At Harvard she has been a teaching fellow for courses in the philosophy of law, ancient philosophy, and the history of moral philosophy.

MARTIN O'NEILL is a Ph.D. candidate in Philosophy. His research centers on issues of responsibility, autonomy and distributive justice, and his dissertation will explore the ways in which our understanding of the metaphysics of action should influence our conception of the nature of equality. He is generally interested in moral, political, and legal philosophy, and has also published on Wittgenstein's conception of logical necessity. Originally from London, Martin attended Oxford University before coming to Harvard and holds a B.A. with First Class Honors in Philosophy, Politics, and Economics, an M.A., and a B.Phil in Philosophy from Balliol College. At Harvard, Martin has been a teaching fellow for courses on ethics, political philosophy, and the philosophy of law in the Core Program, and has on three occasions been awarded a Certificate of Excellence in Teaching from the Derek Bok Center for Teaching and Learning.

PATRICK SHIN is a Ph.D. candidate in philosophy. His dissertation will examine various conceptions of what might be called the right to equal treatment, i.e. the right of an individual not to be treated differently from other individuals who are similar in morally relevant respects. His central concern is to explore the types of considerations that can and cannot justify differential treatment of individuals. Shin received his B.A. from Dartmouth College and a J.D. from Harvard Law School. Prior to starting his Ph.D. studies, he served as a law clerk for a federal district judge in Boston and for two judges on the U.S. Court of Appeals for the First Circuit, and he also toiled for several years in the litigation department of a large Boston law firm. At Harvard, he has taught a tutorial on the concept of rights and has been a teaching fellow in courses on the philosophy of action, the philosophy of law, and the nature of moral motivation.

APPENDIX VIII
Current positions of Former Graduate Fellows

Former Graduate Fellows: Current Positions

Carla Bagnoli, assistant professor, philosophy, University of Wisconsin at Milwaukee
Alyssa Bernstein, assistant professor, philosophy, Ohio University
Tal Brewer, assistant professor, philosophy, University of Virginia
Chris Brooke, tutorial fellow, politics, Magdalen College, Oxford University
Peter Cannavó, assistant professor, government, College of William & Mary
Evan Charney, assistant professor, public policy, Duke University
Sujit Choudhry, assistant professor, law, University of Toronto
Jonathan Cohen, assistant professor, law, University of Florida
Mary Coleman, assistant professor, philosophy, Bard College
Jim Dawes, assistant professor, English, Macalester College
Lisa Fishbayn, lecturer, laws, University College London
Andreas Føllesdal, professor, philosophy, University of Oslo
Alan Hartford, clinical and research fellow, department of radiation oncology, Massachusetts General Hospital
Oona Hathaway, associate professor, Yale Law School
Deborah Hellman, associate professor, law, University of Maryland
Pam Hieronymi, assistant professor, philosophy, UCLA
Jill Horwitz, post-doctoral fellow, National Bureau of Economic Research
Nien-Hê Hsieh, assistant professor, Wharton School, University of Pennsylvania
Aaron James, assistant professor, philosophy, University of California, Irvine
Agnieszka Jaworska, assistant professor, philosophy, Stanford University
Richard Katskee, associate, Mayer, Brown, Rowe & Maw Supreme Court and Appellate Practice Group
Erin Kelly, associate professor, philosophy, Tufts University
Stephan Klasen, professor, economics, University of Munich
Nancy Kokaz, assistant professor, political science, University of Toronto
Mattias Kumm, assistant professor, law, NYU
Stephen Latham, assistant professor, law, Quinnipiac University
Karl Lauterbach, professor, public health, University of Cologne
Petr Lom, associate professor, nationalism studies, Central European University
Joshua Margolis, assistant professor, business ethics, Harvard Business School
Patchen Markell, assistant professor, political science, University of Chicago
Daniel Markovits, associate professor, Yale Law School
Sören Mattke, project administrator, OECD Health Policy Unit, Paris
Angie Means, assistant professor, government, Dartmouth University
Charles A. Nichols, III, manager, training and development department, Booz Allen and Hamilton
Remco Oostendorp, economic researcher, economic and social institute, Vrije Universiteit; research associate, Centre for the Study of African Economics, University of Oxford
John Parrish, assistant professor, political science, Ohio State University
Harold Pollack, assistant professor, public health, University of Michigan
Samantha Power, lecturer, Kennedy School of Government, Harvard University
Sanjay Reddy, assistant professor, economics, Barnard College
Joe Reisert, assistant professor, government, Colby College

Andy Sabl, assistant professor, policy studies, UCLA

Tamar Schapiro, assistant professor, philosophy, Stanford University

Angela Smith, assistant professor, philosophy, University of Washington

Sharon Street, assistant professor, philosophy, NYU

Penny Tucker, lecturer, history & literature, Harvard University

Eli Wald, associate, Paul, Weiss, Rifkind, Wharton & Garrison

Alec Walen, assistant professor, philosophy, University of Baltimore

Stewart Wood, fellow, politics, Magdalen College, Oxford University

