Harvard University CENTER FOR ETHICS AND THE PROFESSIONS

Annual Report 2002-2003

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# Report of the Director

Dennis F. Thompson

While The World Worried About Terrorism, a war in Iraq and corporate corruption, the Ethics Fellows went to Walden Pond. For one Tuesday afternoon in the spring, we experienced what it might have been like to escape, with Thoreau, from the troubles of society to the delights of nature. Two of our fellows, with special but different interests in environmental ethics, organized the expedition. We held our seminar within sight of the Pond, reading Thoreau in his own habitat.

The circumstances enabled some fellows to deploy a relatively rare form of moral argument—what might be called the ostensive retort. When the eco-skeptics in our group dared to question the value of nature, the eco-advocates simply pointed to the Pond. The reply was not entirely persuasive, in part because nature decided to unleash a heavy rainstorm on us. But we were not discouraged, and the event has suggested some new possibilities for taking ethics into the field. Among the proposed destinations: Baghdad, Guantánamo, Wall Street, and the Vatican.

During the rest of the year we were, though confined to Cambridge, very much engaged with many of the most salient ethical issues of our time. We continued to argue about terrorism (What rights do captured terrorists have? Is torture ever justified?), the justice of preventative war (When is intervention morally justified? What obligations does a victorious nation have toward the defeated nation?), and the causes of corruption in society and government (Who is responsible when organizations act wrongly? What obligations do you have when other people do not do what they ought to do?).

Our discussions of these and other topics were informed by the expertise brought to the table by our fellows. Several were writing, for example, about punishment, just war, and corporate responsibility. Our public lectures, and the dinner seminars that followed, supplemented our internal discussions of these issues (with, for example, Joshua Cohen on human rights and Richard Goldstone on civil liberties and terrorism).

As the issues of public life become more pressing and more complex, the importance of the Center's main aim has become even more evident. Bringing together talented scholars with very different backgrounds and perspectives—some more theoretical, some more practical—not only generates lively and enlightening discussions but also produces significant scholarship and creative teaching on these subjects.

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; however, a few highlights of the year may be noted here.

The Center helped organize a university-wide symposium on corporate corruption as part of the Business School's year-long project on "Corporate Governance, Leadership, and Values." President Lawrence Summers gave the keynote address, describing (to the surprise of some) the limitations of economic methods of understanding ethics in organizations, and stressing the importance of cultural factors. A panel of three deans—Joseph Nye (Kennedy School), Robert Clark (Law School), and Kim Clark (Business School)—addressed the implications of the recent corporate scandals for teaching and research in professional schools. The discussion, which I moderated, revealed the extraordinary range and vitality of the curricular offerings and research activity in ethics in their respective schools.

This was also a landmark year for the Business School: for the first time the School has established a full-length required course on ethics—"Leadership, Values, and Corporate Accountability."

Two scholars associated with our Center who are serving on President Bush's Council on Bioethics gave separate presentations on the stem cell debate: Rebecca Dresser (former Faculty Fellow) and Michael Sandel (Faculty Committee member). Although they spoke on different occasions, their presentations taken together in effect reproduced the debate for us. Dresser favors the partial ban, while Sandel opposes it.

Our ethics faculty continues to grow in number (as well as distinction). Frances Kamm, one of the leading moral philosophers of our time, took up a permanent appointment at the Kennedy School and will participate in the Center's activities next year. Amartya Sen, a Faculty Associate of the Center and one of the charter senior fellows, returns to Harvard next spring. Norman Daniels and Daniel Wikler, distinguished bioethicists, joined the faculty of the School of Public Health. The Medical School expects to make an appointment of its first full-time professor in medical ethics next year.

Current faculty continue to produce influential work in the field, as you can see from the list of publications on our website. The book that gained the most prominence this year—winning the Pulitzer Prize for non-fiction—is A Problem from Hell: America and the Age of Genocide by Samantha Power, who is a former Graduate Fellow and founding executive director of the Carr Center for Human Rights Policy in the Kennedy School.

The death of John Rawls in November 2002 deeply affected all of us at the Center. Before he became ill, he was a regular participant in all of the Center's dinner seminars, and was always available to talk with our fellows about their work. Without his intellectual model (both his ideas and his person), the Center would be a lesser place. We are privileged to have had him as a colleague and teacher. Tributes to Rawls from Center associates and friends appeared in our spring 2003 newsletter. The texts (including my own, reproduced here in Appendix X) may be found on the Center's website.

Another philosopher who also meant a great deal to the Center died this year. Although Bernard Williams was never a faculty member here, he encouraged and helped us from the earliest days in many different ways. His public lecture on the role of philosophy in the professions and public life (presented as the keynote address at our 10th anniversary conference in 1997) gave new legitimacy and fresh challenge to our enterprise.

In the spring we welcomed back to Harvard the members of the Center's Advisory Council. As part of their visit, and at President Summers' invitation, they attended a luncheon and panel discussion at the Business School. At their own business meeting, they discussed our difficulties in recruiting fellows in certain areas, particularly medicine and business, the opportunities for sponsoring more outreach activities, and strategies for fundraising. Mrs. Lily Safra, who endowed the Edmond J. Safra Graduate Fellowships two years ago, joined the Council for the first time as a member.

With all due respect to President Summers, the deans, and my magisterial report at the business meeting, some Council members suggested that the highlight of their visit was the dinner discussion with the current fellows that concluded the day. It was also on this occasion that we introduced the first Edmond J. Safra Faculty Fellow in Ethics, Ockert Dupper, a law professor from South Africa who works on affirmative action and the management of HIV/Aids in the workplace.

#### The Current Faculty Fellows

The class of 2003 was more geographically and professionally diverse than usual. It included fellows from Israel, Scotland, and South Africa. The fields of law, business, medicine, philosophy, and political theory were all well represented around the seminar table. (See Appendix I for their individual reports.)

We were fortunate to have two visiting professors this year, both of whom contributed significantly to the intellectual life of the Center, as well as to the seminar. From our own Medical School, Nicholas Christakis, an MD and a sociologist, brought his clinical experience and social science expertise. From Princeton, Steve Macedo, the director of our sister Center there, brought his knowledge of political theory and public law, especially in the field of education.

Despite the diversity (or because of it?), the group was as contentious as ever, occasionally bordering on the raucous. But there was agreement on the importance of the common enterprise in which we were engaged, and a mutual respect for the contributions of each member. I learned a lot about many important issues—which is perhaps not the main objective of the seminar, but then neither is it a totally inappropriate sign of the seminar's vitality.



**Public Lecture Series Participants** 

We began with our usual tour of the issues in professional and practical ethics, and then moved on to more general topics according to the interests of the fellows and the trends in the earlier discussions. The variety of the topics we discussed is suggested by this sample of the titles of the readings: "Terrorists and their Lawyers," "The Ethics of Bioethicists," "Responsibility and Collaboration," "50 Years After Hiroshima" (a lesser known paper by Rawls), excerpts from *The Spirit Catches You and You Fall Down*, "Neither for Love nor Money: Why Doctors Must Not Kill," "Does Business Ethics Make Economic Sense?" "If You're an Egalitarian, How Come You're So Rich?" "The Virtues of Uncertainty in the Law," "Doing without Desert," and "Shamelessness."

As always, the individual reports of the fellows offer the most instructive view of the intellectual life of the Center during the year. The fellows were not only individually productive but (as they testify) their individual productivity was stimulated and enhanced by their interactions with the other fellows as well as the faculty associates of the Center.

Ockert Dupper completed two papers on issues of pressing concern not only in his native South Africa but also throughout the world—affirmative action and HIV/AIDS. During the year he built on his expertise in labor law to develop thoughtful analyses informed by social science and philosophy. He has been invited to present his paper on the management of HIV/AIDS in the workplace to a meeting sponsored by the International Labour Organization in Geneva later this year.

No fellow made his presence felt at Harvard more than did Alon Harel—in a positive way, I should add. Harel not only participated vigorously in the Center's activities but also took part in discussions in the Philosophy Department, the Law School and other sites related to the Center. At the same time he managed to make progress on two major projects—one on the predictability of sanctions (arguing that unpredictability is not always undesirable in the law), and another on the differences between the way theorists and practitioners understand rights (suggesting that neither have it quite right).

James Lenman was equally active but (outside the Center) primarily in the world of the philosophers. He audited more courses than most students take. The topics of the nine projects (count them) on which he worked range from an analysis of technical problems in metaethics (the so-called Frege-Geach problem) to a paper on the imposition of risks (which is relevant to many public policy issues, including health care). He moves from his position at the Philosophy Department of the University of Glasgow to be Lecturer in Philosophy at the University of Sheffield.

Michelle Mason, our expert on shamelessness, has nothing to be ashamed of. While in her first year of motherhood, she managed to make progress on her book-length project on moral virtue and practical reason. Sensibly, she is moving forward by writing a series of articles—all intended to provide a richer and more nuanced understanding of moral virtue than is usually found in the literature. Although her primary audience is her fellow philosophers, her experience in the Center enabled her to see more clearly the relevance of her work to practical affairs. (During the year the *Christian Science Monitor* interviewed her about shamelessness.) She returns to the University of Minnesota where for the first time she will teach a course in contemporary moral problems.

Lionel McPherson might have wished that his work would be less relevant than it turned out to be. He began working on just war theory long ago—perhaps even before Rumsfeld was thinking about how to justify an invasion of Iraq. But if war had to come, we could not have wished for a better guide than McPherson as we tried to sort through the moral issues it raised. His own important work revises traditional just war doctrine in surprising ways: ordinary soldiers are not always legitimate targets of attack, and ordinary civilians sometimes are. He also began collaborations with other scholars with whom he interacted during the year—making some unexpected connections (for example with Eric Orts, our business ethics fellow, on a paper on executive compensation). Lionel will continue to teach at Tufts University.

Katie McShane, one of the two environmentalists who led us to Walden Pond, continued to work on her long-term project on what she calls "neo-sentimentalism." She wants to show that certain sentiments or attitudes can provide the basis for valuing actions and objects in the world. In environmental ethics, this leads her to reject "anthro-pocentric" approaches, which value nature only for its instrumental contributions to human well-being. One might say, then, that we should ask not what nature can do for us, but what we can do for nature. McShane moves to the department of Religion and Philosophy at North Carolina State University where she will teach both practical as well as theoretical ethics.

THE RESERVE SERVE SERVE

Faculty Fellows Seminar Members Front row, L-R: Eric Orts, Lionel McPherson, Jimmy Lenman, Michelle Mason Back row, L-R: Steve Macedo, Nicholas Christakis, Dennis Thompson, Katie McShane, Ockert Dupper, Alon Harel

Our other environmentalist was also our business ethicist—Eric Orts. During the year he worked productively in both areas. He completed a manuscript on the idea of the modern corporation (with emphasis on the normative aspects including corporate responsibility). He also made progress on his project on a contractual approach to environmental policy.

Although some of the other fellows were (and remain) somewhat skeptical about the possibility of business ethics, all came to see some value in the enterprise—thanks to Orts' ability to explain its aims and his openness to criticism about it. He was eager to collaborate with other fellows (as in the project begun with McPherson, noted above). Orts returns to the Wharton School at the University of Pennsylvania as the Guardsmark Endowed Professor.

#### The New Faculty Fellows

The applicants for next year's fellowships came from one of the largest groups of institutions we have recorded—some 54 colleges and universities. Thirty-seven applications came from countries including Argentina, Australia, Austria, Belgium, Canada, China, Germany, Greece, India,

Israel, Italy, Mexico, New Zealand, Norway, Poland, Switzerland, Turkey and the United Kingdom. The applicants ranged in age from 28 to 64 years, with an average age of 40.

As in previous years, more applicants came from philosophy (46 percent) than any other field.

Among other fields represented were government including political science (14 percent), medicine (9 percent), law (9 percent), education (5 percent), religion (3 percent), and business (1 percent). A substantial number of applicants (about 13 percent) declared other fields of specialization, including comparative literature, economics, international relations, human rights, science, and military and homeland security.

The group of Faculty Fellows we selected represent law, medicine, philosophy, political science and public policy. One is an MD, two are from Germany, and four are women (including a former Graduate Fellow in Ethics). Their areas of research include moral and political philosophy; international justice; electoral law and democratic theory; the nature of practical reason, normativity and agency; organizational ethics and accountability in health care; and issues at the intersection of philosophy, political theory and economics. (See Appendix VI for their brief biographies.)

We shall also benefit from the contributions of Nancy Rosenblum, the Senator Joseph Clark Professor of Ethics and Government. She accepted our invitation to join the Faculty Fellows seminar for the next academic year, and to participate in all of the Center's activities.

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), Bob Truog (Medical School), Michael Sandel (Government), Joe Badaracco (Business School), and Arthur Applbaum (Kennedy School of Government).

#### The Edmond J. Safra Graduate Fellows

(reported by Arthur Applbaum)

This year's Graduate Fellowships Program, now in its thirteenth year, again attracted the most talented graduate students at Harvard who work on normative topics. We were able to award all five members of the class Edmond J. Safra Graduate Fellowships because of the efforts of Lily Safra, chair of the Edmond J. Safra Philanthropic Foundation. The new fellowships supplemented those previously endowed by the Hong Kong Shanghai Bank in memory of Mrs. Safra's husband, the respected international banker and philanthropist.

The 2002-2003 class consisted of three philosophers, a legal scholar, and a student of organizational behavior. (See Appendix II for their individual reports.) This year, Michael Blake joined Arthur Applbaum in teaching the seminar, making this the most intensive educational experience our fellows are likely to encounter in their graduate careers. Next year Frances Kamm, newly appointed philosopher at the Kennedy School, will help teach the seminar.



Graduate Fellows Seminar Members Front row, L-R: Patrick Shin, Sara Olack, Martin O'Neill. Back row, L-R: Tal Ben-Shachar, Arthur Applbaum, Maximo Langer, Michael Blake

In addition to the two perennial themes of the graduate seminar—the ethics of professional roles and the political philosophy of international affairs—this year's seminar focused on a number of connected topics about responsibility and freedom. The projects and interests of the fellows led us on a tour through accounts of desert, liability for chosen and for unlucky consequences, collective agency, redress for historical injustice, free will, punishment, and vengeance.

Tal Ben-Shachar, a PhD candidate in organizational behavior, brought the empirical study of social psychology to bear on ethics. His research explored the concept and measurement of self-esteem. Aside from illuminating our discussions with his wide-ranging knowledge of how people actually behave under varying circumstances, Ben-Shachar valiantly defended a combination of stringent libertarianism and demanding virtue that can best be described as "trickle-down moralism."

Maximo Langer, an SJD candidate at Harvard Law School, examined whether there have been tendencies towards globalization in criminal procedure, both in common and in civil law systems. One paper comprehensively traced the transplantation but also transformative translation of the American practice of plea bargaining to other jurisdictions around the world. In "Models of Criminal Procedure and the Liberal State," he explored the thesis that different types of procedural systems—adversarial or inquisitorial—tend to be paired with different types of political regimes. Langer will be trans-

planted to the University of California at Los Angeles where he has been appointed assistant professor of law.

Sara Olack, a PhD candidate in philosophy, is developing an account of desert and punishment grounded in social contract theory. She presented two interesting chapters of her dissertation. "Punishment and Recognition in a Society of Equals" argues that punishment is best understood as the means by which political society expresses its commitment to relationships of reciprocity and respect in its dealings with persons whose conduct fails to conform to this commitment. "What's Wrong with Vengeance?" distinguishes vengeance from punishment on the one hand and spite on the other, and argues that vengeance is neither the right way to reestablish a reciprocal relationship between offender and victim nor to exclude the offender from such a relationship.

Martin O'Neill, a PhD candidate in philosophy, has been exploring the ways in which our understanding of the meta-physics of action should influence our conception of the nature of equality. He set a seminar record by presenting four papers, one on Scanlon's account of substantive responsibility, another on Frankfurt's account of freedom and wholeheartedness, a third that reads Locke as a radical egalitarian, and a fourth critiquing the "luck egalitarianism" of G.A. Cohen and Richard Ameson—though if O'Neill is right about luck, he can't take much credit for this achievement.

Patrick Shin, a PhD candidate in philosophy, was also the group's legal expert. He examined various conceptions of the right to equal treatment—that is, the right of an individual not to be treated differently from other individuals who are similar in morally relevant respects. He presented two chapters of his dissertation: in the first, he takes equality to be a moral idea that governs the way agents should act towards each other, and that is conceptually prior to a theory of equality for a society's institutions. In "Two Interpretations of Equal Treatment," he contrasted equality as a formal principle from equality as a principle with substantive content. Among other topics, Shin also led the seminar's illuminating session on racial and ethnic profiling.

The 2003-2004 class of fellows looks every bit as promising. It includes two philosophers and three political theorists, one of whom is a legal scholar. (See Appendix VII for the biographies of the new Graduate Fellows.)

Alumni of the Graduate Fellows Program are distinguishing themselves as scholars and public intellectuals. We can boast of our first Pulitzer Prize, awarded to Samantha Power (as mentioned above) for her book A Problem from Hell: America and the Age of Genocide. Four former fellows were tenured in the past two years—Erin Kelly at Tufts University, Stephen Latham at Quinnipiac Law School, Harold Pollack at the University of Chicago, and Joe Reisert at Colby College. Others hold senior posts in Maryland, Oxford, Cologne, Munich, and Oslo. Over thirty of our Graduate Fellows have junior faculty appointments in universities coast-to-coast, from Stanford to Yale, and around the globe, from Toronto to Budapest. In just the last two years, fifteen graduates have taken up junior faculty appointments:

Alyssa Bernstein, philosophy, Ohio University Christopher Brooke, politics, Magdalen College, Oxford

Peter Cannavó, government, Hamilton College Mary Coleman, philosophy, Bard College Jim Dawes, English, Macalester College Bryan Garsten, political theory, Williams College Oona Hathaway, Yale Law School Nien-hê Haich, legal studies, Wharton School,

Aaron James, philosophy, University of California at Irvine

University of Pennsylvania

Maximo Langer, University of California Los Angeles School of Law

Daniel Markovits, Yale Law School

John Parrish, political science, Ohio State University

Samantha Power, Kennedy School of Government, Harvard University

Sanjay Roddy, economics, Barnard College Sharon Street, philosophy, New York University

#### **Joint Seminars**

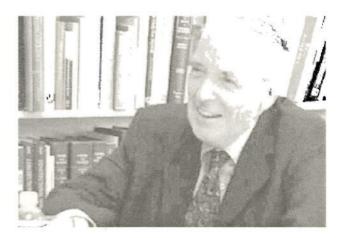
(reported by Michael Blake and Mathias Risse)

The Joint Seminars, which bring together the Faculty Fellows and Graduate Fellows for discussions with Center faculty associates and other scholars who are exploring dimensions of ethics, were valuable for all concerned. They provided opportunities for discussions of ethical issues, and the chance to hear in detail about the ethics research topics on which Harvard ethics faculty and others are working. This year the group benefited from presentations by two members of the Center's Faculty Committee—Tim Scanlon and Bob Truog. In December, we were also privileged to meet informally over lunch with Bernard Williams, who graciously, and at short notice, responded to Dennis Thompson's invitation.

We began our series in the fall with a presentation by Tim Scanlon on certain aspects of toleration and political philosophy. Scanlon's presentation asked whether or not it is legitimate for citizens to use politics to remake society—or more specifically whether citizens can demand that their social environment resemble a cultural vision of what the good society ought to be. Such questions are hardly new, but they have taken on a new importance with the rise of multiculturalism and cultural nationalism. Scanlon presented a new answer to this question, which provided the basis for a lively and informative discussion.

The fall also saw a discussion with Dr. Bob Truog about the nature of death. Truog's presentation asked a rather unsettling question: how, exactly, can we determine the moment at which death occurs? Using a variety of historical sources to show the arbitrariness of our current definitions of death, Truog argued for a new interpretation of death, one where we would not have to declare individuals dead before harvesting their organs—as long as it could be established that such harvesting would not harm the individuals in question.

The Center, we think, represents the best home for such a discussion, which brought together knowledge of professional practice and history with well-informed ethical reasoning. The fellows benefited from Truog's presentation, and he in turn benefited from the fellows' reasoning about the relationship between harm, interests, and death. It was an informative, if disturbing, experience.



**Bernard Williams** 

Former Faculty Fellow Daniel Wikler's presentation concerned the moral questions that arise in medical experiments. Following the Nazi practice of using prisoners of war, concentration camps inmates, and others for the conduct of medical experiments, the U.S. adopted guidelines regulating how subjects in experiments should be treated. These guidelines lead to interesting moral questions. For instance, many people think that a draft is appropriate if national security is threatened, but few people think that a draft can be applied to find medical subjects for experiments aimed at disease control; and this is so even if the expected gain from the medical experiments is higher than the expected gain from the draft. So what are the relevant criteria and distinctions here? Discussing this and related questions led to an animated and most interesting discussion.

The spring began with a presentation by Derek Bok, based on his recent book about the commercialization of the university. Bok's presentation made clear the enormous stakes of the debate. Using concrete examples drawn from his own experience when president of Harvard, Bok was able to demonstrate how commercial pressures threaten to deform the mission of the university. In areas as diverse as scientific research and student athletics, pressure from financial incentives have created situations in which ethical agency is extraordinarily difficult. Once again, the topic combined factual experience with ethical theory, as the fellows profited from Bok's experience and analytic skill in developing their own accounts of how the university should understand its mission.

The final guest speaker was Michael Ignatieff, academic director of the Carr Center for Human Rights Policy, whose work on human rights and ethnic violence is of great importance to ethical analyses of modern political conflict.

Ignatieff presented some of his recent, unpublished work on the relationship between human rights and the war on terrorism, and urged a middle path between political "realism" and ethical fundamentalism.

The topics dealt with were of enormous importance: for example, should a government be permitted to violate core civil rights to overcome a terrorist threat? Ignatieff provided the fellows with insights into some new areas of political theorizing, and a glimpse of how such theorizing might be done. Ignatieff, in turn, was able to use the theoretical knowledge of the fellows in developing a more subtle account of how illegitimate but forgivable actions against terrorist threats might be understood. Again, the promise of mutual benefit here seems to have been brought to fruition.

#### The Public Lectures

Our public lecture series continues to thrive. We set a new record by sponsoring nine events. In addition to our own fellows, faculty, graduate students and visiting professors, the lectures continue to attract faculty and students from across the university, as well as members of the wider Cambridge-Boston community. As one professor emeritus commented, it is "an intellectual feast." Each event further strengthens interfaculty collaboration, and often serves as a kind of intellectual reunion as former faculty fellows, graduate fellows and visiting professors return to participate in the dinner seminars that follow the lectures. The dinner seminars have become rather well known in the academy, and the format has been emulated at a number of other university centers.

The lecture series, which aims to promote philosophical reflection on problems of human values in contemporary society, is supported by a fund established by the late Obert Tanner. Summaries of the lectures by our Graduate Fellows are available on the Center's website. (See Appendix IX for next years events.)

The 2002-03 series featured:

#### Rebecce Dresser

Daniel Noyes Kirby Professor of Law and Professor of Ethics in Medicine, Washington University; Member, President Bush's Council on Bioethics

Stem Cell Research: Ethics and Advocacy

Cosponsored with the Medical School's Division of Medical Ethics

#### Elizabeth Anderson

Professor of Philosophy and Women's Studies, University of Michigan

The Prisoner's Dilemma: Solved

### UNIVERSITY TANNER LECTURES ON HUMAN VALUES

#### **Lorraine Deston**

Honorary Professor, Humboldt University; and Director, Max Planck Institute for the History of Science, Berlin

The Moral Authority of Nature

Harvard Commentators: Catherine Elgin, Professor of the Philosophy of Education and Stephen Greenblatt, John Cogan University Professor of the Humanities

Harvard University Tanner Lectures on Human Values cosponsored with the Office of the President

#### Michael Sandel

Anne T. & Robert M. Bass Professor of Government at Harvard; Member, President Bush's Council on Bioethics The Ethics of Human Cloning

#### Michele Moody-Adems

Director and Hutchinson Professor of Ethics and Public Life, Cornell University

Academic Freedom, Moral Diversity, and Moral Education

#### Joshua Cohen

Professor of Philosophy, Massachusetts Institute of Technology

Minimalism About Human Rights: The Most We Can Hope For?

#### Bruce Ackerman

Sterling Professor of Law and Political Science, Yale Law School

The Next Liberal Agenda

#### John Broome

White's Professor of Moral Philosophy, Oxford University Weighing Lives

#### Richard Goldstone

Justice, Constitutional Court of South Africa; former chief prosecutor, UN International Criminal Tribunals for Rwanda and the former Yugoslavia

The Challenge of Protecting Civil Liberties While Fighting Terrorism

Cosponsored with the Carr Center for Human Rights Policy, Kennedy School of Government, and the Human Rights Program, Harvard Law School

The Center also hosts, along with the Office of the President, 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. The distinguished lecturer is chosen several years in advance by a committee of faculty representing several schools at Harvard. Next year's lecturer will be Richard Dawkins, the Charles Simonyi Professor of the Public Understanding of Science at Oxford University.

This year President Summers appointed a new committee to oversee the Tanner Lectures:

Charles Fried. Beneficial Professor of Law

**Howard Gardner**, John H. and Elisabeth A. Hobbs Professor of Cognition and Education

Stephen Greenblatt, John Cogan University Professor of the Humanities

Caroline Hoxby, Professor of Economics

Samuel Huntington, Albert J. Weatherhead III University Professor

Jeremy Knowles, Amory Houghton Professor of Chemistry and Biochemistry and Distinguished Service Professor Christine Korsgaard, Arthur Kingsley Porter Professor of Philosophy

Carla Shatz, Nathan Marsh Pusey Professor of Neurobiology

Dennis F. Thompson (chair), Alfred North Whitehead Professor of Political Philosophy

Richard Zeckhauser, Frank Plumpton Ramsey Professor of Political Economy

#### **Ethics Beyond Harvard**

We significantly improved our public communications this year. Our new website is a wonder to behold, at least for those who had grown accustomed to the rather bland presentations posted in previous years. Our newsletter, too, has been transformed. It is now actually published more than once a year, and it even contains some news. Thanks are due to the Kissel Fund for supporting these new efforts, and to our staff members, Kim Tseko and Allison Ruda, for managing them.

The Kissel Fund also supported a case study conceived and supervised by Archon Fung, who co-teaches the Kennedy School's required ethics course for Master of Public Policy (MPP) students. Fung is interested in the actual deliberations in which ordinary citizens engage in major public questions. This case study—entitled "Listening to the City"—provides material for teaching about the ethical and political issues that arose in the process that involved citizens in making plans for the development of the ground zero site in New York City. We have also tentatively approved support for a series of workshops on economic and political inequality, which would bring together faculty and students from both Harvard and the University of London.

Our Center continues to receive many requests for advice, and some offers of collaboration, from other universities and agencies throughout this country and abroad. Often visitors will come for a site visit. Among the dozens of new ethics centers that have sprung up in recent years, many have contacted us in advance to learn from our successes, as well as our mistakes. Among this year's international visitors were Dr. Wolfgang Hiddeman, director of the

department of Hematology and Oncology at the University Hospital in Munich. We also welcomed Dr. Ho Ioc San, Chief of Cabinet to the Commission Against Corruption in Macau, SAR. Our staff handles many of the requests for information, which arrive daily from colleges, corporations, and professional associations. 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 some of these requests.

Our former Faculty Fellows and Graduate Fellows and the work they produce remain our most important links beyond Harvard. Most are teaching ethics in some form and, in many cases, leading ethics programs in colleges and universities throughout the United States and many foreign countries.

The number and range of countries subject to our ethical invasion should make imperialists envious: Australia, Austria, Canada, England, Germany, India, Israel, Italy, Norway, the Netherlands, Scotland, South Africa, and Switzerland. Through these contacts and other institutional collaborations we are developing, the Center is reaching increasingly large numbers of students, faculty and future leaders of society.

Although my responsibilities at Harvard do not allow me much time to spread the gospel in person at other institutions, I accepted an invitation to give the keynote address to the Association for Practical and Professional Ethics. This is the professional organization that our Center helped initiate more than ten years ago, and that is now the largest organization of its kind. The title of my address was "Restoring Distrust: The Ethics of Oversight," and used material about Enron, the Church and the FBI to illustrate the arguments.

I also gave public lectures on the ethics of campaigns and elections at Princeton University as the James A. Moffet '29 Lecturer in Ethics; at Indiana University under the sponsorship of the Poynter Center, and at Oxford University at the invitation of the Centre for the Study of Democratic Government and the department of Politics and International relations, in association with the Astor Fund. I also spoke on "Conflicts of Interest in Health Care" at a research seminar at the National Institutes of Health in Washington D.C.

Closer to home I spoke on "Institutionalizing Ethics" at a daylong retreat for the physicians and professional staff of Partners HealthCare Systems Inc. The Kennedy School's clever initiative "Virtual Book Tours"—a program that features on the School's website a short video presentation by recent faculty authors—enabled me to promote my new book, *Just Elections*, without leaving the campus. Some were heard to remark that a virtual Thompson is more tolerable than the real thing.

#### Plans and Prospects

In their meeting this spring, our Advisory Council reviewed the recent achievements of the Center, and discussed our potential problems and opportunities for the future. The members who attended were:

Michael Cooper, Partner, Sullivan & Cromwell

Robert Decherd, President & CEO, Belo Corp.

Lily Safra, Chair, Edmond J. Safra Philanthropic Foundation

Jeff Sagansky, President & CEO, Paxson Communications Corp.

As usual, the Council provided a welcome outside but well-informed perspective on our activities. Their advice helps keep us from becoming too insular. Prompted in part by their visit to the Business School and the subsequent discussion with Joe Badaracco, the Council devoted some time to the challenges of recruiting excellent people in the field of business ethics. We reviewed the results of the decision made a few years ago to focus the Faculty Fellowships on scholars at an earlier stage of their career. The policy seems to be working well, though more in some fields than in others. We also discussed the possibility of opening the Graduate Fellowships to a national or international competition, and to extending the length of the current fellowships to two years.

The discussion naturally turned—with a little prodding from the chair—to the challenges of fundraising. The Center is in better financial shape than it was only a few years ago. The bequest from Lester Kissel now provides about half of our core support. The Tanner fund fully supports our lecture series. But we still rely on the generosity of the Provost and President to make up the difference,

and even leaders as friendly to ethics as ours cannot be expected to provide this level of support indefinitely.

We have been most fortunate to have received major gifts from the Edmond J. Safra Philanthropic Foundation. The most recent gift allowed us to endow for the first time a Faculty Fellowship. We are grateful to Mrs. Lily Safra for facilitating this gift. She was also instrumental in endowing the Graduate Fellowships which are now awarded each year to our outstanding students, who become the Edmond J. Safra Graduate Fellows in Ethics. We would not have been able to sustain the fellowship program at this level of quality and size without this support.

Our long-time benefactor and charter member of our Advisory Council, Eugene P. Beard, will continue to fund a Faculty Fellowship through 2006-2007. Mr. Beard took a serious interest in the Center early in its history, and established our first named Graduate Fellowships.

For the future, we continue to need term funds to strengthen our core activities, and endowment funds to support our plans for expansion. Our highest priority is to endow more—preferably all—of the Faculty Fellowships. We also have a great need for additional professorships for faculty specializing in ethics.

The recent appointments of ethics faculty at the Kennedy School of Government and at the School of Public Health will directly benefit the Center, as will the appointment of a professor of bioethics in the Medical School next year. In the case of Public Health and Medicine, the Center helped arrange support for the chairs, and anticipates that the professors will participate in the Center's activities. But we need more faculty and more resources to support faculty research in ethics in the Center and in 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.

#### **Ethics in the Schools**

In the early years of the Center, I was able to write all the sections of the annual report myself, because I not only knew about but also participated in almost every endeavor related to ethics education and research at Harvard. Now I can know about and participate in only a small proportion of the vast number and variety of ethics related activities here. I stay in touch with our faculty associates who have now infiltrated every school at Harvard. I have served on search committees and taught classes in nearly all of the schools at various times. This year I taught a course in the Law School (jointly with Heather Gerken), and participated in a class in the Business School (taught by former Faculty Fellow Ashish Nanda).

For an annual account of what is happening in the schools, I rely on my colleagues throughout the University, who are now providing the leadership that is making the study of ethics at Harvard even more rewarding and more exemplary than it has been in the past. The rest of this report describes the impressive achievements that have taken place in the various schools at Harvard in the past year.

#### **Arts and Sciences**

(reported by Tim Scanlon)

Ethics and political theory continue to be active topics of interest to faculty and students in many parts of the Faculty of Arts and Sciences. We are pleased that Amartya Sen will be returning to Harvard as Lamont University Professor in January 2004. He will be a member of the departments of economics and philosophy.

Other significant faculty changes include the appointment of Niko Kolodny, who recently received a PhD from the University of California, Berkeley. He will join the Philosophy Department as an assistant professor. His work is in moral and political philosophy and the focus of his dissertation concerns the nature and moral significance of our special reasons for concern with friends, family, and others with whom we stand in special relations. Kolodny has published two articles: "Do Associative Duties Matter?" in Journal of Political Philosophy 2002, and (with R. Jay Wallace) "Promises and Practices Revisited" in Philosophy and Public Affairs 2003.

The Political Theory Colloquium, organized by Nancy Rosenblum, Senator Joseph Clark Professor of Ethics in Politics and Government, is designed to bring leading scholars together for discussions in an intimate setting with graduate students and faculty colleagues. The format calls for a paper (usually a new work in progress) to be distributed in advance, a 30-minute presentation by the speaker, and commentaries by two graduate students. This is followed by an open discussion, a small reception, and dinner for the guest, the graduate student commentators, and faculty from the Government Department and others with a particular interest in the speaker and topic. The audience comprises faculty and graduate students from government, philosophy, history and classics, as well as from the Law School and the Kennedy School of Government.

The graduate student commentaries are designed to give the students experience critiquing the work of senior scholars. This year twenty-one graduate students commented on papers by faculty guests. The participation is voluntary, and increasing numbers of graduate students who participate in these talks are stepping up to take a more active part in the Colloquium. In addition, several sessions each semester are reserved for graduate student presentations of dissertation work and for presentations by visiting post-doctoral fellows. We have cosponsored events with the Program in Constitutional Government (Robert Bartlett, Emory University) and the Middle East Studies Center (Bhikhu Parekh, London School of Economics).

During the 2002-2003 academic year the Colloquium invited thirteen speakers: Susan Neiman (Einstein Institute), Janet Coleman (London School of Economics), Charles Beitz (Princeton), Robert Bartlett (Emory), Brian Barry (Columbia), Wendy Brown (University of California Berkeley), Amy Gutmann (Princeton), Mark Bevir (University of California Berkeley), Fred Neuhouser (Cornell), Bikhu Parekh (London School of Economics), Danielle Allen (Chicago), Sabina Lovibond (Oxford), and Victoria Kahn (University of California Berkeley); and talks by postdoctoral fellows Linda Rabieh and Oleg Kharkoudien.

In the Philosophy Department, the Workshop in Moral and Political Philosophy continued to be active and this year several Ethics faculty fellows participated, including Jimmy Lenman and Michelle Mason. The two speakers from outside Harvard were the late Bernard Williams, who spoke on "Humanity as a Moral Category," and Liam Murphy of New York University, who spoke on "Promise, Practice, Trust."

Martha Minow (Law) and Thomas Scanlon (Philosophy), both members of the Center's Faculty Committee, served as co-chairs of the new University Program in Justice, Welfare and Economics. During 2002-2003, the Program supported fellows and hosted seminars and a conference modeled on and involving members of the Center for Ethics and the Professions. The Program awarded twelve graduate fellowships to graduate students in economics, political science, philosophy, law, history and other areas. It also sponsored a two-day conference on Welfare Economics and Human Rights. Participants included Kenneth Arrow, John Ferejohn, Barbara Fried, and Kotaro Suzumura.

The Seminar on Ethics and International Relations, now in its tenth year, continued at the Weatherhead Center for International Affairs. The series provides a forum for scholars to explore a broad range of ethical issues relevant to international affairs. Several recent speakers have taken a philosophical perspective, seeking to apply moral theory to practical problems such as humanitarian intervention or global distributive justice. Others have adopted a more empirical approach, addressing current issues such as global poverty and the economics of AIDS drug provision in Africa. The speakers for the 2002-2003 year included Charles Beitz, Henry Steiner, Samantha Power, and Nancy Kokaz. 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. All events are open to the public, and meetings are announced in advance on the Weatherhead Center Calendar of Events. Stanley Hoffmann, the Buttenwieser University Professor, chairs the seminars.

#### **Business**

(reported by Joe Badaracco)

This past year was perhaps the most important period in the entire history of ethics initiatives at Harvard Business School. The reason is that the School's faculty voted overwhelmingly to create a new, full-length course—tentatively called "Leadership, Values, and Corporate Accountability"—that all MBA students will be required to take during their first year in the program.

This decision is the culmination of efforts by many individuals over the last two decades. In the late 1980s, John Shad's generous gift to the School enabled us to introduce an ethics module—"Leadership, Values, and Decision-Making"-at the beginning of the MBA program. Soon afterwards, the faculty began writing what ultimately amounted to hundreds of cases about managers facing difficult ethical choices. Two faculty members who work primarily on ethics issues-Lynn Paine and Joe Badaracco (former Faculty Fellow and Visiting Professor in Ethics, respectively)—were soon given tenure. And, during the 1990s, a core group of faculty members coalesced around research, teaching, and casewriting on ethics issues. All of these efforts and initiatives cleared the way for the new course, but the leadership of Dean Kim Clark and Carl Kester, chair of the MBA program, were critical in achieving wide understanding of this initiative and gaining strong support for it.

A design team is now developing the new course, which will be introduced in January 2004 and will run for thirty sessions. The members of the design team are drawn from all units of the School, and its co-leaders are Nitin Nohria, Lynn Paine, and Tom Piper. While the course will build on the lessons and experiences of the ethics module, its main goal is to develop powerful and creative new ways of helping MBA students understand the responsibilities men and women take on when they become managers.

Looking beyond the course, the School is hoping that its efforts will set a strong and useful example for other MBA programs. We also expect that the course and the faculty working on it will ultimately become an important and enduring institution at the School, either as a unit of its own or as part of an existing academic unit.

The other significant development of the past year was a series of five workshops on corporate governance, leadership, and values. Each convened experts from business, academia, and government, who examined fundamental issues such as executive compensation, board effectiveness, capital market intermediaries, and management education and values. The workshops were designed to cast light on the circumstances, policies, and structural problems that contributed to the recent corporate scandals in the United States. They also focused on solutions—insights that could

help executives, corporate board members, legislators, regulators, and other decisionmakers act more effectively as they tackle the inherently difficult problems of governance, leadership, and values. The program culminated in a plenary session in May (mentioned earlier in this report), which featured President Summers and a panel of three deans, moderated by Dennis Thompson on behalf of the Ethics Center.

During the past year, the School's basic ethics efforts also progressed. Paine and Badaracco taught their elective courses and—as a result of books they published in 2002 and the corporate scandals—both were active making presentations to a wide range of business and academic groups. Paine also served on the Conference Board's Blue-Ribbon Commission on Public Trust and Private Enterprise, which was formed in the wake of the corporate scandals of 2002 to develop recommendations for rebuilding public confidence in U.S. capital markets. Joshua Margolis and Ashish Nanda (both alumni of the Ethics Center) continued their work on, respectively, the distinctive ethical challenges that arise in organizations and the professional standards of managers. Finally, the School's regular ethics seminar and luncheon discussions continued apace.

#### Design

(reported by Victoria Beach)

Our principal ethics course, "Issues in the Practice of Architecture," has now celebrated its third year as a requirement for all students in the Master in Architecture program at the School. 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.

The course begins with an interactive presentation by all three instructors covering topics in general theories of ethics and the professions. The readings for this and subsequent sessions are diverse. This list gives an indication of the remarkable range: Arthur Applbaum, Aristode, Derek Bok, Robert Gordon, Kant, Elliot Krause, David Luban, Machiavelli, Mill, Parsons, Arnold Relman, Rousseau, Adam Smith, and Judith Jarvis Thomson. This year the

separate sections were eliminated so that students could benefit from an exchange of views with all three instructors, whose backgrounds and opinions are quite divergent.

The course relies heavily on materials developed by its instructors. Beach prepares the case studies, which are based on actual 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. All these activities are facilitated by the encyclopedic course website, which enables 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. A summary of the course can be found at www.gsd.harvard.edu/courses/7212s03 (or \*/7212s04 in spring of 2004). A new case study on the integrity and ethics of "green" design is under development for use in future semesters.

The course materials are also frequently the foundation for discussions in the ethics colloquium at the annual Boston design convention and in the monthly Ethics Forum. Sponsored by the local chapter of the American Institute of Architects (AIA) and chaired by Beach, it is the first academic seminar 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. Some of these columns have been picked up by the national professional press and have thereby widened the ethics discussion that much further.

Other current courses that explore the ethical dimensions of architecture and its practice include: "Designing the American City: Civic Aspirations and Urban Form," taught by Alex Krieger; "Practices in Democracy," taught by Hashim Sarkis; "Proseminar in History and Theory," taught by Michael Hays; "Configurations of Public Space: Debate and Design," taught by Martin Zogran; "Strategies for Social Inclusion in Development," taught by Mona

Serageldin and François Vigier; "Brownfields Practicum: Sustainable Re-development of Brownfield Sites in Dorchester and East Boston," taught by Niall Kirkwood; "Sustainability," taught by Matthias Schuler; "Planning and Environmental Law" taught by Jay Wickersham, and "Legal Aspects," taught by Carl Sapers.

#### **Divinity**

(reported by Dean William Graham)

The Divinity School seeks to foster moral character through 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 learning about and developing not only ethical values and moral norms, but also processes of moral decisionmaking and action that are humane, effective, and just. 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, and the Summer Leadership Institute.

The School's courses cover a wide range of issues and approaches in addressing areas that include international relations, economics, medicine, education, interpersonal relations including gender and race relations, and politics and public policy. The recent war in Iraq and the current struggles in its aftermath highlight the significance of David Little's courses on "Religion and Conflict," "Conscience and its Right to Freedom," and the new course "Religion, Justice, and Peace." Such courses include analyses of efforts to combat terrorism, the art of peacemaking, and the conditions under which war can be justified.

Besides major addresses on terrorism at the School and in a number of countries, David Little's scholarly endeavors prompted an invitation to a day-long working group, convened by UN Secretary General Kofi Annan, to explore the meaning of terrorism.

The following courses were among others explicitly devoted to ethics: Preston Williams' "The Ethical and Religious Thought of Martin Luther King, Jr."; Arthur Dyck's

"Colloquium in Ethics" (on human rights) and "Moral Knowledge"; Ralph Potter's "The Ethics of Relationships"; and Ronald Thiemann's "The German Church Struggle and the Holocaust." There were three courses in ethics offered by visiting faculty members: "Christianity and the Market" and "Ethics, Globalization, and Development" by Douglas Hicks; and "African-American Moral Thought" by Robert Franklin.

With the retirements of Preston Williams last year and of Ralph Potter this coming year, a new appointment has been successfully completed, and an additional ethics search will be initiated this summer. Dr. Hille Haker will join the faculty of Divinity as Associate Professor of Ethics as of September 1, 2003. Dr. Haker comes to us from the University of Tübingen, where she has been, most recently, Associate Professor for Theological Ethics. She has also served as Scientific Coordinator of the European Network for Biomedical Ethics at the University's Center for Ethics in the Sciences and Humanities. Dr. Haker has published widely, as writer and editor, in the ethics of genetics and prenatal diagnosis and, indeed, is already well known internationally for her work in those fields. She holds an undergraduate degree as well as two master's degrees and two doctorates, in theology and in ethics, from Tübingen. Dr. Haker's expertise and courses will include coverage of areas such as bioethics, social ethics, and ethical analyses of literature.

The Center for the Study of World Religions is the focus of a large and vibrant academic community engaged in the study of religious life in communities throughout the world and throughout human history. In specific regard to ethics, the Center has recently been supporting a 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.

The Women's Studies in Religion Program encourages critical scholarship on the interaction between religion and gender in world religions. Several of this year's Research Scholars developed projects related to ethics, notably Elina Vuola (University of Helsinki), who worked on "Women, Religion, and Reproductive Rights in Contemporary Latin America." The Program also sponsored the "Religion and the Feminist Movement" conference in November 2002.

The Program in Religion and Secondary Education is designed for those who wish to pursue a middle or secondary school teaching career in conjunction with their theological studies. Diane L. Moore, Director of the Program, taught "Religion, Values, and Public Education: A Look at the First Amendment," which is centrally involved with issues of ethical concern.

#### **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 Riemer's 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 "Good Work: When Excellence and Ethics Meet" concerns the connection between professional and ethical excellence. Mary Casey's "Social and Moral Development" focuses on moral psychology. Dennis Barr teaches "Promoting Ethical Awareness, Responsibility and Decision Making" through the Facing History and Ourselves Program. 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.

Ethics has, moreover, become a significant component of a variety of other courses. Catherine Elgin's "Philosophy of Education" considers both the ethical obligations of educators and the possibility of moral education. Tami Kazir's "Introduction to Psychoeducational Assessment" devotes considerable attention to the ethical issues in this field. David Perkins' course on how to develop programs for distance learning this year took "War, Peace, and Human Nature" as its focus. Pedro Noguera and Mica Pollock's

"American Dilemmas: Race, Inequality and the Unfulfilled Promise of Public Education" confronts the ethical gap between what public education promises and what it delivers to members of racial minorities.

The Askwith Education Forum sponsored several presentations dealing with ethics and education. Jonathan Zimmerman discussed current conflicts in public schools concerning teaching values, historical representation and morality. Roy J. Bostock spoke about the Committee for Economic Development's report: "Preschool for All: Investing in a Productive and Just Society," arguing that access to quality preschool education involves considerations of justice. Daniel Dennett discussed the connection between evolution and free will that he elaborates in his Freedom Evolves. Mary Jo Bane, Mark Moore and Martha Minow participated in a discussion of Minow's book Partners. Not Rivals: Privatization and the Public Good, Lani Guinier, Gary Orfield, Angelo Ancheto and Derek Bok took part in a discussion of the importance of affirmative action in education. In a different setting, Catherine Elgin commented on Lorraine Daston's "The Moral Authority of Nature," the Harvard University Tanner Lectures on Human Values.

Some of the best doctoral dissertations being done at the Graduate School of Education concern ethics. Among their subjects are: Education as a Public and/or Private Good, The Professional Ethics of Teaching, Moral Psychology, and Dewey's Ethical Theory.

#### **Kennedy School of Government**

(reported by Michael Blake)

This year saw a major expansion of the ethics faculty at the Kennedy School. Noted moral philosopher Frances Kamm, after serving as visiting professor for one term, accepted a permanent appointment, beginning September 2003. She will join Mathias Risse and Michael Blake, assistant professors who arrived this year after teaching at Yale University and Harvard University respectively. Kamm, Risse, and Blake each taught a section of API-601, the Core introduction to ethics for Master of Public Policy students. The course was a great success, and it is expected that all of these faculty members will have a hand in developing and refining this course over the years to come.

These faculty members join a thriving and substantial group of thinkers at the Kennedy School who are concerned with the ethical dimensions of political practice. Faculty members are producing extraordinary documents detailing the ethical aspects of democratic politics. Dennis Thompson's book, Just Elections, was published this year; it details the normative dimensions of electoral politics. Jane Mansbridge wrote on democratic practice and legitimacy, including the moral analysis of political agency, and developed a new course dealing with the legitimacy of democratic institutions. Arthur Applbaum, while on leave, has begun work on a volume detailing a new approach to the analysis of democratic legitimacy. Such works demonstrate the continuing vitality of the Kennedy School as a source for research in ethics. By combining the practical resources of the Kennedy School with rigorous analytic reasoning, these authors are able to produce novel and persuasive contributions to ethical debates.

What is perhaps most remarkable about this community, however, is the degree to which a unity of focus has begun to emerge in the research topics addressed by the faculty. Many members have begun to examine the ethical dimensions of international politics. Members of the Carr Center for Human Rights Policy have produced some important work combining empirical and normative analysis. In her Pulitzer Prize winning book (mentioned earlier in this report), Samantha Powers combines an explanation of the phenomenon of genocidal violence with a moral critique of American foreign policy. Michael Ignatieff published a widely discussed article in the New York Times Magazine arguing for the moral legitimacy of certain forms of American imperialism; he has also begun work on a book analyzing the political morality of suspending liberal rights in response to terrorist threats.

This focus on international politics, however, is not limited to the Carr Center. Ken Winston has continued his work on ethics and the professions in an Asian context, teaching programs on ethics to government officials from East Asian countries, UN officials, and others interested in ethical analysis. He has also published work detailing the different approaches to liberal rights in Asian and Western societies. Mathias Risse has begun to work on a project examining how economic insights about the institutional causes of poverty can be brought to bear on contemporary philo-

sophical accounts of international justice. Michael Blake continues to work on a philosophical examination of the nature of toleration and respect for diversity, applying this analysis to international issues such as immigration and humanitarian intervention.

All of this research has been aided by the interaction among Kennedy School faculty writing and teaching about ethics. Through workshops, seminars, and informal discussion, these members of the School have been able to provide resources for each other's research. The Kennedy School now constitutes one of the most important sites in the world for serious research about the morality of both domestic and international political practice. The recent expansion of faculty has provided a critical mass for mutual interaction and discussion, which provides the basis for continued excellence in thinking and writing about political ethics.

#### Law

(reported by David Wilkins)

The Program on the Legal Profession (PLP), under the direction of David Wilkins, continues to make substantial progress towards achieving its goal of becoming the preeminent center for teaching and scholarship about ethics and the legal profession. This year, PLP completed its threeyear study of "Ethical Infrastructure in Large Law Firms." The results of the study were published in three articles coauthored by Wilkins and Elizabeth Chambliss, PLP's Research Director: "New Terms for the Debate on Law Firm 'Discipline'," Georgetown Journal of Legal Ethics (2003); "The Emerging Role of Ethics Advisors, General Counsel, and other Compliance Specialists in Large Law Firms," University of Arizona Law Review (2002); and "Promoting Effective 'Ethical Infrastructure' in Large Law Firms: A Call for Research and Reporting," Hofstra Law Journal (2002).

In addition, PLP is launching a major new initiative to understand the forces shaping ethics in large law firms. With the generous support of the Cogan Foundation, the Program is beginning a five-year initiative to determine how corporate clients go about purchasing legal services. Wilkins and John Coates will conduct the research. One major issue they will examine is whether corporations con-

sider the ethical reputation of law firms and, if so, how that reputation is assessed. Finally, Wilkins has been holding a series of meetings with managing partners of large law firms in New York, Boston, Chicago and other major legal centers around the country. The purpose is to begin a dialogue on how the Law School and the profession can work together to identify and address important ethical, structural, and strategic issues facing the corporate bar.

Wilkins has led the Program in developing new ways of teaching about ethics and raising the visibility of ethics related issues in the School. PLP is currently in discussions with a major foundation about developing a center on Lawyers and the Professional Service Industry. One of its major goals will be to train the next generation of scholars on ethics and the legal profession and to develop in-depth case studies on ethics and profession-related issues. In addition, Wilkins taught a seminar entitled "The Future(s) of the Large Law Firm" in which students wrote papers on how changes in the market for lawyers and legal services have affected the values and practices of lawyers and law students. Wilkins also helped to organize a school-wide discussion on the implications of Enron and other recent corporate scandals, and hosted a luncheon with the General Counsel of Merck on ethical issues confronting lawyers in the pharmaceutical industry.

Wilkins delivered the Wyeth Lecture at William & Mary Law School on "Brown v. Board of Education's Dual Legacy: Race, Ethics, and the Development of the Black Corporate Bar." Oxford University Press will publish his book on this topic in 2004.

Martha Minow (a charter member of the Ethics Center Faculty Committee) served as co-chair, with Tim Scanlon, of the University Program in Justice, Welfare, and Economics, that supported fellows and hosted seminars and a conference. She delivered several lectures, including the 2003 Brauer Lecture at the University of Chicago Divinity School: "Privatization and the Public Good: How To Think About Faith-Based Initiatives"; the Kenan Institute for Ethics Distinguished Lecture at Duke University; and "Privatization and the Public Good," and "Breaking the Cycles of Violence: Living After Genocide," at Notre Dame University. Her publications include: Partners, Not Rivals: Privatization and the Public Good;

Breaking the Cycles of Hatred: Memory, Law and Repair (with commentaries edited by Nancy L. Rosenblum); Engaging Cultural Differences: The Multicultural Challenges in Liberal Democracies (co-edited with Richard Shweder and Hazel Rose Markus); and Imagine Coexistence: Restoring Humanity After Violent Ethnic Conflict (co-edited with Antonia Chayes).

Carol Steiker (former Faculty Fellow in the Ethics Center and currently Faculty Associate) continued teaching her courses on Criminal Law in the fall semester, as well as Criminal Procedure and Capital Punishment in the spring. She authored a commentary for the New York University Law Review on the Supreme Court's recent death penalty cases, presented a paper on "Capital Punishment and American Exceptionalism" at the University of Chicago School of Law, and spoke at a forum sponsored by the Charlotte Coalition for a Moratorium Now in North Carolina on current issues relating to capital punishment. She continues her work on two book-length projects: one on the changing face of capital punishment in America and the other on mercy and institutions of criminal justice.

Richard Fallon, a Visiting Professor in Ethics in 1995-96, taught a Constitutional Law course during the fall semester, and a spring seminar on Constitutional Theory. Among other things, the course and especially the seminar explored a number of issues involving constitutional roles, role-based ethical obligations, political theory, and personal morality. During the academic year, Fallon published two articles in law reviews: "Should We All Be Welfare Economists?" Michigan Law Review (2003), and "Marbury and the Constitutional Mind: A Bicentennial Essay on the Wages of Doctrinal Tension," California Law Review (2003). The former criticizes arguments that legal policymaking should be based exclusively on considerations of individual "welfare," defined as a value distinct from autonomy and fairness. The latter addresses the legal, ethical, and psychological challenges that are presented to committed participants in constitutional argument by deeply rooted tensions in constitutional doctrine.

#### Medicine

(reported by Allan Brandt and Joel Roselin)

This academic year has been one of the most active to date for the Division of Medical Ethics, with growing interest and enrollment in our course offerings, the expansion of our public programs and the intensification of our education and research programs.

#### Undergraduate Medical Education

The Division seeks to educate 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 address the ethical challenges they will encounter throughout their medical careers. Through a broad range of course offerings and a very active program of extracurricular events, students are exposed to a wide variety of issues and provided with the skills to systemically address moral and ethical dilemmas.

Ethics education for undergraduates at the Medical School continues to be a multi-faceted program, with three courses focusing on ethical issues in medical practice. Walter Robinson (former Faculty Fellow in Ethics) teaches a first semester "selective" course entitled "Medical Ethics in Clinical Practice." This course uses actual clinical cases from Dr. Robinson's work at Children's Hospital, as well as cases presented at the Harvard Clinical Ethics Consortium, to introduce students to critical issues and develop analytical skills. Introduced last year, this course has attracted an impressive following, with Dr. Robinson receiving this year's Teaching Award for the best instructor in Social Medicine.

Other offerings include Martha Montello's one-month intensive course, "Narrative Ethics: Literary Texts and Moral Issues in Medicine"; and Eric Krakauer and Edward Lowenstein's advanced basic science course for upperclassmen, "Pain and Palliative Medicine: From Basic Science to Clinical and Ethical Concerns." In addition to their teaching responsibilities, Doctors Robinson, Lowenstein and Krakauer are Scholars in The Academy at the School, working to integrate medical ethics more fully into the curriculum during all four years of undergraduate medical education.

Several active initiatives continue to expand our educational 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 seminars in the series: Walter Robinson on ethics and end-of-life decision making, and Allan Brandt and Julius Richmond on smoking and public health. Under the direction of Lisa Lehmann, former Faculty Fellow in Ethics, the Division offers a longitudinal Medical Ethics Track that makes available to interested students a variety of courses, clinical experiences, and research opportunities to pursue throughout their four years at the Medical School.

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 moral 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.

For example, to coincide with the first-year course on Pharmacology, the Division ran "Developing Resistance: Doctors, Ethics and Antibiotic Misuse," a forum that featured representatives from the pharmaceutical industry, government and epidemiology to educate students on issues relating to prescribing, marketing and public health.

In addition to creating programs, the Division provides support, both advisory and financial, to student groups and individuals interested in mounting ethics-related programs. Responding to student concerns about gifts to students from pharmaceutical companies, Joel Roselin helped to organize and run a panel discussion on the topic. As a result a committee of students and faculty members set to work drafting guidelines to control such gifts.

The Division's Ethics in the Clerkships program provides opportunities for first and second year students to hear first-hand the experiences of their third and fourth year counterparts around ethical issues. The bi-weekly seminar, "ER: Ethics Rounds" had a successful third season of pro-

moting student discussion of the ethical issues raised in the popular television series. And the Cinema Veritas Ethics Film Series ran several films and discussions timed to coincide with curricular events and other student milestones.

The Division's summer research program, led by Lisa Lehmann, provides students the opportunity to spend the summer pursuing mentored research projects. During the summer of 2003, students will work on: an ethics case analysis of the limits of patient autonomy in the post-operative setting, the participation of house staff in organ transplant donor procurement, a survey of oncology patients' existential and spiritual needs, a study of the impact of the pharmaceutical and medical device industries on the economics of health care, and a study of social justice and medical professionalism. Additionally, students have the opportunity to work on faculty-sponsored projects both in the summer and throughout the academic year.

This year, the recently endowed Henry K. Beecher Prize in Medical Ethics was awarded to first-year student Maura Kennedy for her paper, "In Vitro Fertilization and Embryo Transfer: How many are just right?"

#### **Public Programs**

As part of our mission to provide ethics education to the medical school campus, the medical professionals in the 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.

The Division's lectures create opportunities for audiences to hear from leaders in the fields of ethics, social medicine, law, politics, medical practice and research. Rashi Fein, Professor of the Economics of Medicine, Emeritus, delivered this year's George W. Gay Lecture in Medical Ethics. In "Exploring the Economic Consequences of Ethical Medicine," Professor Fein challenged the audience to consider how healthcare financing influences the options that are available and the decisions that are made at all levels of medicine, from public and institutional policymaking to the bedside. Dr. Mark Hughes of Wayne State University School of Medicine delivered the Lawrence Lader Lecture on Family Planning and Reproductive Rights. His talk,

"Reproductive Genetics: The Science, the Medicine and the Ethical Challenges" explored the scientific and ethical limits of preimplantation genetic diagnosis, and articulated a host of questions that our society must grapple with as this technology becomes more available.

As part of our effort to collaborate with other programs and departments within the University, the Division was cosponsor of several important lectures this past year. Working with the new ethics faculty at the School of Public Health, the Division hosted lectures by Leonard Glantz of Boston University School of Public Health and Sheldon Krimsky of Tufts University School of Medicine. The Henry Hardy Lecture, cosponsored by the Division and Beth Israel-Deaconess Medical Center, presented Margaret Somerville from the Center for Medicine, Law and Ethics at McGill University, who spoke on "Why Values Matter in Medicine." And in conjunction with the Ethics Center, the Division cosponsored a lecture by Rebecca Dresser of Washington University School of Law on "Stem Cell Research: Ethics and Advocacy" (mentioned earlier in this report).

The Medical Ethics Forums provide a platform for addressing emerging healthcare issues. This year's forums featured topics of local, national and international interest, including domestic and international research ethics, working conditions for medical residents, and issues in managed care, among others. In response to proposed changes in the number of hours medical residents can work, the Division presented "Education or Endurance?: Ethics and the Debate over Resident Work Hours," at which residents, residency directors and others debated whether grueling training schedules are a successful and safe model for educating doctors. And following a public controversy over the use of a placebo arm in trials of surgical procedures, the Division invited ethicist Baruch Brody, who had approved the controversial protocol, and others to discuss ethical issues arising from sham surgeries in clinical research in the forum "The Cutting Edge? Ethics and Placebo Surgery."

Other forums included: "WANTED! Have Human Subject Recruitment Strategies Gone Too Far?" at which a researcher, a consumer advocate, an executive from a website that recruits subjects into clinical trials, and others debated the challenges of ethical recruiting in the current

climate; "Ethics and AIDS Vaccine Trials in the US and Abroad," which featured AIDS vaccine researcher George Seage of the Harvard School of Public Health, ethicist Daniel Wikler, former director of ethics for the World Health Organization and former Faculty Fellow in Ethics, and Marcia Angell, who, as editor of the New England Journal of Medicine, published and critiqued many studies of AIDS research in the developing world; "Ethics and Managed Care," at which former Kaiser Permanente CEO Dr. David Lawrence, and managed care reform activist Dr. Linda Peeno, debated and discussed the ethical challenges of delivering quality healthcare within the current managed care environment.

The Division's commitment to community education is demonstrated by several programs and initiatives, most notably the Harvard-Fox Hill Village Medical Ethics Series, which brings ethics lecturers to a local assisted living facility. This year, the program was expanded to include a seminar series run by Joel Roselin.

#### **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 healthcare professionals and others.

#### Fellowships in Medical Ethics

The Division's Fellowships in Medical Ethics broadens 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 program brings together physicians, nurses, lawyers, social scientists, and academics from such diverse fields 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 a commitment to engaging fellows in a broad range of topics. Recent seminar topics have included the historical contexts of brain death and organ transplantation, physician assisted suicide, research ethics, public health ethics, healthcare resource allocation, and financial conflicts of interest within academic medicine. In addition to these topics, fellows are challenged to deepen their analytic skills, drawing on a range of ethical theories and analytic approaches as they confront challenging tensions within the field. In addition, 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.

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 the School's departments, affiliated hospitals, and the 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 recent years, 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.

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.

#### **Medical Ethics Faculty Seminar**

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's seminar, "Revisiting the Doctor/Patient Relationship," included such speakers and topics as Norman Levinsky on the doctor's master, Susan Wolf on the role of lawyers and ethicists, Carl Elliot on consumerism, Eric Krakauer on treating pain, Lucien Leape on medical mistakes, Jerome Groopman on truthtelling, Lloyd Axelrod on sources of strain in patient/doctor relations, and Allan Brandt on professionalism.

#### Harvard Clinical Ethics Consortium

Now in its fifth year, the Harvard Clinical Ethics Consortium, under the leadership of Robert Truog, has continued to provide opportunities for collaboration among the clinical ethics programs in each of the affiliated hospitals. At monthly meetings, members come together to discuss and critique recent ethics consultations from each of the Harvard-affiliated programs.

During the past year the discussions ranged widely over the landscape of ethical dilemmas that arise in the practice of clinical medicine. Early in the year the Consortium discussed what to do for a patient "stranded" on a cardiac assist device, with no hope of recovery but also no imminently fatal problem. Another session focused on the problems that arise when ethicists write about real cases, and what to do when patients who are the subjects of cases disagree with the way they are portrayed in the case. The Consortium also addressed ethical aspects of administrative issues, such as when a drug company supplies a new drug to patients hospitalized at a particular institution at a deep discount (with financial benefit to the hospital), with the expectation that the patients will be discharged on the same medication and then will have to pay at the standard rate as outpatients (with financial benefit to the drug company).

The Consortium has extended its reach beyond the Harvard community by establishing relationships with two journals. *The Journal of Clinical Ethics* has published two cases in a series co-edited by Christine Mitchell and Robert Truog. And the *Journal of Values Inquiry*, under the editorship of Thomas Magnell of Drew University, has thus far published one case from the Consortium.

#### Program in the Practice of Scientific Investigation

The PPSI provides ethics training to postdoctoral research fellows, concentrating on ethical issues that 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 PPSI 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 Walter Robinson, the PPSI has expanded beyond its original mission and now serves researchers from throughout the School and the affiliated hospitals.

#### PhD in Health Policy

Under the direction of Allan Brandt, and with assistance from Daniel Callahan, an ethics concentration in Health Policy PhD Program (based in part in the Graduate School of Arts and Sciences) provides students with the option of specialization not previously available. 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.

#### Public Health

(reported by Dean Barry Bloom)

During the 2002-2003 academic year, ethics activities that were centered primarily in the Department of Population and International Health continued to expand in the areas of both research and teaching. The Human Subjects Committee continued its role in providing courses in the area of research ethics and in overseeing the protection of research subjects.

As reported last year, the School has recruited two new professors of ethics in the department of population and international health: Norman Daniels and Daniel Wikler. They joined the faculty in September 2002 and were involved in many activities during the year:

- Daniels initiated a new course in ethics and resource allocation.
- Wikler served as coordinator and as one of six faculty members in a new core course, "Foundations of Global Health," which sought to integrate ethics, human rights, health economics and policy, and ecology in applications to international health problems. Planning for further additions to the ethics curriculum continued and will result in new courses next year.
- Both Daniels and Wikler gave numerous guest lectures in courses in the Medical School, the School of Public Health and in the College, and took part in public symposia on ethical issues in global public health.
- They participated in an ongoing faculty group, primarily involving School of Public Health economists, on priority setting. This group envisions several activities next year as well as a group of case studies.
- Wikler joined with colleagues at the School and at the Kennedy School in an effort to place the topic of fraud and corruption on the educational and research agenda in global public health. A symposium is planned for the fall. Wikler assisted in organizing a panel on corruption in health, featuring Harvard faculty, at the Transparency International Congress in Seoul.
- Daniels and Wikler participated throughout the year in the search to fill the new chair in medical ethics at the Medical School.
- They gave plenary and keynote addresses at congresses of international professional societies, including the Society for Priority-Setting in Health Care (Daniels, Oslo) and the International Association of Bioethics (Wikler, Brasilia).
- Daniels and Wikler assumed a measure of responsibility for the doctoral students in Harvard's health policy graduate program who have chosen its ethics track. They established a biweekly reading group, and participated in reviewing new applications.

The School continued to offer its required courses in the ethical basis of public health taught by Professors Marc Roberts and Michael Reich. Their documentation of their underlying approach to these issues was published in The Lancet (March, 2003). Ethical analysis is also a major component in a forthcoming book, Getting Health Reform Right: A Guide to Improving Performance and Equity, by Marc Roberts, William Hsiao, Peter Berman, and Michael R. Reich, to be published in fall 2003 by Oxford University Press. The book is based on teaching materials in the Flagship Course on Health Sector Reform and Sustainable Financing, conducted in collaboration with the World Bank Institute. The course also includes a major section on ethical analysis, as it relates to health sector reform.

The department of population and international health organized a symposium on priorities in AIDS treatment and prevention, featuring five of the School's faculty members and a visiting British philosopher. The symposium drew an overflow crowd and may result in further faculty projects.

The Program on Ethical Issues in International Health Research continued its highly successful activities:

- Richard Cash conducted research ethics intensive courses at the School for the fifth consecutive year, drawing 50 participants from 22 countries; and led versions of this course in Abu Dhabi, Nepal, and Nigeria. Dan Wikler participated in most of these courses.
- The Program housed three full-time fellows in research ethics (from China and India), supported by a National Institute of Health grant, and short-term fellows from Canada and Syria.

In addition, the School initiated a speakers series in ethics and public health, including talks by visiting scholars on such issues as conflict of interest in research and the interpretation within public health of the obligation to tell the truth. These symposia were coordinated with the speakers series of the Division of Medical Ethics.

The Human Subjects Committee, the institutional review board for the School, continued to implement quality improvements, fulfilling the second year of a systemic plan begun during the previous academic year. Significant achievements include the design and launching of a new University-wide IRB database, partially funded by an NIH grant; consent monitoring and training trips by the Committee chair and staff to sites of collaborative research projects in Tanzania and the People's Republic of China; consent monitoring of research studies in Boston; leading the School community in preparing for the arrival of the new federal Health Information Portability and Accountability Act rule; and training another 1,000 individuals in human subjects protections through online, taped and live educational presentations.

In the spring the Committee again sponsored its yearly Research Ethics Seminar. Eighty-eight students participated (a 5% increase over last year), half of them taking it for credit and half auditing. The Committee continues to build on its collaborative rapport with sister IRBs at the Faculty of Arts and Sciences and the Medical School and Dentistry School via regular meetings of the Harvard IRB Operations Group. Plans are underway for the next phase of enhancements in training and database functions. The Committee staff is collaborating with the Office of Financial Services to enforce compliance with all applicable rules regarding the protection of human subjects, including the termination of grant funds, when appropriate, in the event of noncompliance.

Finally, the three-year-plus investigation by the Federal Office for Human Research Protections (OHRP) of certain human research studies in China was concluded satisfactorily. In a May 2003 letter, OHRP acknowledged that the School had appropriately addressed all concerns and that no further involvement by the oversight agency is necessary. The inquiry brought about a number of improvements in the management of human investigations at the School, and found no evidence whatsoever of any harm to human research participants.

## APPENDIX I

Reports of the Faculty Fellows 2002-2003

## Ockert C. Dupper Edmond J. Safra Faculty Fellow in Ethics

At the outset I would like to thank Dennis Thompson and the Faculty Committee in Ethics for giving me the opportunity to spend a most rewarding year at the Ethics Center. I would also like to thank Mrs. Lily Safra for the generous financial support that resulted in the endowment of the Edmond J. Safra Faculty Fellowship in Ethics, of which I am honoured to be the first recipient.

I arrived in Cambridge ten months ago as a lawyer and thinking as a lawyer. I would not say that I leave the Ethics Center as a philosopher, but I can safely say that I certainly think more like a philosopher. What the fellowship gave me was an opportunity to widen my horizons and to think of familiar issues within my field in new and different ways.

I have always approached the law mainly from a practical and pragmatical point of view. But the weekly seminars with Dennis and the other faculty fellows have forced me to think harder about the philosophical challenges that the law poses. What I have learned has already and will continue to enrich my teaching and thinking in labour and employment law. And, when you discuss your work with a group as diverse as this one, it inevitably opens your eyes to as yet unexplored issues. For me, given my interest in equality and affirmative action, the benefit has been considerable.

Also there was the character of the discussions themselves. Not only were they carried out with intellectual rigor, but they took place in an informal atmosphere in which everyone felt safe to express their views and to challenge fellow participants. Here Dennis played an invaluable role, keeping the discussion focused (often an unenviable task!), and always taking us back to the bigger picture, one that tied together the various ideas we had brought to the table, each from our own particular field. It was an environment in which an open intellectual exchange could truly thrive.

The two issues of equality and affirmative action have been the focus of my own academic work during the year. This resulted in a paper on affirmative action in the South African context, entitled "In Defence of Affirmative Action." This was prompted by the reluctance among many legal scholars in South Africa to engage with the critical questions that the policy of affirmative action

inevitably raises. Also, and perhaps more important as a triggering factor, in South Africa the justification for affirmative action has not always been clearly articulated. Often it is justified primarily as a form of redress for the injustices perpetrated under the name of apartheid. But this justification raises a number of common (and often fatal) objections, some of which I address in the first part of the paper. In the second part, I show that a forwardlooking justification, one that places less emphasis on past injustice and compensation, and instead focuses on a vision of the society we would ultimately like to attainone in which people are treated as civic equals—offers a better argument to a defender of affirmative action. And this is, of course, crucial if we want to continue (as I believe we should) with a strategy of affirmative action in South Africa.

Another project that I worked on during my fellowship year concerned the ethical issues underlying the management of HIV/AIDS in the workplace. I was requested by the International Labour Organization (ILO) in Geneva to research and write a paper on this topic during my visit to the organization in March of this year. This came about directly as a result of my association with the Ethics Center with its emphasis on practical ethics. In this paper, I examine issues of confidentiality and the right to privacy, testing, non-discrimination and the duty to maintain a healthy work environment (including the duty not to dismiss and the duty to accommodate those who are infected with the virus) and the ethical issues they raise. The paper will be used as background material for a tripartite inter-regional meeting on HIV/AIDS that will take place in Geneva in December 2003, a meeting that I will attend as an invited consultant.

Apart from these work-related matters, I have, most importantly, made life-long friends, and forged professional bonds that have already resulted in joint collaboration on legal and ethical projects and a continuation of the discussions begun under the aegis of the Center.

The outstanding research facilities and the excellent support from the Center's staff have, of course, also contributed to making this a productive and most memorable year. I want especially to mention the personal kindness that Jean McVeigh, Maria Catoline and Kim Tseko have shown me, a deracinated and at times confused foreign visitor. It has been a privilege to be associated with the Harvard University Center for Ethics and the Professions.

#### Alon Harel Faculty Fellow in Ethics

Before I came to the Center I never thought that so much productive work and learning could be realized in a single year. It is the lively and intellectually challenging communities of the Kennedy School, the Law School, the philosophy department and above all the Center for Ethics and the Professions itself that are responsible for this successful and wonderful year.

There are two main projects that I have worked on during my stay. The first concerns the predictability of sanctions. Predictability in civil and criminal sanctions is generally understood as desirable. Conversely, unpredictability is condemned as a violation of the rule of law. The paper I completed during my stay at the Center explores predictability in sanctioning from the point of view of efficiency. It argues that, given a constant expected sanction, deterrence is increased when either the size of the sanction or the probability that it will be imposed is uncertain.

With regard to criminal law, research of this sort may provide a reason to question the deterrent value of determinate sentencing. With regard to tort law, such research suggests, for example, that tort reform efforts aimed at making non-economic and punitive damages more predictable may decrease the deterrent effect of tort law (even if the average size of the damages were to remain constant). In both fields, this research suggests that policymakers may be able to increase deterrence by manipulating the uncertainty regarding the probability of detection, for example, by publicizing short term, intensive random stops for drunk driving, random audits for securities fraud, or periodic, intensive review of patient records for medical malpractice. The struggle to provide coherence and predictability undoubtedly is morally cogent in many contexts, but it may be detrimental to the efficient implementation of the goal of deterrence.

This paper was presented at the Center and was challenged by the participants in the fellows seminar on various grounds. The comments forced me to rethink the morality of uncertainty in sentencing. Although it was clear to me that uncertainty in sentencing raises moral concerns, I became aware of the complexity of these concerns. Most importantly, the seminar conducted at the Center, as well as later discussions with the fellows, convinced me that the moral concerns raised by uncertainty are of two different types. First, uncertainty raises equality concerns, namely that uncertainty in sentencing involves differential treatment of people who are similarly situated, and therefore violates principles of equality. Alternatively the objection may rest on the belief that the size of the sanction should reflect the degree of wrong committed and, consequently, that people who commit the same wrongs should be treated in the same way. These two moral intuitions are distinct. The first is grounded in the ideal of equality while the second is grounded in retributive justice. The paper is now complete and was presented at the Canadian Law and Economics Association, George Mason University School of Law, Boston University School of Law, and the American Bar Foundation. It will be presented at the annual meeting of the American Law and Economics Association. The paper was accepted for publication in the Iowa Law Review

The second major project is an understanding of rights and their relation to values. While I was at the Center I became more aware of the fundamental problems facing theorists of rights. On the one hand, rights lie at the basis of liberal theory as well as what can be labelled "liberal practice." Yet there is a fundamental gap between rights as understood by legal and political theorists and rights as practiced by lawyers and political activists. I have set myself the target of providing an understanding of rights that can bridge this gap.

One of the most characteristic features of the discourse of rights is that rights are grounded in reasons. Any observer of first amendment cases notices that not all the reasons that justify the protection of speech, or religion, provide a reason to protect a right to free speech, or a right to freedom of religion. The protection of one's free speech may, for instance, be conducive to one's economic prosperity. Such a contribution to one's economic prosperity may provide reasons to protect speech, but the contribution of one's speech to one's economic prosperity is not used to justify the protection of a right to free speech. A distinc-

tion should therefore be drawn between reasons which are intrinsic with respect to a right, namely reasons by virtue of which a certain demand is classified as a right, and reasons which are extrinsic with respect to a right—reasons, that is, which may justify protection of the object protected by a right (e.g., freedom of speech) but not its protection by a right to free speech.

My research explores this phenomenon and suggests that the relations between rights and the reasons underlying rights is different than the one envisaged by both theorists and practitioners. Traditionally it was believed that rights are grounded in values and, once the values have been stipulated, the protected rights can be properly characterized. In contrast, my research demonstrates (or so I wish to believe) that the practices protected by rights, e.g., speech, are essential to the formation of the values that underlie rights. Thus, for instance, the protection of speech is not only justified by the importance of enhancing autonomy but also facilitates the socially recognized forms for exercising autonomy.

During the year at the Center I completed several papers that develop this theme. Perhaps most importantly I used this insight to investigate the accusation that judicial review is undemocratic. In my paper on the subject, I argue that the alleged tension between judicial review and democracy fails to account for the fact that the content of rights and their scope depends on societal convictions and the moral judgments of the public. Such dependence suggests that rights-based judicial review can be described as an alternative form of democratic participation. Rightsbased review of statutes requires great sensitivity to societal practices and conventions and cannot be indifferent to societal normative judgments and convictions since the content and the scope of rights rely heavily on these judgments. My conversations with several experts in constitutional law at Harvard Law School, as well as the contribution of several of the faculty fellows, contributed greatly to my understanding of American constitutional law theory as well as the relations between social practices and values. The paper was presented at the National Center for the Humanities in North Carolina and at the Philosophy Department, University of Toronto. The paper was accepted for publication in Law and Philosophy.

It is only space constraints that prevent me from presenting other equally exciting projects that I either started or completed during the year at the Center. I will only add that the success of the Center rests on the fact that it provides all fellows with the feeling that their views and insights are important and valuable. One can take more seriously one's own work and thoughts when one gets the sense that others take them seriously. Lastly, I am confident that, in addition to the intellectual challenges provided by the Center, I have also acquired new, long-lasting friendships.

#### James Lenman Faculty Fellow in Ethics

The main benefit of being at the University Center for Ethics has been the chance to interact with others, in particular my colleagues here at the Center, in learning about their work and obtaining valuable feedback on my own. Where my own is concerned, I have made the following progress on various writing projects.

- 1. Book Project on Practical Reason and Moral Epistemology. This was the main anticipated writing project of the year. Here I have accomplished a great deal of preparatory reading and planning but I expect it to be another year or two before this book is complete.
- 2. Paper on Moral Responsibility and Contractualism. This paper has been brought very close to completion and I expect to submit it for publication to a leading philosophy journal before the end of the year.
- 3. Paper on the Frege-Geach problem in Metaethics. Again, I hope to have this project ready for submission before the end of the year.
- 4. Paper on Risk-Imposition. I presented this to the Faculty Fellows seminar where I got a great deal of valuable feedback. This, too, I expect to submit to a journal before the end of the year.
- 5. "Utilitarianism and Obviousness": This is a short paper on Bernard Williams' example "Jim and the Indians." It was conceived and written during the fellowship year and I am currently revising it for resubmission to Utilitas.
- 6. "Noncognitivism and Wishfulness": This paper responds to a new argument against noncognitivism

recently published by Cian Dorr. My paper was conceived and written during the fellowship year and submitted to *Ethical Theory and Moral Practice*, where it has been accepted and will be published soon.

- 7. "Noncognitivism and the Dimensions of Evaluative Judgment": This is a short piece responding to another new argument against noncognitivism recently published by Michael Smith. It was written during the fellowship year and published in a symposium on Smith's argument in Dreier and David Estlund's BEARS (Brown Electronic Article Review Service) pages in January 2003, along with contributions by Michael Ridge and John Tresan. A reply by Smith is due to be published soon.
- 8. "Moral Deviants and Amoral Saints": This paper deals with the internalism/externalism issue in metaethics. During the fellowship year I completed some revisions demanded by a "revise and resubmit" editorial verdict and I resubmitted it to the Southern Journal of Philosophy. They have accepted the revised version and it is due to appear in their summer 2003 issue.
- A short review of Jeanette Kennett's Agency and Responsibility (Oxford University Press): This was written during fellowship year, and is due to appear in *Utilitas*.

In the way of professional service, I have refereed submissions for *Ethical Theory and Moral Practice*, *Ethics* and the British Society for Ethical Theory (BSET) 2003 conference call. As BSET President, I have played a general overseeing role in the organization of its conference. I have also read and reported on a lengthy book manuscript on metaethics for Routledge Press.

I have, moreover, taken full advantage of being here at Harvard, in particular by auditing the following graduate classes in the Philosophy Department:

- Practical Reason (Melissa Barry);
- Action (Christine Korsgaard);
- Political Philosophy (Thomas Scanlon, Joshua Cohen of MTT and Amartya Sen of Cambridge University);
- Workshop on Moral and Political Philosophy (Barry, Korsgaard and Scanlon).

I have also regularly attended philosophy departmental colloquia at Harvard and MIT as well as, of course, Dennis Thompson's weekly seminars in the Center and most of the Center's own events. I contributed presentations to various seminars: to Barry's on Simon Blackburn's critique of Korsgaard, to Korsgaard's on Korsgaard's own recent work, to the Center's own Faculty Fellows seminar on Kamm on Responsibility and Collaboration, on Broome on Valuing Life and on my own work in progress on risk imposition. I have learned a great deal from these various meetings. In particular, from the classes by Barry and Korsgaard, I have learned a lot that bears directly on my ongoing teaching and research. In metaethics I have learned from Scanlon, Cohen and Sen, and from the Center's own Fellows seminars I have had a chance to obtain an extremely solid grounding in important areas of ethics-particularly the philosophy of international relations and justice, and ethics and the professionswhere my existing expertise was much less developed, and I expect to profit substantially from in future teaching and writing.

I would like to thank all the current Center faculty and staff: Dennis, Arthur, Jean, Maria, Kim, Mandy, and Alyssa, and former Center staff: Judy, Chambers, Allison and Carrie, and all my fellow Fellows: Michelle, Lionel, Ockert, Alon, Eric, Martin, Maximo, Sara, Patrick, Tal, Katie, Stephen and Nicholas for making the Center so delightful, hospitable, friendly and stimulating an environment in which to spend a year.

#### Michelle Mason Faculty Fellow in Ethics

I would like to begin by thanking all those who contribute to making the Center such a wonderful place to spend an academic year, especially Dennis Thompson, Arthur Applbaum, the Ethics Faculty Committee, and the Center's excellent staff. Thanks, too, to my fellow Fellows for their conversation and company.

The Center's Faculty Fellowship provided me the time and an ideal setting for work on a project concerning moral virtue, practical reason and responsibility. The project, which I envisage developing as a book-length manuscript, currently consists of a series of articles. I have worked on all but one of these articles during the fellowship year. I believe that much work on practical reason proceeds with an overly simplistic picture of human action. As a result, some prominent theories of practical reason are ill suited for approaching the question of whether in acting virtuously an agent acts well in a sense that reveals a special excellence of practical reason. I propose that a more nuanced understanding of action—and, with it, of the evaluative significance that the virtuous agent's thoughts and actions express—yields a richer picture of reason in action. The philosophical payoff of the latter, I argue, is a univocal theory of practical reason and moral virtue. Such a theory avoids the problem of the so-called alienation of practical reason while vindicating the thought that virtuous agents act as there is most reason for one to act.

The first article on which I worked, "Vindicating Virtue", urges philosophers to rethink a familiar approach to the question of the practical rationality of virtuous action. It does so by proposing that we reflect on the nature of good practical reasoning by first reflecting on the moral psychology of virtue. I take this tack because, I argue, familiar strategies that proceed instead by assuming the intuitive appeal of a theory of practical reason (such as desire-based instrumentalism) at best pervert the phenomenon of virtuous action in their attempt to demonstrate the rationality, if any, that acting virtuously enjoys. Throughout, I take the example of the character I call the true friend as displaying virtues whose expression in practical reasoning cannot be accommodated on a desire-based instrumentalist picture of practical reason. Given the intuitively compelling character of the true friend's virtue, moreover, the failure of a theory of practical reason to accommodate it as an instance of acting well calls into question the status of that theory of practical reason as a practical ideal. Or so I argue. I am currently revising this article for resubmission to Philosophy and Phenomenological Research.

A second article I began during the fellowship year, "Is Aretaic Appraisal Reason Entailing?" aims to defend a virtue-centered conception of practical reason against a debunking argument. That argument aims to show that evaluating agents in terms that employ concepts of virtue or vice—that is, aretaic appraisal—is essentially different in kind from evaluating them with respect to their excellence as practical reasoners. On the way of thinking I favor, in contrast, aretaic appraisal evaluates how agents fare with

respect to the regulation of their actions (and judgment sensitive attitudes) in light of the reasons that bear on them. On the corresponding virtue-centered theory of practical reason, a virtue is an excellence concerning the recognition of, and motivation by, some part of the domain of practical reasons. A vice is the corresponding deficiency. The debunking argument I consider derives from a version of so-called existence internalism about reasons. In responding to that argument, I urge that we acknowledge the relevance of an agent's character to the factual question of what range of considerations is likely to present itself to the agent as providing reasons for acting, while resisting the error of supposing that the answer to this question of fact settles the normative question concerning the considerations to which we are justified in holding an agent accountable in deciding what to do. Keeping these two questions separate, I argue, contributes to a more plausible view of the relevance of character to practical reason. During the fellowship year I presented versions of this paper to the departments of philosophy at MIT and Brown University.

Questions about the correct way of understanding the connections between character and practical reason quite naturally raise related questions about responsibility. If, due to facts concerning one's character, one either lacks a reason, fails to judge there to be a reason, or fails to be motivated by a reason to do such-and-such, and one is not properly regarded as responsible for one's character, is one a proper target of reactive attitudes such as resentment, gratitude, guilt, or pride? What is it, in any case, to be responsible for one's character in the relevant sense?

In a third article, "Shamelessness", I resist placing the question of the justification of holding agents responsible for their characters in the problem space of the traditional free will debate. Instead, proceeding from a rejection of some moral philosophers' suspicions about the status of shame as a moral emotion, I locate shamelessness as a vice that involves a deficiency in taking responsibility for oneself (for "what one is" practically speaking). Because my case for viewing shamelessness as a moral deficiency is not vulnerable to objections from determinism about character, moreover, it affords shame an important role in a compatibilist account of moral responsibility. I presented versions of this paper to the philosophy department at Dartmouth,

as part of their Sapientia Lecture Series, and to the Center's Faculty Fellows seminar on work in progress.

Finally, I continue to work on a fourth article, tentatively titled "Moral Minding", where I shift my focus from the connections between character, practical reason, and responsibility in the case of a single agent to cases of interpersonal relations of responsibility. The particular relation that interests me is where one person arguably bears some responsibility for the character of another person whose moral education is entrusted to his or her care. I focus especially on parent-child (or, more broadly, trusteetruster) relationships where the moral dependent might be someone deficient in education and/or experience, and so for whom the reasons and affections that guide the actions of virtuous agents might be unavailable. There has been surprisingly little recent philosophical work on how to conceptualize responsibility in such contexts. This is one place where I especially hope my philosophical work will eventually make contact with ethical issues in public life, namely, with some problems concerning juvenile justice and parental responsibility.

Because of its known dedication to forging such real-world connections between theory and practice, the Center receives many press inquiries. In response to one such inquiry, I was interviewed about my work on shamelessness for a *Christian Science Monitor* article on recent ethics scandals in American professional life.

I also engaged in writing not directly related to the book project, including "Some Thoughts on Immoral Psychology" (invited comments that I presented at the Franklin and Marshall 8th Annual Philosophy Symposium in Moral Psychology) and "From Unity to Morality?" (comments on Christine Korsgaard's Locke Lecture 6, which I presented in Korsgaard's seminar on the philosophy of action).

Other professional work included refereeing articles for American Philosophical Quarterly and Australasian Journal of Philosophy.

In addition to aiding my research and writing, I expect that a year's worth of seminars in which we fellows thought through problems in practical ethics will contribute to making me a better teacher. I hope to put much of what we discussed to use in shaping a course in contemporary moral problems that I will teach for the first time in fall 2003.

As if the Center itself did not already offer an embarrassment of riches, the greater Harvard and Cambridge communities provide one of the best places, if not the best place, in the world in which to do moral philosophy. I am grateful to have had the opportunity to participate in the Harvard Philosophy Department's workshop in moral and political philosophy in the fall and in Christine Korsgaard's seminar in the philosophy of action in the spring. Fellows lunch discussions with Tim Scanlon and Bernard Williams rounded out a host of opportunities with which to interact with some of the most important moral philosophers writing today.

My only regret, if I may call it that, is that my fellowship year coincided with my first year of motherhood. I regularly found myself lamenting that childcare responsibilities meant there was one fewer talk I could hear, lunch I could schedule, dinner I could attend, or pint I could share (not to mention many fewer pages I could write!). However, the importance of getting clear on what is required if we are to act well never would have attained quite the urgency it did this past year had my daughter Meriel not arrived to impress it on me.

## Lionel K. McPherson Faculty Fellow in Ethics

My year at the Center for Ethics and the Professions has been productive on a number of fronts. I want to express my gratitude for the opportunity to have been a Faculty Fellow. It allowed me to focus on research and writing, enabled sustained intellectual and personal exchanges with members of the faculty seminar, and provided generous assistance resources.

I spent the year working primarily on my revisionist just war theory project. The project is motivated by my philosophical dissatisfaction with central tenets of common just war theory. This is a difficult and controversial project, but my work is well underway.

Much of my time was spent writing and revising my paper "Innocence and Responsibility in War." To this point, the paper has undergone a second revision and resubmission to *Philosophy & Public Affairs*; I hope the journal will agree with my assessment that the paper is now ready for publication there. I argue that ordinary combatants generally

may be innocent or partially non-innocent. When they are innocent—that is, when they fight a just war justly—they ought not be attacked. Combatants can bear partial moral responsibility for fighting on the side of an unjust war. This position runs contrary to the common view that although ordinary combatants are not morally responsible for the war they fight, they are always legitimate targets of attack.

In the Fellows seminar, I received very useful comments on "Innocence and Responsibility in War." I was able to address some of these comments in the second revision of the paper. Based on the value of the comments I received in the seminar and, more broadly, on my interest in the work of the other participants, I suggest that faculty fellows might be allocated two half-seminar slots (as compared to one) to present their work in progress.

Part of my account of responsibility regarding war will be developed in "Are Civilians Always Innocent?" I will argue that moral responsibility for an unjust war can distribute to ordinary civilians, especially in a democracy, who help to enable the war. Thus ordinary civilians would not necessarily be morally immune from deliberate attack, even if an efficacy constraint often will serve to prohibit their being targeted. This position is introduced in "Innocence and Responsibility in War." I have done the research for and am ready to write the "Civilians" paper.

The other paper on just war theory that I completed was submitted to two journals. In response to referee comments and to the advice of Dennis Thompson, I am reworking the paper as "Conventionalism and Just War Theory." I argue that the war convention is not a compelling moral basis for just war theory. For example, familiar moral principles plausibly explain why innocent civilians should not be deliberately attacked. These same moral principles may well not support a conventionalist principle of non-combatant immunity. That a war convention recognizing such a principle is said to exist does not carry much moral weight on its own, for reasons similar to why conventionalism as a general account of morality is unsatisfactory.

The war by the U.S. and Britain against Iraq interrupted my work on just war theory, which felt overly abstract and ineffectual when confronted with the practical realities of real war. That war was short, at least, and my spirit to deal with just war theory has returned. In the interim, I pursued other philosophical interests.

First, I wrote "Blackness and Blood: Refiguring the One-Drop Rule" with Tommie Shelby, who is an assistant professor in Afro-American Studies at Harvard. We argue, in response to Anthony Appiah, that African-American social identity is most clearly revealed in the behavioral dispositions of members of the group, not in abstract conceptual propositions about race to which blacks might assent. If so, contra Appiah, the social conception of African-American identity that most blacks identify with is not particularly incoherent in practice and thus not in need of state intervention to reform it. "Blackness and Blood" is under review at the Journal of Philosophy.

Second, I started working on a paper in metaethics, "Two Questions of Moral Normativity." A solid draft of this paper is almost complete, and I expect to send it out soon to journals for review. I argue that there can be good reason to act morally, where this is not contingent on a particular person's desires or interests, without this entailing that everyone is bound by moral requirements. The aim is to articulate a morally robust sense in which moral reasons are normative, while avoiding the implausible rationalist position that moral requirements are requirements of reason that hold for all rational persons.

I have started working on a draft of a paper on excessive force. This paper will be delivered at a conference on the subject in Jerusalem, spring 2004, to which I have been invited by co-organizer and Faculty Fellow Alon Harel. The paper will be published in an Israeli law journal.

During the summer, I plan to write a paper with Faculty Fellow Eric Orts on justifying certain levels of executive compensation. We have discussed the ideas for this paper at some length, and I look forward to developing these ideas further with him.

This year at the Center has been one of the best years of my intellectual life. I truly wish to thank Dennis Thompson, the other members of the faculty seminar, Jean McVeigh and Maria Catoline and the rest of the Center's staff for contributing to such a stimulating environment in which to write, think, discuss and argue. Dennis' leadership of the Center and the faculty seminar has been exem-

plary, and his combination of philosophical rigor and good nature is a model for me. Finally, I feel incredibly fortunate to have spent the year with this particular group of Fellows and Scholars.

#### Katie McShane Visiting Scholar

My time this year as a Visiting Scholar at the Center for Ethics and the Professions has been both productive and enjoyable. The Center's support has been critical in allowing me to continue my ongoing research projects, and the intellectually stimulating atmosphere here has helped me to develop a number of new ones.

My original plan had been to spend the year doing research on a long-term project of mine concerning neosentimentalist approaches to value theory. Specifically, I want to develop a theory of value on which value amounts to warranting certain sentiments or valuing attitudes from moral agents. Developing and defending such a theory required that I do quite a bit of work in philosophy of the emotions and metaphysics, as well as keeping up with ongoing debates about this topic in the contemporary value theory literature. The Center gave me the long stretches of uninterrupted time that I sorely needed to do this kind of work. The project is far from finished, but much of the necessary groundwork is now in place. Without this kind of time at my disposal, accomplishing this task would have taken many years.

Along the way, I also worked on and/or developed a number of side projects. I finished a paper, "Ecosystem Health," and submitted it for publication. I also started three new papers—"What Should Environmentalists Mean By 'Intrinsic Value'?" "Against Anthropocentrism," and "G.E. Moore on Intrinsic Value." Although I have not completed a draft yet, I also have the beginnings of a paper on Environmental Pragmatism. Again, the free time that my year at the Center provided me was critical in allowing me to pursue the ideas found in these papers.

This year I also presented papers at a number of places: Bowdoin College (February 2003), Colby College (March 2003), and the Conference for Value Inquiry (April 2003). In addition to this, I was able to attend a Carnegie Council Faculty Development Seminar on Environmental Education (May 2003). I am deeply grateful to the Center for bringing together both the resources and the colleagues necessary for the production of high quality scholarship. The weekly Faculty Fellows seminars were always interesting and lively, and they allowed all of us to broaden our knowledge and think carefully about some of the central problems in areas of ethics other than our own. I want to thank Dennis Thompson, in particular, for his commitment to making the seminar a good experience for everyone involved. We were sometimes an unruly crowd, and I am sure this was not an easy task.

The staff here at the Center are among the most kind and competent group of people I have ever worked with. It is easy to underestimate the value of having friendly co-workers, but I think it largely determines how one feels about coming into work in the morning. The staff's friendliness and good humor made the Center a place we all looked forward to being each day. Among the many tasks they performed good-naturedly were meeting multiple requests for obscure office supplies, giving a slow-witted philosopher lessons on how to operate a pencil sharpener, coming to the rescue every time one of us locked ourselves out of our offices, securing what might have been the largest single bookshelf order in the history of the Kennedy School, and generally helping all of us to find our backsides with both hands.

I would like to thank all of those who have a hand in running the Center, especially Dennis Thompson and Arthur Applbaum, for making it such a wonderful place to spend a year. The program here has clearly been very well thought out. I know it has been very beneficial to all of us who were fortunate to spend a year here, and I expect that over the long term it will have quite a positive impact on the field of ethics.

# Eric Orts Eugene P. Beard Faculty Fellow in Ethics

It has been a wonderful year as a faculty fellow, and I would like to thank everyone who has made this year such a good experience, especially Mr. Eugene P. Beard who has helped to make my fellowship year financially possible. The following is a brief progress report on my research and other academic activities during the year.

I arrived at Harvard with two specific research topics in

mind. The first was to write a book, or at least to begin writing it, focused on the business corporation and explaining it in historical and interdisciplinary terms as an important social institution that to understand adequately requires law, economics, politics, and philosophy. The second project was to write a book, or perhaps first an article, exploring the idea of "environmental contracts" from a philosophical point of view. In other words, I wanted to think about whether and how political social contract theories, as well as contemporary versions of contractarian ethics, might be adapted to address important environmental problems and values. I have made significant progress on both projects, though more tangibly on the first than the second.

I wanted to focus first on the book project on the business corporation in society. Early in the semester, I was approached by the Harvard Business School Press, where an editor had heard about the project. I wrote a proposal titled "What Is A Corporation?" and presented the idea to a small group of Kennedy School faculty and fellows at the Center for Business and Government during the first in their seminar series on corporate governance topics. My ideas received a generally positive reception from the Kennedy School group (and I also got very helpful feedback from Dennis Thompson). However, the HBS Press eventually decided not to make an offer of publication (even though I tried to address some issues in which the editor seemed interested). I think now that the rejection was a blessing in disguise, because it enabled me to reconceptualize the entire book and, I believe, to begin writing the book that I really wanted to write (and the book that most needed to be written). Early in the spring semester I produced a new outline for a shorter but deeper book now tentatively titled A Social Theory of the Business Enterprise. This book is now more scholarly than I had initially planned, with deeper historical and theoretical discussion. It will probably be destined for a university press. As the academic year closes, I have two chapters completed and some writing begun on a third. I hope to have a first draft of the book completed by the end of the summer.

My second project on environmental contracts has so far evolved on a conceptual level more than in actual writing. I have a couple of drafts that are not yet ready for sumbitting for publication. The year here at Harvard has nevertheless been very helpful in learning about some of the basic principles and theories of what has come to be thought of as a contractual method of thinking about ethics and justice. Detailed reading of the work of John Rawls as well as Tim Scanlon has been valuable this year. Particularly helpful have been opportunities to talk with Professor Scanlon directly about some of the problems involved. It has also been most helpful to have had the benefit of a number of conversations on this topic with two of the resident faculty fellow philosophers, Jimmy Lenman and Katie McShane. At the close of the academic year, I feel confident that I have discovered a way forward in thinking about and writing an article on how environmental values and problems may fit with theories of ethics and justice, perhaps with more of a particularly Rawlsian slant than I would have thought initially. One insight for how to approach the subject came from a particularly valuable conversation with Professor Scanlon, who supported my intuition about the importance of "survival of the species" as a particularly important human value related to environmental concerns. He helped me to think about a scheme of priorities for environmental values, i.e., from "survival" to the distribution of serious risks to life and health to less tangible intrinsic values of aesthetic and spiritual benefits of natural landscapes, wilderness, and nonhuman life.

In addition to making significant progress on each of these main projects, I have had a number of other very good academic experiences this year. I participated in workshops sponsored by the Center for Business and Government in the Kennedy School, where I was also named a faculty fellow for the year. I twice presented my work on developing a social theory of the corporation and, more broadly, the business enterprise to Kennedy School audiences. I also made a presentation to a group interested in ethics at the Harvard Business School, A Kennedy School connection also allowed me to teach an ad hoe class on American corporate law principles to a visiting group of Chinese business executives, as well as to give a talk to another group of visiting Chinese scholars. Ken Winston, a lecturer at the Kennedy School, invited me to participate in a seminar on professional issues in the Chinese context. Lastly, a student group invited me to participate in a spring conference sponsored by Harvard's Center for the

Environment. I spoke there about different kinds of regulatory strategies that could be used to address environmental problems. I enjoyed all of these interactions very much.

During the month of January, I was happy to have the opportunity to take advantage of Harvard's break, and the generosity of the Center for Ethics and the Professions in allowing me to interrupt the course of my research briefly, to go to the Bren School for Environmental Science and Management at the University of California at Santa Barbara. As a visiting professor there, I taught an intensive short course titled "Environmental Contracts in Theory and Practice," a topic related directly to the reading I was doing for my research project. It was a wonderful visit, and I will not do more than mention the comparison in terms of the weather in January! My students at Bren responded well to the experimental course. I also presented some general ideas on "corporate governance and the natural environment" to a group of University of California MBAs from various schools (e.g., University of California, Los Angeles).

Last but not least, I should mention how much I enjoyed and benefited from the weekly Faculty Fellows seminars. In particular, I appreciated the opportunity to plan and lead a discussion on the topic of business ethics and on nature and ethics (with Katie McShane) in the spring. Detailed comments on two chapters of a project on social theory of the business enterprise were also immensely valuable. Not only has this sabbatical year provided me with the opportunity to pursue some of my main research projects, but it has also been memorable in introducing me to the unique scholarly environment of Cambridge. I have been fortunate to have made a number of new friends and acquaintances here, and I feel that my experience as a faculty fellow has reinvigorated me in terms of providing direction for my research and helping to confirm my commitment to building and adding rigor to the nascent field of "business ethics" in the future. In conclusion, it is an honor to be counted among the pleased and loyal "graduates" of the faculty fellows program in the Center for Ethics and the Professions.

### APPENDIX II

Reports of the Graduate Fellows 2002-2003

# Tal Ben-Shachar Edmond J. Safra Graduate Fellow in Ethics

In his essay on *Friendship*, Ralph Waldo Emerson recognizes opposition as a necessary precondition for friendship. A friend, according to Emerson, should not be a "mush of concessions" or a "trivial conveniency" who will agree with everything that he says. Rather, Emerson is looking for a "beautiful enemy, untamable, devoutly revered." During my year at the Ethics Center, I had the privilege to meet and interact with beautiful enemies.

The last time I had the opportunity to work closely with a philosopher who was a beautiful enemy to me was while writing my undergraduate senior thesis with Professor Robert Nozick. There is a significant difference, though, between my senior year in college and my year at the Center. Professor Nozick and I, while arguing much, agreed on just about every major issue; in the Graduate Fellows seminar, my colleagues and I disagreed on just about every major issue (from the role of the government to the role of the philosopher).

Research in organizational behavior identifies conflict as either beneficial or detrimental to the functioning of a team, depending on the nature of the conflict. Cognitive conflict—when team members challenge one another's ideas—is conducive to the effectiveness of the team. Affective conflict—when team members challenge one another's person—hurts team efficacy. Cognitive conflict is about being a beautiful enemy, and the conflicts in our seminars—the disagreements, criticisms, arguments, and opposition—were on the cognitive level, a form of tough love that I very much appreciated.

The most important benefit that I derived from the year was that my critical thinking skills improved. Within a few months into the program, I noticed that I was reading differently—whether philosophical papers, psychology journal articles, or newspapers, whether others' writings or my own. Initially, it was the voice of my well-trained colleagues that I heard reverberating in my mind; later, I assimilated their voices, and the critical voice became my own.

It was not always easy being the dissenting voice—the token "rightist"—in a group. Though my research deals with the significance of non-conformity and finding one's

independent voice, I also recognize the psychological import of receiving positive feedback from one's teachers and colleagues. But in tough times, I was comforted by the vast body of research within psychology that illustrates the effect of a minority voice.

For example, the psychologists Moscovici and Nemeth demonstrate the importance of minority members, the non-conforming individuals, for groups. A minority that is consistent and confident is most successful in getting the group to think openly about issues. While a majority leads members of the group towards convergent thinking, towards mindlessness and compliance, a dissenting minority leads towards divergent thinking, toward mindfulness and openness. Moreover, over time, a consistent and confident voice can influence the entire group.

So if, a few years from now, the Ethics Center comprises twelve non-angry libertarians and neoconservatives, you will know why.

I would like to end by expressing my deepest gratitude to the Edmond J. Safra Foundation for supporting me this year. It has been an invaluable experience, and I am indebted to Mrs. Lily Safra and the memory of Mr. Safra. I will feel that I have repaid my debt to them if, in the future, I will contribute in a meaningful way to a better, more ethical world.

#### Máximo Langer Edmond J. Safra Graduate Fellow in Ethics

This year at the University Center for Ethics has been very productive and exciting for me. I would like to thank Dennis Thompson, the Director of the Center, for creating and keeping alive such a stimulating and unique intellectual environment, where scholars from different disciplines and parts of the world can work and exchange ideas and perspectives. I would especially like to thank Arthur I. Applbaum, the Director of the Graduate Ethics Fellows. from whom I have learned so much and who always had time to give me advice on my research. Thank you to the staff of the Center: Jean McVeigh, Maria Catoline, Alyssa Bella, Kim Tseko, and Mandy Osborne (and former staff member Chambers Moore), for their help and for making working at the Center such a pleasant experience. I would also like to thank the Faculty and Graduate Fellows, and the Visiting Professors and Scholars, who have been at the

Center this year. I have had the privilege of interacting and exchanging ideas with most of them, and my research has highly benefited.

This year I worked on three papers that are chapters of my dissertation. The first is entitled "From Legal Transplants to Legal Translations: The Globalization of Plea Bargaining and the Americanization Thesis in Criminal Procedure." In this paper, I try to contribute to current debates about globalization of law, such as the debates on the thesis of Americanization and on legal transplants. According to the most predominant position, the transplantation of American legal institutions to other legal systems is producing an Americanization of the latter. By analyzing the transplantation of plea bargaining from the American adversarial system to the inquisitorial systems of Argentina, France, Germany and Italy, I show that this is not necessarily the case for at least two different reasons.

First, legal institutions and ideas cannot simply be "cut and pasted" from their original legal systems into new ones. On the contrary, on most occasions when legal institutions are transferred between legal systems, these institutions undergo substantial transformations. This is a consequence of structural differences between the legal systems and the decisions taken by the reformers. Second, once the legal institutions are transferred, a set of new transformations may take place as a consequence of the resistance that groups within the pre-existing legal practices may show towards them. I presented this paper in the Graduate seminar and received very fruitful feedback from Arthur Applbaum, Tal Ben-Shachar, Sara Olack, Martin O'Neill, and Patrick Shin. Michael Blake, who co-taught the seminar with Arthur Applbaum and from whom I have also learned a lot this year, was in Oxford that day. In addition, I am very grateful to Alon Harel and Eric W. Orts, Faculty Fellows, who also read the paper and gave me detailed comments and criticisms on it.

The second paper I worked on this year is entitled "Nobody wins?: The Competition of the Adversarial and the Inquisitorial Systems in International Criminal Justice and the Rise of a Third Model of Criminal Procedure." Here, I analyze the evolution of the criminal proceedings of the International Criminal Tribunal for the former Yugoslavia. I show first the specific problems that have

been present in this jurisdiction because lawyers coming from different legal traditions, common and civil law, have had to work together. Second, I show that the criminal proceedings of the tribunal have finally moved in a direction that is neither adversarial nor inquisitorial, nor a mix of both, but rather in the direction of a third model of criminal procedure that I call the "Managerial System." In a future project I will analyze the normative implications of this discovery.

I have also started to work on a third paper where I will make a normative assessment of the adversarial and inquisitorial criminal procedures of common and civil law. Here, I plan to analyze two different issues. First, I want to challenge the link that most scholars establish between the adversarial system and a liberal conception of the state; and the inquisitorial system and authoritarian political conceptions. My claim here will be that the contemporary inquisitorial systems of continental Europe and some Latin American countries are perfectly compatible with a liberal political conception. Second, I will analyze whether the adversarial system is structurally better than the inquisitorial one in terms of generating impartial decision makers (jurors and judges), fair trials, and reliable verdicts that distinguish adequately between the guilty and the innocent (or at least do not convict the innocent). Regarding this research, I have already benefited from useful discussions with Arthur Applbaum, Alon Harel, Jimmy Lenman, Stephen Macedo, and Lionel McPherson.

After five wonderful years at Harvard, I am moving to Los Angeles. Next year, while I finish my dissertation, I will teach at the University of California (Los Angeles) School of Law. One of the things I will carry with me will be the experiences and knowledge that I have acquired in the Center for Ethics through the new colleagues I met, and the friends that I made here.

# Sara B. Olack Edmond J. Sefra Graduate Fellow in Ethics

I am extremely grateful for the year that I have enjoyed as a Graduate Fellow at the University Center for Ethics and the Professions. This has easily been the most productive year of my graduate career, and I owe the substantial amount of progress I was able to make on my dissertation to the Center's support. Special thanks go to Arthur Applbaum and Michael Blake for their unflagging dedication and encouragement and their probing criticisms of my early dissertation material. Thanks also to the Center's wonderful support staff: Jean McVeigh, Maria Catoline, Alyssa Bella, Chambers Moore, Kim Tseko, and Mandy Osborne. Their warmth and generosity are the key to the Center's immensely rewarding intellectual environment.

Our weekly seminars, led by Arthur Applbaum and Michael Blake, were for me one of the most rewarding and memorable aspects of the program. Our reading list covered some of the best literature on some of the most important topics in political and moral philosophy, and Arthur and Michael unfailingly led our discussions in productive directions. I benefited tremendously from their incisive questioning and from the insights and contributions of the other Graduate Fellows. Over the course of my graduate career I have participated in many seminars in a variety of contexts, and in none have I felt so free to engage such wide-ranging and important issues with such supportive and thoughtful colleagues. In this respect, our seminars made an invaluable contribution to my own academic development, and I thank Arthur and Michael for making them possible.

The Center provided a variety of other intellectual opportunities that I very much appreciated. The lecture series brought speakers from a variety of academic and intellectual backgrounds, and I always learned from the lively debates that followed in dinners and discussions. The joint seminars with the Faculty Fellows provided the opportunity to engage issues of great practical import with sustained and in-depth analysis.

My dissertation topic is the theory of punishment. In the philosophical tradition, deterrence theory and retributivism have long been recognized as the two most plausible theories of punishment; while each theory captures an idea that clearly seems important to the justification of punishment, neither is wholly satisfactory. Moreover, the compelling aspects of the two theories pull strongly against one another. I argue that we can bring the most attractive elements of the two theories together if we situate both within the context of the model of political relations that is found in classical social contract theory. Over the course of this year I wrote four new papers that will become dissertation

chapters or parts of chapters. I began the year thinking about Kant's theory of political obligation; I then considered how punishment's justifiability arises as a problem within the context of the model of political institutions developed in the work of H.L.A. Hart and John Rawls. Finally, I turned my attention to the moral analysis of revenge, a topic that is immediately related to the subject of retributive punishment but that has been seriously under-

discussed by moral philosophers.

I am very grateful to the Edmond J. Safra Foundation and to all of those at the Center who made this year possible for me. I will long remember my time at the Center as one of the most stimulating and rewarding experiences of my graduate career at Harvard.

# Martin O'Neill Edmond J. Safre Graduate Fellow in Ethics

My year as an Edmond J. Safra Graduate Fellow in Ethics at the University Center for Ethics and the Professions has been quite tremendous. The Center has provided a wonderful intellectual environment in which to do a lot of useful thinking and writing, both directed towards my dissertation and more generally in other areas of political and moral philosophy. My previous two years at Harvard had been marked by a very heavy teaching load, and it was a blessed relief to be able to scale this back dramatically during the 2002-2003 academic year. For the financial help that made this possible, I am extremely grateful to the Center, and to the Edmond J. Safra Foundation.

My work this year has mostly been directed towards my dissertation, which is on "Freedom, Fairness, and Responsibility: From Agency to Egalitarianism." This project involves tracing the interconnections between issues in the philosophy of action (concerned with free agency, responsibility and choice) and normative issues in political philosophy (specifically, the development of an egalitarian account of distributive justice). I have been looking at the ideas of responsibility that are implicated in accounts of distributive justice, and at the kind of freedom that is required in order for an agent to be responsible in the relevant senses.

My progress in my work on this dissertation has been very substantial this year. With Professor Tim Scanlon (a member of the Center's Faculty Committee) acting as a demanding taskmaster, I moved through half a dozen revisions of my dissertation prospectus, ending up with a document which goes into considerable detail on the different sections of my project (and is approximately half the length of a complete dissertation!). This Dissertation Prospectus was defended during the spring semester, clearing my way to spend the summer, and next year, on getting into the writing of the dissertation proper. In addition, I have written a number of papers during the year which will, in slightly altered form, become part of my dissertation. One on "Contractualism, Choice and Inequality", in the fall, and two, on "Freedom, Agency and Desire" and on "The Trouble with Luck Egalitarianism" in the spring. On each of these, I have received quite excellent feedback from Arthur Applbaum, Michael Blake, and from the other Graduate Fellows, when I have presented them in meetings of our weekly seminar.

Our weekly Graduate Fellows seminar has, in all respects, been a fantastic experience. I have come to the conclusion, indeed, that it has been the best seminar that I have attended during my career as a graduate student. Ably led by Arthur Applbaum and Michael Blake, our weekly meetings have been tremendously good fun, as well as being rigorous, thought provoking and intellectually stimulating. It has been a pleasure to explore such a range of issues with such a thoughtful and intelligent group, and I am grateful to Tal Ben-Shachar, Máximo Langer, Sara Olack and Patrick Shin for being such interesting and good-humoured colleagues. I am especially grateful to Tal and Máximo for putting up with us philosophers, and for teaching me things I never knew about, respectively, psychology and law. Thanks to them, I now know what the Milgram Experiments were, and what a 'legal transplant' is!

Our weekly seminar took place during a time of international uncertainty and upheaval, and there was much to discuss with respect to the "War on Terror," Afghanistan, the Iraq War, and the current lamentable situation in Israel and Palestine. There was a lot of disagreement on these issues around our seminar table, but this did not preclude lively and honest discussion. Academically, for me, the highlights of our weekly seminars were the opportunity

they provided me to get to grips with the moral and political issues involved in health and healthcare distribution, and to think about issues of international justice, especially with regard to Rawls's *Law of Peoples*. These are topics to which I hope to return in the years to come. At any rate, I know already that I shall miss our weekly meetings: Thursday afternoons just won't be the same without them!

As well as my interactions with the other Graduate Fellows, it has been a pleasure to get to know this year's Faculty Fellows and Visiting Professors: Ockert Dupper, Alon Harel, Jimmy Lenman, Steve Macedo, Michelle Mason, Lionel McPherson, Katie McShane, and Eric Orts. I have learned much from reading Lionel's forthcoming articles on Just War Theory, and from discussing them with him; and I am especially grateful to Jimmy for some excellent comments on some of my papers and for some great philosophical discussions (some of which were conducted while walking up and down mountains in New Hampshire). We also had some lively Joint Seminars with the Faculty Fellows, magisterially presided over by Dennis Thompson. In addition, Jimmy and Michelle joined the Philosophy Department's Workshop in Moral and Political Philosophy for the fall semester, and were splendid additions to our departmental community. Most importantly, though, there were many memorable occasions for informal interactions with the Faculty Fellows, especially in Grendel's over dinner or after lecture dinners at the Center.

It is the Center's staff that makes it such a friendly and supportive place. Queries and problems were always dealt with quickly and helpfully, and it was quite wonderful to be in an environment where such efforts were made in order to make our time as productive as possible. For all their help, kindness and good humour, I am very grateful to Alyssa Bella (and her predecessor, Chambers Moore), Maria Catoline, Mandy Osborne, Kim Tseko and, above all, Jean McVeigh.

One of the most tangible benefits of this year has been how well it has set me up for the next. Having made tangible progress on my research, I was able to secure a Dissertation Fellowship in the University Program on Justice, Welfare and Economics for the 2003-2004 academic year. This means that I will be freed of all teaching commitments for the upcoming year, and can devote

myself exclusively to writing my dissertation. I will spend much of next semester with my partner, Mary, in the other Cambridge (that is, the one in England), turning thoughts into text. The Fellowship from the Ethics Center came just at the right point in my graduate career, and I am most appreciative of the way in which it has allowed me to see the 'light at the end of the tunnel' of graduate school!

I have, in short, had a fantastic year at the Center for Ethics and the Professions. Dennis Thompson has created a wonderful institution, which does so much in so many ways to promote the study of Ethics at Harvard, and for which we are all very grateful. My greatest thanks go to Arthur Applbaum for presiding over us Graduate Fellows with such wit, enthusiasm and intelligence, and for making our year at the Center such a memorable one.

### Patrick Shin Edmond J. Sefra Graduate Fellow in Ethics

I am deeply thankful for having had the privilege of being a Graduate Fellow at the Center this past year. It has been a stimulating and incredibly enriching experience. I feel indebted to the Center in several ways.

First, I benefited greatly from the tremendous support provided by the staff: Jean McVeigh, Maria Catoline, Alyssa Bella (and Chambers Moore), Kim Tseko, and Mandy Osborne. I was impressed by their commitment to the Center and their adeptness at making it function so smoothly.

Second, I profited immensely from the weekly Graduate Fellows seminar, run by Arthur Applbaum with Michael Blake. The discussions and exchanges among Arthur, Michael, and the fellows were always lively, absorbing and illuminating. We talked not only about a wide range of topics in ethics and political philosophy, but we also had the unusual opportunity to discuss moral issues concerning international relations and conflict as events unfolded in the Middle East over the course of the year. These discussions challenged and pushed my own thinking on all of these matters in productive and often surprising ways. On another level, I also learned a great deal from observing the agility and attentiveness with which Arthur conducted the seminars, and I will regard his way of doing things as a model for my own teaching in the future.

Finally, the fellowship funding allowed me to take on a reduced teaching load, which in turn enabled me to focus my attention on my dissertation research. Over the course of the academic year, I was able to write three papers out of which grew a complete draft of my dissertation prospectus. My topic is the concept of equal treatment. At the beginning of the year, I had been struggling with finding the right theoretical framework for thinking philosophically about practical problems relating to issues of discrimination and other forms of unequal treatment. As the year progressed, and as I discussed my ideas with the other fellows and presented my work in our seminars, I was finally able to find my footing and identify and locate my theoretical target—the notion of equal treatment—at the boundary where political philosophy meets moral theory proper. I now have a much clearer view of how my project ought to move forward. And even as I have come to have a firmer grasp of the theoretical questions I am asking, I have also narrowed my practical focus to three specific objectives: developing a philosophical account of what counts as objectionable discrimination; coming to grips with the ethics of the practice of "racial profiling"; and resolving whether we owe any duties of equal treatment to non-human animals.

So, I express my thanks to the Edmond J. Safra Foundation for making it possible for me to be at the Center this year.

### APPENDIX III

Reports of the Visiting Professors 2002-2003

#### Nicholas A. Christakis Visiting Professor in Ethics

As a new faculty member on the Harvard campus, and as one who seeks to be broadly interdisciplinary, spanning medicine and the social sciences, I was especially grateful for the opportunity that the Center for Ethics and the Professions provided when Dennis Thompson invited me to be a Visiting Professor.

And, indeed, the Center's Faculty Fellows seminar series did not disappoint! Both intellectually and administratively, it is run superbly. I very much appreciated the chance to spend one-half day each week in Cambridge engaged in what proved to be vigorous intellectual discussions about a variety of topics.

In addition to the opportunity to meet fellows and faculty from other disciplines and from other parts of the University, I benefited from the program in at least two ways. Intellectually, two of the topics we discussed this year were highly relevant to my ongoing work. The readings about, and our discussion of, the doctrine of the double effect enriched my ongoing work on the role of unintended consequences in medical care (the topic of a book I am writing on medical harm). Similarly, our readings and discussion of the issue of individual versus collective blame—and the role of democratic institutions and processes in the matter of blame more generally—were relevant to my project.

On a more pragmatic level, my year as a Visiting Professor at the Center for Ethics and the Professions coincided with my first year as Director of a new Harvard-wide Robert Wood Johnson Foundation funded postdoctoral fellowship program. The RWJ program is intended to train sociologists, economists, and political scientists in matters related to health and health policy. In collaboration with Gary King and Joe Newhouse, I was planning this fellowship program during the academic year. Many of the pragmatic ways we will organize our fellowship wound up being modeled on the ways that Dennis Thompson has organized the fellowship program for the Center for Ethics and the Professions.

In short, my year in the Center was both intellectually and pragmatically productive and I am grateful, most of all, for the personal connections that the Center has permitted me to develop with those considering ethical issues at Harvard.

# Stephen Macedo Visiting Professor in Ethics

The Harvard University Center for Ethics and the Professions has been a wonderful setting in which to spend a year's leave: productive, stimulating, and enjoyable. I am very grateful to Dennis, along with Jean, Maria, and the rest of the Center's excellent staff, as well as to your Faculty Committee, for allowing me to join you this past year.

Here is a run down of what I have been up to in terms of writing, editing, and organizing. I was able to make progress on a number of projects in areas ranging from international justice to school reform and civic education, liberalism and its critics, and American constitutional law.

I revised the introduction, edited, and submitted for publication a collection of essays titled: Universal Jurisdiction: National Courts and the Prosecution of Serious Crimes Under International Law. This collection is the final product of our multi-year Princeton Project on Universal Jurisdiction, to be published in fall 2003 by the University of Pennsylvania Press. I attended an excellent seminar on this topic run by Henry Steiner at Harvard Law School. This seminar, and a lunch with Steiner, led me to draft a "reply to critics" of universal jurisdiction, which I hope to finish this summer. Also on the editing front, I finished NOMOS XLV: Secession and Self-Determination, co-edited with Allen Buchanan, and I have come close to finishing NOMOS XLVI: Political Exclusion and Domination, which I am co-editing with former Faculty Fellow in Ethics Melissa Williams.

I have written and revised a review essay of four books on school reform for *Perspectives on Politics*, the new journal being edited by Jennifer Hochschild (I will finish final revisions this summer). I also wrote an "interview" on political theory and education for a journal called *School Field*, and condensed and revised a piece for the official journal of "communitarianism," *The Responsive Community*, called "The Trouble With Bonding" (a discussion of conservative religious communities and Putnam's "social capital" thesis). In the fall I wrote a review of William A. Galston's *Liberal Plundism*, that appeared in *The American Prospect* (December 30, 2002) under the title, "The Perils of Diversity."

In the spring I spent two solid months re-writing, updating, and editing the third edition of *American Constitutional Interpretation*, forthcoming in September 2003 from Foundation Press, and co-edited with Walter F. Murphy, James E. Fleming, and Sotirios A. Barber. I was responsible for the introductory and constitutional theory chapters of this 1450-plus page behemoth, as well as for the chapters on religion and property.

For the Faculty Fellow's seminar, I wrote a piece on the two surprising aspects of Rawls's *The Law of Peoples* (his argument for fully respecting certain decent but non-liberal peoples, and his insistence that we should not apply principles of distributive justice across political societies), "What Self-Governing Peoples Owe Each Other: A Defense of John Rawls's Law of Peoples." It was great to be able to discuss this in the Faculty Fellows seminar, and I presented a revised version of it at a most interesting conference on human rights in Qorn, Iran, in mid May. I will further revise this article for a conference on "Rawls and the Law" next fall at Fordham School of Law (organized by former Faculty Fellow in Ethics James E. Fleming).

In the fall in particular I probably spent more time than I should have on two ongoing projects for which I am principal organizer. I agreed in September 2002 to chair, for two years, the American Political Science Association's first Standing Committee on Civic Education and Engagement. We met three times over the year and are now in the process of preparing a report on the ways in which the design of public policies and institutions-other than educational policies and institutions—can facilitate civic engagement and civic competence. In addition, in my capacity as a member of the National Working Commission on Choice in K-12 Schooling (co-sponsored by the Brookings Institution and the Bill and Melinda Gates Foundation), I organized and chaired a conference in London in April 2003 on the ways in which other countries regulate the flow of public dollars to non-public schools for the sake of promoting various civic values. We will produce an edited book, the purpose of which will be to inform US policymakers and citizens about how "voucher programs" and other similar forms of school reform might be designed to advance civic educational purposes.

This has been a busy year and it has gone by awfully fast. I enjoyed our fellows seminar tremendously: I very much admire the mission of the University Center for Ethics and the Professions, and was delighted to work through the syllabus that Dennis Thompson devised for our faculty seminar. This material will be enormously beneficial to me next spring when I teach "Ethics and Public Policy" at Princeton. Dennis may remember that I was a teaching assistant for him and Amy Gutmann in this very course nearly 20 years ago when I was a graduate student in politics at Princeton. It has been awfully nice to have the opportunity to go over related material with Dennis and the other fellows in advance of returning to teach the class.

The group of fellows was really excellent. I will miss our discussions and I look forward to staying in touch with all of them. I also very much enjoyed having the opportunity to spend time with various people in and around the University, including my Taubman first floor neighbors Michael Blake and Mathias Risse (Mathias and I became very chummy with the staff at a local Korean restaurant), Arthur Applbaum, Ken Winston and Mary Jo Bane, Nancy Rosenblum, Jenny Mansbridge, Russ Muirhead and Glyn Morgan, and others. I attended Center events religiously, and little else, but I very much enjoyed the sessions I was able to attend of Christopher Jencks's equality seminar.

Dennis presided over our seminars, the public lectures and dinners, and everything at the Center, with grace, good humor, and keen insight. As I return to directing the University Center for Human Values at Princeton, I feel daunted but also inspired by his example, and the wonderful work of Jean and the others on the staff. Everything at the Center seems to succeed effortlessly, but I know that this and all else is the result of hard work. I leave with tremendous gratitude and admiration. Thank you!

### APPENDIX IV

Faculty Fellows Seminar Syllabus

#### **FALL 2002**

### September 24 Cases in Practical Ethics

Spaulding v. Zimmerman, adapted by Harold Pollack from L. R. Patterson, Legal Ethics: The Law of Professional Responsibility (M. Bender, 1982)

"Three Apologies: The CEO, the Cardinal and the Director," (2002)

Optional: Whistleblower statements by Rowley and Watkins

"Three Moments in the Stem Cell Debate" and the Michael Sandel Dissent

"InteliHealth and Harvard's Health"

Lawyers and Terrorists: Laura Mansnerus, "Fine Line in Indictment: Defense vs. Complicity," *New York Times* (April 11, 2002)

"Prosecuting Lawyers," Washington Post, (April 12, 2002) Deborah L. Rhode, "Terrorists and Their Lawyers," New York Times, (April 16, 2002)

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

### October 1 The Ethics of Roles

Presentation: Alon Harel

David Luban, Lawyers and Justice, ch. 6, pp. 104-27

Michael Hardimon, "Role Obligations," Journal of Philosophy 91 (1994), pp. 333-63

A. John Simmons, "Comments and Criticism: External Justification and Institutional Roles," *The Journal of Philosophy*, Vol. 93, No. 1 (January, 1996): 28-36

Arthur Applbaum, Ethics for Adversaries, ch.2, pp. 15-42

Optional: Kazuo Ishiguro, *The Remains of the Day* (Knopf, 1989), pp. 31-37, 103-17, 138-39, 146-54, 164-69, 199-201

#### October 8

#### Legal Ethics

Presentation: Ockert Dupper

David Luban, *Lawyers and Justice*, pp. 56, 67-93, 154-62

Bill Simon, *The Practice of Justice*, (Cambridge, MA: Harvard University Press, 1998), Introduction (pp. 4-25), Legal Ethics as Contextual Judgement (pp. 138-56)

Optional: Robin West, "The Zealous Advocacy of Justice in a Less than Ideal Legal World," 55 Stanford Law Review 973 (April 1999)

### October 15 Moral Conflict: The Nature of Dilemmas

Presentation: Jimmy Lenman

Thomas Nagel, "The Fragmentation of Value," in *Monal Dilemmas*, Christopher Gowans, ed., (Oxford, 1987), pp. 174-87

Frances Kamm, "Responsibility and Collaboration," Philosophy & Public Affairs (1999)

Bernard Williams and J.J.C. Smart, *Utilitarianism For and Against* (Cambridge, 1973), pp. 97-99

### October 22 Political Ethics

Presentation: Lionel McPherson

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

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

John Rawls, "50 Years After Hiroshima," *Dissent* (Summer, 1995), pp. 323-27

### November 5 Moral Conflict: Modes of Resolution

Presentation: Stephen Macedo

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, 1789-94

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

Amy Gutmann and Dennis Thompson, *Democracy and Disagreement* (Cambridge, MA: 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 12 Moral Conflict: Multiculturalism

Presentation: Katie McShane

Amy Gutmann, "The Challenge of Multiculturalism in Political Ethics," *Philosophy & Public Affairs*, vol. 22, no. 3 (Summer 1993), pp. 171-206

Anne Fadiman, The Spirit Catches You and You Pall Down, excerpts

# November 19 Medical Ethics: The Politics of Physician Assisted Suicide

Presentation: Nicholas Christakis

"The Philosophers' Brief," New York Review of Books (March 27, 1997)

Council Report, "Decisions Near the End of Life," Council on Ethical and Judicial Affairs, *Journal of the American Medical Association* (April 22/29, 1992), pp. 2229-33

Leon Kass, "Neither for Love nor Money: Why Doctors Must Not Kill," *The Public Interest* (Winter 1989), pp. 25-46

Timothy Quill, "Death and Dignity: A Case of Individualized Decision Making," New England Journal of Medicine (March 7, 1991), pp. 691-94

# December 3 Morel Agency: Responsibility of Organizations

Presentation: Michelle Mason

Joel Feinberg, "Collective Responsibility," *Journal of Philosophy*, vol. 65 (Nov. 7, 1968), pp. 674-88

Dennis Thompson, "The Moral Responsibility of Many Hands," *Political Ethics and Public Office* (Harvard University Press, 1990) ch. 2

### December 10 Business Ethics

Presentation: Eric Orts

Milton Friedman, "The Social Responsibility of Business is to Increase its Profits," *Ethical Theory and Business*, ed. Beauchamp and Bowie (Prentice Hall, 5th ed., 1997), pp. 56-61

Amartya Sen, "Does Business Ethics Make Economic Sense?" *Business Ethics Quarterly* (January, 1993), vol. 3, pp. 244-51

Thomas Donaldson, "Adding Corporate Ethics to the Bottom Line," Financial Times, November 13, 2000

Amitai Etzioni, "The Education of Business Leaders," The Responsive Community (fall 2002), pp. 59-68

William E. Newburry and Thomas N. Gladwin, Case Study: Shell and Nigerian Oil, reprinted in *Contemporary Business Themes*, 1997, pp. 522-41

#### SPRING 2003

### February 11 Distributive Justice: Future Generations

Presentation: Steve Macedo, Alon Harel

John Rawls, Justice as Fairness: A Restatement, (Cambridge, MA: Harvard University Press, 2001) pp. 42-44, 50-66

G.A. Cohen, If You're an Egalitarian, How Come You're So Rich? (Cambridge, MA: Harvard University Press, 2000) pp. 121-33

John Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999) pp. 3-5,106-20

### February 18 Fellows' Work in Progress

Presentation: Alon Herel, Jimmy Lenman

Alon Harel, "The Virtues of Uncertainty in Law: An Experimental Approach," forthcoming in *Iowa Law Review*, 2003

James Lenman, "Risk-Imposition and Contractualism: Some Thoughts," working paper

# February 25 Fellows' Work in Progress

Presentation: Lional McPherson, Steve Macedo

Lionel K. McPherson, "Innocence and Responsibility in War," working paper

Stephen Macedo, "What Self-Governing Peoples Owe to One Another: A Defense of John Rawls's *Law of Peoples*," working paper, presented at the International Conference on Human Rights, Mofid University, Qom, Iran May 16-17, 2003

# March 4 Responsibility and Desert

Presentation: Michelle Mason

John Rawls, A Theory of Justice, section 48 ("Legitimate Expectations and Moral Desert"), pp. 310-15 (Cambridge, MA: Harvard University Press, Belknap, 1971)

John Rawls, Justice as Fairness: A Restatement, in Erin Kelly, ed. (Cambridge, MA: Harvard University Press, 2001), pp. 73-79

Samuel Scheffler, "Responsibility, Reactive Attitudes, and Liberalism in Philosophy and Politics," *Philosophy & Public Affairs*, vol. 21, no. 4 (Autumn, 1992): 299-323

Optional: Erin Kelly, "Doing Without Desert," *Pacific Philosophical Quarterly*, vol. 83, no. 2 (June, 2002), 180-201

# March 11 Representation and Democracy

Presentation: Lionel McPherson

Jürgen Habermas, "Three Normative Models of Democracy," in *Democracy and Difference: Contesting the Boundaries of the Political*, Seyla Benhabib, ed. (Princeton, NJ: Princeton University Press, 1996), 21-30

Amy Gutmann and Dennis Thompson, *Democracy and Disagreement*, ch. 4, "The Scope of Accountability," (Cambridge, MA: Harvard University Press, Belknap, 1996), 128-55, 163-64, 384-89

"Abortion in South Dakota," in *Ethics and Politics*, third edition, eds. Gutmann and Thompson (Chicago: Nelson Hall, 1997): 380-85

Optional Reading, pp. 385-400

# March 18 Human Rights

Presentation: Ockert Dupper, Katie McShane

Monique Deveaux, "A Deliberative Approach to Conflicts of Culture," excerpts, working paper, (February, 2003)

Michael Ignatieff, "Human Rights as Politics" and "Human Rights as Idolatry," delivered at the Tanner Lectures on Human Values, Princeton University April 4-7, 2000

#### April 1

#### Fellows' Work in Progress

Presentation: Michelle Mason, Eric Orts

Michelle Mason, "Shamelessness," working paper

Eric Orts, "A Social Theory of the Business Enterprise," working introduction

Eric Orts, "A Short History of the Rise of the Business Enterprise," working chapter

# April 8 Ethics and Economics

Presentation: Jimmy Lenman

John Broome, Ethics Out of Economics (Cambridge and New York: Cambridge University Press, 1999), pp. 177-227

### April 15 Fellows' Work in Progress

Presentation: Katie McShane, Ockert Dupper

Katie McShane, "In Defense of Non-Anthropocentrism," working paper

Ockert Dupper, "Affirmative Action in South Africa: Some Critical Questions," working paper

### April 22 Nature

Presentation: Eric Orts, Katie McShane

Environmental Ethics, Robert Elliot, ed. (UK: Oxford University Press, 1995), pp. 89-103, 226-47

Michel Serres, *The Natural Contract* (University of Michigan Press, 1995), pp. 1-3, 27-46)

The Essays of Henry David Thoreau, Lewis Hyde, ed. (New York: North Point Press, 2002), pp. 149-50, 153-54, 170-72

### APPENDIX V

Graduate Fellows Seminar Syllabus

#### **FALL 2002**

#### Session 1: September 19 Syllabus Planning

Presentation: Arthur Applbaum

### Session 2: September 26 Cases in Professional and Practical Ethics

Presentation: Arthur Applbaum

"Spaulding v. Zimmerman"

"The Saturday Night Massacre"

Kazuo Ishiguro, *The Remains of the Day* (Random House, 1989), pp. 31-44, 103-17, 138-39, 146-54, 164-69, 199-201

### Session 3: October 3 Ethics of Role i

Presentation: Arthur Applbaum

MacIntyre, After Virtue (Notre Dame, 1981), pp. 175-81, 190-97

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

Michael Hardimon, "Role Obligations," *Journal of Philosophy* 91 (1994), pp. 333-63

### Session 4: October 10 Ethics of Role II

Presentation: Sara Olack

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 17 Legal Ethics

Presentation: Máximo Langer

David Luban, *Lawyers and Justice* (Princeton University Press, 1988), pp. 11-30, 50-130

### Session 6: October 24 Moral Dilemmas

Presentation: Martin O'Neill

Michael Walzer, "Political Action: The Problem of Dirty Hands," *Philosophy and Public Affairs*, vol. 2 (1973): pp. 160-80

Bernard Williams, "Ethical Consistency," in his Problems of the Self (Cambridge, 1973), pp. 166-86

Alan Donagan, "Consistency in Rationalist Moral Systems," *Journal of Philosophy*, vol. LXXXI, No. 6, June 1984, pp. 291-309

Bernard Williams, "Two Cases: George and Jim" from "Consequentialism and Integrity" in Samuel Scheffler, ed. Consequentialism and its Critics (Oxford, 1988), pp. 32-35

# Session 7: October 31 Action and Responsibility

Presentation: Patrick Shin

Warren Quinn, "Actions, Intentions, and Consequences: the Doctrine of Double Effect," in *Monality and Action* (Cambridge University Press, 1993), 175-93

Samuel C. Rickless, "The Doctrine of Doing and Allowing," *Philosophical Review* 106 (1997): pp. 555-57

T.M. Scanlon, "Intention and Permissibility," Supplement to the Proceedings of the Aristotelian Society 74, no. 1 (2000), pp. 301-17

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

## Session 8: November 7 Military Ethics

Presentation: Tal Ben-Shacher

Michael Walzer, Just and Unjust Wars (Basic Books, 1977) Chapters 3, 9, 11, 12 and 13

# Session 9: November 14 Collective Agency

Presentation: Sara Olack

Thomas Hobbes, *Leviathan*, Ch. 16, ed. C.B. McPherson Pelican Books, 1968

Christine Korsgaard, Creating the Kingdom of Ends (Cambridge University Press, 1996), pp. 369-74

Ronald Dworkin, *Law's Empire* (Belknap Press of Harvard University Press, 1986), pp. 167-75 "Community Personified"

Joel Feinberg, "Collective Responsibility," in *Doing and Deserving* (Princeton University Press), 1970

#### Session 10: November 21 Organizational Ethics

Presentation: Tal Ben-Shachar

Joshua Margolis, "Psychological Pragmatism and the Imperative of Aims: A New Approach for Business Ethics" Business Ethics Quarterly, Vol. 8, No. 3 (1998) pp. 409-30

John Darley, "How Organizations Socialize Individuals into Evildoing" in (eds.) David M. Messick and Ann E. Tenbrunsel; Codes of Conduct: Behavioral Research into Business Ethics (Russell Sage Foundation: New York), pp. 13-58

Robert Caldini, Social Influence and the Triple Tumor Structure of Organizational Dishonesty

Jeffrey Seglin, "Would You Lie to Save Your Company?"
July 1, 1998

### Session 11: December 5

Presentation: Sara Olack

Christine Korsgaard, "Creating the Kingdom of Ends: Reciprocity and Responsibility in Personal Relations" in her *Creating the Kingdom of Ends* (Cambridge University Press, 1996), pp. 188-221

T.M. Scanlon, What We Owe to Each Other (Belknap Press, Harvard University Press, 1998), pp. 248-56, 267-94, 399-402

Harry G. Frankfurt, "Freedom of the Will and the Concept of a Person," *Journal of Philosophy*, vol. 68, no. 1 (January 14, 1971), pp. 5-20

Jim Yardley, "Father of 5 Slain Children Recalls Wife's Depression," *New York Times*, Feb. 28, 2002; and Associated Press article "Mental Decline of Yates Documented," *New York Times*, March 1, 2002

# Session 12: December 12 Justice, Responsibility, and Health

Presentation: Martin O'Neill

Ronald Dworkin, "Justice and the High Cost of Health" in his Sovereign Virtue: The Theory and Practice of Equality (Cambridge, MA, Harvard University Press, 2000), pp. 307-19

Norman Daniels, "Primary Social Goods and the Needs and Capabilities of Citizens" extracted from his "Chapter 3: Rawls' Complex Egalitarianism" in Samuel Freeman, ed., *The Cambridge Companion to Rawls* (Cambridge, England: Cambridge University Press, 2002), pp. 256-63

Articles from the Colloquium on Health and Global Justice in *Ethics and International Affairs*, vol. 16, no. 2 (fall 2002)

- Mira Joshi and Christian Barry, "Introduction," pp. 33-34
- Daniel Wikler, "Personal and Social Responsibility for Health," pp. 47-55
- Thomas Pogge, "Responsibilities for Poverty-Related Ill Health," pp. 71-79
- Gopal Steenivasan, "International Justice and Health: A Proposal," pp. 81-90
- Christian Barry and Kate Raworth, "Access to Medicines and the Rhetoric of Responsibility," pp. 57-70

#### SPRING 2003

### Session 13: January 30 Presentations

Sara Olack, "Punishment and Recognition in a Society of Equals"

Arthur Applbaum, "Legitimacy in a Bastard Kingdom"

### Session 14: February 6 Presentations

Patrick Shin, "Toward a Concept of Equal Treatment"

Tal Ben-Shachar, "Relativism, Morality, and Happiness"

### Session 15: February 13 Presentations

Máximo Langer, "From Legal Transplants to Legal Translations: The Globalization of Plea Bargaining and the Americanization Thesis in Criminal Procedure"

Martin O'Neill, "Contractualism, Choice and Inequality: On Scanlon on Substantive Responsibility"

# Session 16: February 20 Constitutionalism and Democracy

Presentation: Patrick Shin

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

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

Ronald Dworkin, *Freedom's Law* (Harvard University Press, 1996), Introduction

### Session 17: February 27 Public Reason

Presentation: Sara Olack

John Rawls, "Introduction to the Paperback Edition," in *Political Liberalism* (Columbia Press, 1993), xxxvii – kii

John Rawls, "Fundamental Ideas," in *Political Liberalism* (Columbia Press, 1993), sections 1-3 and 5-7, pp. 3-43

John Rawls, "The Idea of Public Reason," in *Political Liberalism* (Columbia Press, 1993), pp. 212-54

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

# Session 18: March 6 Lew of Peoples

Presentation: Martin O'Neill

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

### Session 19: March 13 Just War

Presentation: Tal Ben-Shachar

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. 164-81

Michael Walzer, "The Moral Standing of States: A Response to Four Critics," *Philosophy & Public Affairs* 9:3 (1980), pp. 209-29

Charles R. Beitz, "Nonintervention and Communal Integrity," *Philosophy & Public Affairs* 9:4 (1980), pp. 385-91

David Luban, "The Romance of the Nation-State," Philosophy & Public Affairs 9:4 (1980), pp. 392-97

# Session 20: March 20 Revolution, Secession, and Civil War

Presentation: Sara Olack

Christine M. Korsgaard, "Taking the Law into Our Own Hands: Kant on the Right to Revolution," in Andrew 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, selections from *Second Treatise of Government*, Ch. 8, sec. 95-99; Ch. 11, all; Ch. 13, sec. 149-55; Ch. 18, all; Ch. 19, all

# Session 21: April 3 Authority of International Law

Presentation: Máximo Langer

H.L.A. Hart, *The Concept of Law* (2nd ed., 1994), pp. 216-37

Anthony D'Amato, "Is International Law Really 'Law'?", Northwestern University Law Review, Vol. 79 (1984): 1293

# Session 22: April 17 Profiling and Equal Treatment

Presentation: Patrick Shin

Arthur Applbaum, "Racial Generalization, Police Discretion, and Bayesian Contractualism," in *Handled* with Discretion: Ethical Issues in Police Decision Making, ed. John Kleining (New York: Rowman & Littlefield Publishers, Inc., 1996), pp. 145-57

Mathias Risse & Richard Zeckhauser, "Racial Profiling" (unpublished manuscript)

Randall Kennedy, "Suspect Policy," *The New Republic*, 13 September 1999

### Session 23: April 24 Historical Injustice and Redress

Presentation: Máximo Langer

Andrew Brownstein, "Suits Bring Debate Over Slavery Reparations into the Courtroom," 38-December Trial 68 (December, 2002)

Carlos Santiago Nino, "Legal Problems of Trials for Human Rights Violations," in *Radical Evil on Trial*, (New Haven: Yale University Press, 1996), pp. 149-64

Jeremy Waldron, "Superseding Historic Injustice," Ethics, Vol. 103. Issue 1 (October 1992), pp. 4-28

# Session 24: May 1 Ethics of the Academy

Presentation: Tal Ben-Shachar

Derek Bok, "Can Ethics Be Taught?" Change, October 1976

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. 434-47

Lynn Sharp Paine, "Ethics as Character Development: Reflections on the Objective of Ethics Education," in *Business Ethics: The State of the Art*, R. Edward Freeman, ed., (New York: Oxford University Press, 1991), pp. 67-86

### Session 25: May 8 Presentations

Michael Blake, "Recognition and Political Representation"

Martin O'Neill, "Agency, Desire and Ambivalence: Or, Freedom without Wholeheartedness"; "John Locke, Communist?"

### Session 26: May 22 Presentations

Tal Ben-Shachar, "Restoring Self-Esteem: The Constructs of Dependent and Independent Competence and Worth"

Patrick Shin, "Two Interpretations of Equal Treatment"

Sara Olack, "And If You Wrong Us, Shall We Not Revenge? Why It's Both Very Easy and Very Difficult to Say What is Morally Wrong With Revenge Maxims"

# Session 27: May 29 Presentations

Máximo Langer, "Models of Criminal Procedure and the Liberal State"

Martin O'Neill, "Equality without Responsibility: The Trouble with Luck Egalitarianism"

### APPENDIX VI

Faculty Fellows in Ethics 2003-2004

RUTH CHANG is Assistant Professor of Philosophy at Rutgers University, New Brunswick. She received her AB from Dartmouth College, JD from Harvard Law School, and DPhil in philosophy from Balliol College, Oxford. Her research interests lie in issues concerning the nature of practical reason, normativity, and agency. During her fellowship year, she will work on a book titled: The Reach of Reason: Value, Incomparability, and Choice, about the role of evaluative comparisons in understanding value and practical reason. Her recent publications include Making Comparisons Count (Routledge), "The Possibility of Parity" in Ethics, and "Putting Together Morality and Well-Being" (forthcoming in Practical Conflicts, Cambridge University Press). She is editor of Incommensurability, Incomparability and Practical Reason (Harvard University Press).

**HEATHER GERKEN** is Assistant Professor of Law at Harvard Law School, Professor Gerken earned a BA. summa cum laude, from Princeton University, and graduated summa cum laude from the University of Michigan Law School. Following graduation, she clerked for Judge Stephen Reinhardt of the Ninth Circuit Court of Appeals and Justice David Souter of the United States Supreme Court. After practicing for several years at a firm specializing in constitutional litigation and election law, she joined the Harvard faculty in September 2000. Professor Gerken's research centers on questions of applied democratic theory, including the role groups play in a democratic system and the translation of institutional design choices into manageable legal doctrine. Her publications include "Understanding the Right to an Undiluted Vote," Harvard Law Review (2001), and "The Costs and Causes of Minimalism in Voting Cases: Baker v. Carr and Its Progeny," North Carolina Law Review (2002). During the fellowship year, she will examine the design of aggregative democratic institutions such as juries and electoral districts. Professor Gerken is the Engene P. Beard Faculty Fellow in Ethics 2003-2004.

ERIN KELLY is Associate Professor of Philosophy at Tufts University, where she teaches moral and political philosophy. She received her PhD from Harvard University and her BA from Stanford University. Her recent papers include, "Personal Concern" in Canadian Journal of Philosophy (March 2000); "Doing without Desert" in Pacific Philosophical Quarterly (2002); and "The Burdens of Collective Liability," Ethics and Foreign Intervention, eds. Deen Chatterjee and Don Scheid, Cambridge University Press (2003). During the fellowship year, Professor Kelly will write a book that criticizes the reliance of many moral philosophies on the concept of desert and explores alternatives to retributive justifications of punishments.

MATHIAS RISSE is Assistant Professor of Public Policy and Philosophy at the John F. Kennedy School of Government. He studied at Bielefeld, Pittsburgh, the Hebrew University of Jerusalem, and Princeton, where he received a PhD in 2000. Following his fellowship year at the Princeton Center for HumanValues, he taught in the department of philosophy and in the program in Ethics, Politics, and Economics at Yale. His wide-ranging research interests focus primarily on issues at the intersection of philosophy, political theory, and economics in contemporary political philosophy, and on contemporary egalitarian theories of justice. He also researches Nietzsche's moral philosophy, and has a growing interest in just war theory. Recent publications include "Arrow's Theorem, Indeterminacy, and Multiplicity Reconsidered" in Ethics (2001), "What Equality of Opportunity Could Not Be" in Ethics (2002), "Harsanyi's 'Utilitarian Theorem' and Utilitarianism" in Nous (2002), and "Reading the Second Treatise in the 'Genealogy of Morality': Nietzsche on Guilt and the Bad Conscience" in European Journal of Philosophy (2001).

ALEX TUCKNESS is Assistant Professor of Political Science at Iowa State University. He received his AB from the University of Chicago in political science, his MPhil from Cambridge University, and his PhD from Princeton University. During his fellowship year he will work on a book titled: Principles of International Justice: A Legislative Approach, that will develop a reciprocity based ethical framework for the fallible and often self-interested agents who make decisions in international politics. His first book, Locke and the Legislative Point of View, was published by Princeton University Press. Professor Tuckness's articles have appeared in the Journal of Political Philosophy, American Political Science Review, and the Journal of the History of Philosophy.

EVA WEISS, MD, PhD, is a Fellow of the Department of Hematology and Oncology at the University Hospital, Munich, where she established the first educational program in end-of-life care ethics for physicians and nurses. She completed her thesis in cancer research at the German Center for Cancer Research in Heidelberg. She has studied medical ethics at the University of Hagen and is executive director for the educational program in Ethics, Philosophy and Politics of the Foundation for Political and Christian Youth Education. Currently she is investigating clinical ethics committees at several Harvard University teaching hospitals and plans to use the fellowship year to research organizational ethics and accountability in health care. In 2002-2003, she was a Fellow in Medical Ethics at the Division of Medical Ethics, Harvard Medical School. Dr. Weiss is the Edmond J. Safra Faculty Fellow in Ethics 2003-2004.

### APPENDIX VII

Graduate Faculty Fellows in Ethics 2003-2004

# APPENDIX VIII

Visiting Professors in Ethics 2003-2004

NANCY ROSENBLUM is Senator Joseph Clark Professor of Ethics in Politics and Government at Harvard and a Faculty Associate of the Ethics Center. Her field of research is political theory, both the historical and contemporary political thought. She is the author most recently of Membership and Morals: The Personal Uses of Pluralism in America (1998), which was awarded the American Political Science Association's David Easton Prize in 2000. Her recent edited works include Breaking the Cycles of Hatred: Memory, Law, and Repair with Martha Minow (2002); Obligations of Citizenship and Demands of Faith: Religious Accommodation in Pluralist Democracies (2000); and Civil Society and Government, coedited with Robert Post. Professor Rosenblum is working on two long-term projects: Primus Inter Pares, a study of the political theory of political parties, and The Quality of Life, a study of Henry David Thoreau. In addition to Government courses at the graduate and undergraduate levels, Professor Rosenblum offers a course on "legalism" in the moral reasoning core curriculum.

FRANCES M. KAMM is Professor of Philosophy and Public Policy at the John F. Kennedy School of Government, and a Faculty Associate of the Ethics Center. Her most recent position was Professor of Philosophy and adjunct Professor of Law at New York University. She specializes in normative ethical theory and problems in practical ethics related to medicine and law. Her publications include Creation and Abortion (Oxford, 1992) and Morality, Mortality, Vols. I and II (Oxford, 1993 and 1996). She is a member of the editorial boards of Philosophy & Public Affairs, Legal Theory, Bioethics, and Utilitas, and was a consultant on ethics to the World Health Organization. Professor Kamm was a Faculty Fellow in Ethics in 1989-90.

# APPENDIX IX

Public Lecture Series 2003-2004

# FALL

# **OCTOBER 16**

# Access to Justice: How the American Legal System Felis Those Who Need it Most

### **Deborah Rhode**

Ernest W. McFarland Professor of Law Director, Keck Center on Legal Ethics and the Legal Profession Stanford University School of Law

Cosponsored with the Program on the Legal Profession, Hervard Law School

# UNIVERSITY TANNER LECTURES ON HUMAN VALUES

#### NOVEMBER 19-21

# The Science of Religion and the Religion of Science

### Richard Dawkins

Charles Simonyi Chair of the Public Understanding of Science, Oxford University
Lowell Lecture Hall, Kirkland and Oxford Streets

Componented with the Office of the President

### **DECEMBER 11**

## Liberty, Paternalism, and Welfare

#### **Cass Sunstein**

Karl N. Llewellyn Distinguished Service Professor of Jurisprudence Law School and Department of Political Science University of Chicago

#### SPRING

#### **FEBRUARY 19**

# The Ethics of Immigration

## Joseph H. Carens

Professor of Political Science, University of Toronto

## MARCH 18

# Trust and Transition: What Makes for Horizontal Trust in New Democracies?

#### Claus Offe

Professor of Political Science Institute for Social Sciences Humboldt University, Berlin

Coeponsored with the Center for European Studies

# **APRIL 8**

# Cultural Diversity v. Economic Solidarity: Resolving the Tension

# Philippe van Parijs

Professor, Faculty of Economic, Social & Political Sciences, Universite Catholique de Louvain—Chaire Hoover

#### APRIL 29

# The Just War Ethic: Its Role in a Changing Strategic Context

## J. Brvan Hehk

President, Catholic Charities USA and Distinguished Professor of Ethics and International Affairs, Walsh School of Foreign Service, Georgetown University

Unless otherwise noted, lectures will be held at 4:30 p.m. in Starr Auditorium, Kennedy School of Government. They are free and open to the public: no ticket required [ For more information, please call 617-495-1336 or visit the website: www.ethics.harvard.edu

# APPENDIX X

Tribute to John Rawls (1921-2002) by Dennis F. Thompson



# A Tribute to John Rawls (1921-2002)

by Dennis F. Thompson

Photo courtesy of Mardy Rawls

IT WAS WITH DEEP SADNESS that we learned of the death of our friend and colleague John (Jack) Rawls.

No one needs to be reminded of the extraordinary contributions that Jack has made to moral and political philosophy. The superlatives in the press ("the most important political philosopher in the 20th century") are, for once, understatements. Like many, my own work was decisively influenced by his writing and by his comments. Without A Theory of Justice, our field would not be recognizable; for many of us it would not even have existed in any form that could have persuaded us to make its study our calling.

Let us remind ourselves of what Jack did for practical and professional ethics at Harvard and beyond. His role as a founding Senior Fellow in the Center, especially in the early days, was truly indispensable. He helped us shape a program that attracted the most talented philosophers from throughout the world to join scholars from many other fields and professions. His intellectual presence was so pervasive in the Center that at one point some of you said you wondered if the Center had become a "Rawlsian church." Quite apart from the theological connotations, Rawls himself resisted the idea that his own theory should ever become an orthodoxy. He welcomed-and took seriously-criticism from almost everyone, including especially our non-philosopher fellows. And he made himself available to all fellows for wise and sympathetic advice on a wide range of subjects.

Before he became ill, Jack was a regular at all the Center's lectures and dinner seminars. Many of you will remember how eagerly he engaged in these discussions. Afterward, he often commented to me that these gatherings were rare opportunities for him to "talk seriously about real moral issues." He genuinely appreciated the chance to talk with intelligent students and colleagues who faced such issues in other disciplines and in the practical professions.

For those of you who knew Jack personally, you will appreciate your good fortune to have had the opportunity to see true greatness up close. Some of you called Jack "saintly"—a perfectly appropriate epithet, but only if you allow for his surprisingly shrewd sense of political action (remember his admiration for Lincoln?), and his thoroughly ordinary enthusiasm for worldly pleasure (recall his passion for sailing).

As a person Jack was not only free and equal—he was also exemplary. He showed us that the greatest of intellectual achievements can coexist with—and even bear witness to—the most admirable of human qualities. We are privileged to have lived in his time.

Additional tributes to John Rawls came from faculty, alumni and friends of the Center.

The complete text of these remembrances may be found on the Center's website:

www.ethics.harvard.edu.

