

Harvard University

The Program in Ethics and the Professions

Annual Report 1990-91

To: President Derek Bok
From: Dennis Thompson
Subject: Annual Report of The Program in Ethics and the Professions
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During the hearings this past year on the so-called "Keating Five," a former high-level government official who was one of the chief witnesses against the Senators was asked why he did not report their alleged misconduct to the Ethics Committee. Looking slightly embarrassed, he replied, "I didn't know there was an Ethics Committee." For the Committee and all of us involved in the hearings (I was a consultant to the Special Counsel), the reply was sobering. It reminded us that even those who care about ethics do not always know about the institutions that deal with ethics.

All of us associated with the Program in Ethics and the Professions have worked hard to make sure that it does not in this and perhaps other respects suffer the fate of the Senate Ethics Committee. The efforts of the Program may not be welcomed everywhere in the university, but its activities are now well known and, I believe, generally well regarded at Harvard, as well as at many other universities in this country and abroad. This memorandum is a report on those activities during 1990-91.

Since one of the aims of the Program is to stimulate teaching and research on ethical issues throughout the university, this report also describes ethics-related activities in the several faculties. The Program stands at the center of what is now an institutionalized movement at Harvard to give ethics a more prominent place in the curriculum and in scholarship. From the beginning, we hoped that the Program would serve more as a catalyst than a controller of this movement, and one of my greatest satisfactions is that it has become a genuinely university-wide enterprise, with each of the faculties creating its own programs and courses, and developing its own group of faculty specializing in ethics.

The Current Fellows

Like last year's class, the Fellows of '91 were remarkably diverse in background, interests, and experience. I had more than my usual concern about whether the group would find enough common intellectual ground to sustain a fruitful conversation in our weekly seminar. Several of the Fellows were well established philosophers in applied ethics, and several others had almost no background in moral philosophy. But within a few weeks, the philosophers were assiduously pointing out the limitations of philosophy, while the nonphilosophers were enthusiastically urging its relevance. This reversal of roles exemplified the spirit that prevailed throughout the year in the seminar and in other collaborative activities: though hardly reticent about recommending their own approaches to the subject, the Fellows not only took an interest in each other's work but also opened themselves to being influenced by that work.

As in the past, the seminar, though more than three hours long, seemed short to most of us—too short even to permit everyone to have his or her say on all the issues raised. This year the Fellows found a new way to continue the controversy after the seminar ended. For most of the week following almost each session, memos and counter-memos flew back and forth. Some of these took the form of informal comments on

others' comments, but some rose to the level of commentary that would be useful to other scholars interested in topics covered in the seminar. The communication sometimes also extended beyond the current Fellows—when, for example, we read the work of former Fellows, and sent comments to them, to which they replied. This was a small but significant indication that the scholarly community that the Program has sought to create is becoming a reality.

All of this intellectual interchange not only produced stimulating conversations but also more importantly influenced future research. As is clear from the reports of the Fellows (see Appendix IV), the collegial experience in the Program caused many of them to rethink their own approaches—in some cases encouraging them to add some new dimension to their own research, in other cases causing them to strike out in a completely new direction. These changes in direction are not without some cost—several of the Fellows did not finish the projects they had planned to complete—but the increased breadth and originality of their work, I trust, will more than compensate for the decreased rate of productivity. Although it is not an advantage of the Program that we advertise, an unplanned pause in writing, as one explores new intellectual territory, may be no less valuable than steady progress on a pre-planned project.

Three Fellows will remain at Harvard as faculty members: Allan Brett and Robert Truog in the Medical School, and Lynn Paine in the Business School. Maureen Scully declined an offer to join the Kennedy School faculty (one of six that she received for next year), and will become an assistant professor in the Sloan School at MIT. Ross Cheit returns to Brown, where he will teach a new version of his already acclaimed course on ethics and public policy. Anthony Cook accepted a new appointment as an associate professor of law at Georgetown, where he will teach (among others) a new course on corporate law in which issues of business ethics will be featured. Robert Fullinwider will spend four months as a visiting scholar in the Philosophy Department at the University of Melbourne in Australia, before returning to the Institute for Philosophy and Public Policy at the University of Maryland. He will also maintain a connection with the Harvard School of Education, working as a consultant on an ethics project sponsored by the Program. John Kleinig will continue to teach police officers (among others) at the John Jay College of Criminal Justice. He is also now the editor of *Criminal Justice Ethics*.

The New Fellows

Recruiting the class of '92, we maintained our perfect record of acceptances: all seven of the Committee's first choice candidates accepted our offers. As the biographical descriptions in Appendix I indicate, the quality of the new Fellows is extraordinary, and their backgrounds diverse. One of the Fellows is an M.D., one a former assistant to the Canadian prime minister who specializes in government ethics, and another is a professor of law with a doctorate in political science. Four are philosophers, with a variety of other vocations that the disciplinary designation does not capture: air force officer, peace activist, psychiatric social worker, and medical ethicist. The class includes only one woman, and no minorities (a lack of diversity that would be more disturbing if our overall record in this respect were not so strong). The average age of the Fellows is 42.

In addition to the regular Fellows, I have usually invited at least one member of the Harvard faculty or a visiting professor to join the seminar and help lead the intellectual life of the Program. I am especially pleased that Martha Minow, a professor of law and a member of the Program's Faculty Committee, has agreed to move to the Program during her sabbatical year.

We received almost double the number of last year's applications. The number of inquiries, requests for information, and interviews also increased proportionately. Completed applications came from faculty at some 47 different American colleges and universities and six foreign countries (Brazil, Canada, China, Colombia, Israel and Germany). The applicants ranged in age from 29 to 76, the average being 44. Twenty-two were women. More applicants this year came from Philosophy (23) than any other field. Other fields with substantial representation were: Business (21), Law (20), Medicine (18), Government (15), and

Religion (5). The quality of the top half of the applicant pool was stronger than ever before, and we were unable to offer fellowships to many outstanding candidates, including a former Rhodes Scholar, several summa graduates of Harvard and other colleges, and holders of named professorships at several major universities.

The Graduate Fellows

Our new graduate program, after only one year, is already making important contributions to the study and teaching of ethics here and elsewhere. Under the direction of Arthur Applbaum, the program identifies outstanding Harvard graduate students who are writing their dissertations on ethics-related topics (or, in the case of the professional students, equivalent research work), and offers them one-year fellowships. Supported in part by the American Express Fund, the Fellowships are intended to encourage younger scholars to dedicate their careers to the teaching of practical ethics in a wide variety of subjects.

The first class of Graduate Fellows consisted of Jonathan Cohen (a joint degree student in law and economics), John Duvivier, and Andreas Follesdal (both philosophy students). Harold Pollack, a Kennedy School doctoral student who has been working on several projects for the Program, also took part in the graduate seminar. The Fellows met weekly with Applbaum to discuss topics in practical and professional ethics. Many of the weeks followed the proven curriculum of the regular Fellows' seminar—the status of practical ethics, the nature of moral dilemmas, the state of the art in the various professions, and cross-cutting topics such as confidentiality and paternalism. Other topics were tailored to the interests of the Graduate Fellows. New units were developed on the ethics of teaching, feminist ethics, democracy and the professions, non-ideal theory, professional discretion and authority, adversary ethics, and the morality of roles. The Graduate Fellows themselves also organized a weekly discussion group, which focused on the writing of dissertations.

Helping to create the community of ethics scholars at Harvard that is one of the Program's chief aims, the Graduate Fellows met frequently with the regular Fellows and faculty associated with the Program, attended the Program's lectures and dinners, and taught in several ethics courses, such as "Political Ethics and Public Policy," "Seminar in Ethics and the Professions," and "Justice."

Follesdal, the Program's first graduate placement, has accepted the position of Director and Research Fellow with the Norwegian National Committee on Research Ethics in the Social Sciences and Humanities. He will also be a part-time lecturer at the Norwegian School of Management. The other Fellows will continue their doctoral studies next year.

For 1991-92, we selected three Graduate Fellows and one Visiting Graduate Fellow. (See Appendix II). The new group is intellectually outstanding and diverse both in background and in interests. One of three, who probably has the strongest philosophical training, is a woman. Another Fellow, from Britain, is a rising star in both European studies and political theory. The third, a physician and an economist, has already served on the board of trustees of the American Medical Association. We created the position of Visiting Graduate Fellow for an exceptional lawyer and legal philosopher studying at Berkeley (who also holds two Harvard degrees).

The competition for Fellowships was reassuringly strong: we had to turn away many attractive applicants for lack of funds. Not surprisingly, the strongest candidates were referred to us by Program faculty and by current Graduate Fellows.

The Graduate Fellowship Program has taken root and shows all signs of becoming an enduring success. It lacks only a secure source of funding for the future. One possibility may be the Mellon grants, though we have not yet been able to work out a cooperative arrangement with the FAS Graduate School. Another partial solution would be to join the Division of Medical Ethics in their plan for a residency program.

Faculty and Curricular Development at Harvard

The lead story in the Harvard Gazette of February 1, the first in a series of articles on "The Bok Years," described the changes in ethics education at Harvard in the past five years as a "quiet revolution." It has been quiet since any single part may not be noticed throughout the whole university, but it has been revolutionary because the cumulative effects in the various parts of the university have brought about major institutional and personnel changes that are likely to be permanent. I described some of those changes in last year's report (on which, happily, the Gazette relied), and I mention some further developments below.

But I want to emphasize that some of the most important developments are now taking place in the several Schools, with the encouragement of the Program but under the direction of faculty in the newly instituted ethics programs in each School. I do not aspire to the position to which a Crimson reporter tried to nominate me "Harvard's Ethics Czar." I do not deny that the ethics revolution itself may have had its Leninist aspects (some faculties had to be led to see that ethics might be in their own interest). But in our post-revolutionary phase I think it is fair to say that what we seek is not democratic centralism, but something more like Madisonian federalism. The Program will continue to encourage and support the activities of each of the faculties, and to provide a forum for university-wide communication and collaboration, but each of the Schools will continue to build its own program. That was one of our main goals from the beginning, and in several of the Schools it is being realized, more rapidly and more effectively than we expected.

The Business School

The School now has a critical mass of faculty specializing in ethics, and they meet regularly to discuss their teaching and research and to encourage other faculty to discuss ethical issues in their own courses. A Faculty Research Seminar is planned for next year.

The ethics faculty continues to grow, as it must if the curricular changes so well begun are to endure. Lynn Paine, a Fellow in our Program, has joined the School as an Associate Professor. She has already taught successfully in "Decision Making and Ethical Values," the nine-session module required of all M.B.A. candidates. She will also teach a new course next year on "Managing Information in a Competitive Context: Ethical and Legal Perspectives." It is the first ethics-related course specifically designed for students in three different Schools (business, government and law). It is precisely the kind of university-wide contribution to the curriculum that the Program seeks to encourage.

Business School students' interest in ethics is also growing, stimulated, I suspect, by the improvement in the range and quality of the course offerings. "Moral Dilemmas of Management," the principal second-year elective course in ethics, had 50 students in its first year, and 110 this year; 185 have enrolled for next year. The course is taught by Joe Badaracco, who spent 1989-90 in the Program. The enrollment doubled in another popular course recently added to the curriculum, "The Business World: Moral and Social Inquiry through Fiction." It will be taught next year by Mary Gentile and Robert Coles.

The School has sought from the beginning of the ethics initiative to integrate discussion of ethical issues into the mainstream courses in the curriculum. Teaching groups, with the help of the ethics faculty, continue to look for ways to introduce students to ethical issues in courses such as "Financial Reporting and Managerial Accounting," "Human Resource Management," "Management Communications," "Production and Operations Management" and "Organizational Behavior." New curricular materials (including some full-length cases), designed to illustrate ethical problems, were developed for all of these courses. A second edition of the HBS bibliography of ethics-related cases will be published in the fall.

Several research projects are underway: Joe Badaracco on integrity and executive decision making; Greg Dees on the role of fairness in allocating economic gains and losses in entrepreneurial ventures; Mary

Gentile on the integration of ethical analysis into teaching in the functional areas of management; Lynn Paine on the allocation of responsibility for health and environmental hazards associated with internationally traded pesticides; and Sharon Parks on the ethical values of HBS students.
The Kennedy School of Government

Although the Kennedy School was among the first of the faculties to try to strengthen the place of ethics in its curriculum, the School has not yet succeeded in establishing the subject on a firm basis, and suffered several setbacks this year. The two-year-long search to fill the chair in ethics and public policy failed again to produce a suitable candidate. Nor has the School yet replaced Ken Winston, who as a visiting professor for the past two years has made valuable contributions to the School and the Program. Bob Putnam, who as Dean had made strengthening the role of ethics in the School one of his highest priorities, resigned to return to teaching and research. The absence of any senior faculty member who can devote full-time to leading the School's efforts in this area is a serious problem, adversely affecting faculty development, research, and the curriculum.

The semester-long course on political ethics required of all M.P.P. students "The Responsibilities of Public Action," led by Dutch Leonard has yet to fulfill the high hopes we have for it. Despite a strong beginning and the good intentions of more than a dozen faculty members who have a hand in it, the course still lacks coherence and rigor, and has not won the respect of most of the students. Next year, the course will be split into three separate sections, with one instructor having responsibility for each. Applbaum has been asked to teach one of the sections, and plans to revise substantially the content of the course. Fred Schauer has also agreed to join the course in 1992-93 when he returns from leave.

Although Schauer's appointment as the Frank Stanton Professor of the First Amendment was not intended to involve teaching ethics, Schauer is playing an increasingly important role in this area, and is currently the senior faculty member most qualified and available to lead the development of the ethics curriculum in the School. But even on the most optimistic projections of the use of the current faculty, the School urgently needs at least one new senior faculty member specializing in this area, and at least one additional junior member.

Despite the shortage of faculty in ethics, the School managed to mount a strong program of ethics-related activities. The course offerings in ethics continued to grow. In addition to his elective course on ethics in government, Ken Winston offered a new course, "Gender and Public Policy," co-taught with Mary Jo Bane. Arthur Applbaum's course in democratic theory and public management is now part of the management requirement for the Ph.D. in Public Policy, and his seminar on ethics and the professions has been expanded from a module to a semester-long course. Both courses rely on curriculum materials developed in past university-wide faculty seminars on truthfulness and on adversary ethics. I continue to offer "Political Ethics and Public Policy," which in addition to KSG students attracts students from the schools of Law, Medicine, Public Health, and Divinity.

In the absence of a group of faculty specializing in ethics, faculty development, especially the task of helping nonspecialists to discuss ethical issues effectively in their courses, becomes even more important. This was the primary purpose of a day-long retreat in September at Rockport, attended by some 20 faculty members. Ken Winston, who organized the event with Dutch Leonard, led a discussion on moral argument. Arthur Applbaum and I also gave presentations. Tim Scanlon followed up later in the month with a seminar on authority in moral argument. Because the retreat and the subsequent seminars were so well received, we hope to repeat them in some form next year.

During the year, the Policy Values Seminar continued to be the main forum for the faculty to discuss ethical issues in their research. This year's presentations and discussions were in general more philosophically sophisticated than in past years, without any sacrifice in policy relevance. Fred Schauer spoke on the

asymmetric authority of legal rules, Tim Scanlon on Salman Rushdie and free speech, Steve Kelman on the "appearance standard" in conflict of interest rules in government, Duncan Kennedy on a housing policy proposal for Budapest, Arthur Applbaum on official discretion in the Gulf war, Dutch Leonard on the value choices implicit in Massachusetts social spending, Bob Reich on a Canadian exercise in public deliberation, and Lynn Paine on corporate accountability for pesticide exports.

The physical proximity of the Program's Fellows (now housed in the Taubman building) to the School's central activities has proved a definite advantage both for the School as well as the Program. The Fellows have had many more contacts with the School's faculty and students than in the past, and the interaction has been mutually beneficial. Some of the Fellows attended the Policy Value Seminar; several audited classes, and took part in faculty teaching groups. (Ross Cheit attended the faculty meetings on the required ethics course, and observed the sections, providing a useful critique of the course at the end of the year.) Also, most of the Program's public lectures are held at the School. Michael Walzer's lecture on "Moral Minimalism" was designated a Forum Event, and attracted an overflow crowd to the School from throughout the university.

A new collaborative venture between the Kennedy School and the Graduate School of Education is another example of how the Program is trying to strengthen ethics activities within faculties by encouraging cooperation between them. With support from the American Express Fund, the Kennedy School Case Program is preparing a series of cases, originally developed by Paul Ylvisaker, former dean of the School of Education, in his workshop on Casewriting and Educational Ethics. Among the subjects of the cases are the relations between a university and the Central Intelligence Agency; and ethical dilemmas faced by the personnel manager of an American firm in revolutionary Iran.

The Law School

In the past, you will recall, I have expressed some doubts about the Law School's commitment to expanding its teaching in ethics. Having established (along with most other law schools) a required course in professional responsibility, the School seemed satisfied that nothing more need be done. But in the past year the School has taken some significant steps toward a more ambitious goal.

The most important is the revival of the Program in the Legal Profession, and the appointment of David Wilkins as Director. The only faculty member whose primary field of interest is legal ethics, Wilkins is one of the most successful teachers in the School; he is also a former Fellow in our Program. The other members of the Faculty Advisory Committee of the new Legal Profession Program are: Andrew Kaufman, the Charles Stebbins Fairchild Professor of Law, and Senior Fellow in the Ethics Program; Frank E. A. Sander, Associate Dean and Bussey Professor of Law; Martha Minow, Professor of Law and a member of the Ethics Program's Faculty Committee; and James Vorenberg, former Dean and Roscoe Pound Professor of Law (who will chair the Committee). I also serve on the Committee.

Together with our Program, the School has approached the W. M. Keck Foundation requesting a half million dollar grant to support the Program on the Legal Profession. So far the response has been encouraging. The grant would enable the Program to expand and broaden its activities in teaching and research on ethical issues in the law. The Program is expected to serve as a general coordinating center for all the teaching and research on legal ethics in the Law School. Plans include seminars for faculty to discuss how to introduce ethical issues in mainstream courses, fellowships for younger scholars and visiting professorships for senior scholars in the field of ethics, and research to develop new cases and other teaching materials. The grant would also support at least one regular Fellow and one Graduate Fellow jointly with the Ethics Program.

One of the aims of these new efforts, in keeping with the spirit of the Ethics Program, is to encourage greater attention to ethical issues that are common to the several professions. An example of what we have in mind

is Wilkins' own experience in the Ethics Program. After his year as a Fellow, Wilkins revised his course on the legal profession so that it now includes comparisons with business and medicine, as well as more philosophical readings. Already one of the most popular courses in the School, the revisions appear to have strengthened the content of the course without reducing its popularity.

The Medical School

The Division of Medical Ethics, established last year with the help of a major grant to the Program and the Division from the Ira DeCamp Foundation, began this year with a formal inaugural event—a stimulating program of lectures and discussion groups attended by more than 100 physicians from the Medical School faculty and other faculty throughout the university. One purpose was to draw attention to the new Division, but the event was also intended to contribute to faculty development. By all accounts, it accomplished both purposes admirably, enhancing the visibility and intellectual legitimacy of medical ethics in the School. Among the distinguished group of speakers were Sissela Bok (Brandeis) and Ed Pellegrino (Georgetown), who gave the plenary lectures, and Dan Brock (Brown), Charles Culver (Dartmouth), Frances Kamm (N.Y.U.) and Tim Scanlon (Harvard Philosophy), who served as commentators.

The faculty membership of the Division has grown from 7 to 20, and now includes representation from all of the major teaching hospitals, as well as many of the clinical departments. There is some possibility that the School will be able to make a new senior appointment in medical ethics. The new Chairman of the Department of Social Medicine, in consultation with me as well as with deans in the Medical School and administrators at Massachusetts General Hospital, has made some progress in securing support for an appointment in this field.

The current faculty of the Division are involved in teaching the required course on the patient-doctor relationship, several elective courses in medical ethics, and teaching advanced students in clinical settings. The Division this year added a new course using literature to raise and discuss ethical issues in medicine.

The School recently appointed Lachlan Forrow, a former Fellow in our Program, to a newly created position as Staff Consultant for Medical Ethics in the Office for Educational Development, which oversees all courses at the Medical School. Drawing on the resources of the Division, the Ethics Program, and the help of others throughout the university, Forrow will provide advice to faculty who deal with ethical issues in their courses, review the ethics-related courses in the entire curriculum, propose methods for evaluating ethics teaching at the School, and offer recommendations for an integrated ethics curriculum.

The Division launched a new program designed specifically for medical scientists, dealing with ethical issues such as conflict of interest and research fraud. After a large meeting at which Dean Tosteson and other leading faculty addressed some of the general ethical issues in conducting research, small groups each consisting of about a dozen post-doctoral researchers gathered to discuss specific cases prepared by members of the Division. Led by two faculty members, each group met regularly during the year. Additional seminars are planned for next year.

A new series of lectures on clinical ethics, sponsored by the Division, attracted large audiences and stimulated subsequent discussion, as visiting lecturers met with small groups of students and faculty during the day following their formal presentations. The series this year consisted of eleven lectures, given in five different hospitals. Among the speakers were Dan Brock, Dan Callahan, Arthur Caplan, Eli Ginzberg, Leon Kass, and Ed Pellegrino.

The faculty of the Division now meet monthly for noontime seminars to discuss research in medical ethics. In some sessions, faculty present their own research in progress. In others, outside speakers bring the

perspectives of other disciplines to bear on issues in medical ethics. That was the intention of my own talk at one seminar, on "hospital ethics."

Among the many publications expected from the research conducted by members of the Division, two are especially notable—both important, new books on medical ethics by former Fellows in the Program. Troy Brennan's *Just Doctoring* will be published this summer by the University of California Press. Ezekiel Emanuel's *The Ends of Human Life: Medical Ethics in a Liberal Polity* will be published next fall by Harvard University Press.

The Program and the Division continue to cooperate on a number of other activities, most notably in jointly sponsoring Fellows. Next year, for example, Dan Brock will be a Fellow jointly in the Program and the Division. We are also planning a new fellowship program under the direction of Troy Brennan, which will involve clinical training in medicine as well as in ethics.

The College

The Program's chief contributions to the undergraduate curriculum take the form of grants to faculty members who are trying to introduce more discussion of ethical issues in their courses. The purpose is not so much to increase the number of courses on ethics as such, but to increase the range of subjects in which ethical issues are systematically discussed. Support for the grants comes from the American Express Fund for Curricular Development, now in its fourth year.

We awarded 13 new grants this year. The range of subjects represented continues to be great: Education, English (three), Government (three), History, Philosophy, Psychology, Medicine, and Visual and Environmental Studies. Four of the courses are being developed for the Moral Reasoning section of the Core Curriculum. (Appendix III provides a brief description of the projects.)

The Fund has now supported the development of 35 courses in 16 different disciplines. This far exceeds our original expectations (and the goals we set in the original proposal to American Express). Part of the reason for this success is that we have found ways to use the American Express Funds more effectively (for example, by generating matching support from other sources). But the success is largely attributable to the response of the large number of faculty who proved eager to accept the challenge to take ethics more seriously in their courses.

Public Lectures

The series of public lectures that the Program sponsors each year with the support of a Fund established by Obert Tanner has become a well-known and well-regarded part of the intellectual life of the community, one of the few that attracts faculty and students from throughout the university. This year we invited seven speakers, one jointly with the Law School and another jointly with the Departments of Philosophy and Government.

The first lecture of the year was given by Jon Elster, the Edward R. Ryerson Distinguished Professor of Political Science and Philosophy at the University of Chicago and also a professor at the University of Norway. He spoke on "Ethical Issues of Organ Transplantation." His analysis of the criteria for choosing recipients for organs proved to be not only instructive for the medical professionals in the audience, but also illuminating for the philosophers. His interest in this subject is part of a larger project on "local justice," in which he is examining comparatively the criteria for distribution of goods in many different spheres of public life.

Joel Feinberg, the Regent Professor of Philosophy and Law at the University of Arizona, spoke "In Defense of Moral Rights." As one of the pioneers in the field of applied ethics, Feinberg can be counted on to blend

theoretical principles and concrete cases in a perceptive manner. His spirited defense of a traditional notion of rights, illustrated with apt examples, challenged some widely held moral views, including some held by some members of the audience.

More than 300 people filled the Kennedy School Forum to hear Michael Walzer explain "The Value of Moral Minimalism." Walzer is Professor of Social Science at the Institute for Advanced Study in Princeton, and one of the leading political theorists of our time. Walzer's talk was inspired by the liberation movements in Eastern Europe, particularly the signs carried by marchers in Prague, which said simply "Truth" and "Justice." The fact that almost anyone could immediately understand the values expressed by these signs, Walzer argued, shows that there is a common morality, however minimal, among the otherwise diverse and conflicting moralities of our time.

The Program joined with the Philosophy Department and the Government Department to host a lecture by Jeremy Waldron, a professor in the Jurisprudence and Social Policy Program at the Law School at the University of California, Berkeley. His talk, "A Right-Based Critique of Constitutional Rights," took issue with the conventional view, probably held by most of the audience, that rights should be determined independently of the democratic process. Although he may not have persuaded anyone to abandon the traditional liberal view of constitutionalism, his enthusiastic defense of a more democratic approach stimulated many of us to think more deeply about a number of important issues in legal and political philosophy.

Cornel West, Professor of Religion and Director of the Afro-American Studies Program at Princeton, addressed a large and enthusiastic audience at the Law School, which jointly sponsored this event with the Program. The talk, "Beyond Eurocentrism and Multiculturalism," covered a wide range of topics bridging philosophy, theology and contemporary politics. The most striking theme was West's call for a public morality, a set of principles and moral attitudes that would allow for diversity but encourage dialogue among the many voices now heard in moral debate in this country and abroad. The audience itself, which included many blacks and members of other minorities, sustained a discussion under West's guidance that could be seen as a microcosm of the kind of moral dialogue that he hoped to encourage in society more generally.

Onora O'Neill, Professor of Philosophy at the University of Essex and a leading scholar of Kant, spoke on "Practices of Justice and of Virtue." As befits a dedicated Kantian, hers was the most purely philosophical lecture of the year. She criticized some of the recent attempts to separate justice and virtue and argued that, properly understood, Kant's moral theory makes room for both. Her talk was a compelling demonstration that Kant's theory can still carry conviction for contemporary scholars.

J. Bryan Hehir, Professor of Ethics and International Politics at Georgetown University and the leading American Catholic theologian on public moral questions, spoke on "The Just War Ethic in the Gulf Debate: Lessons and Questions." He presented an unusually lucid and subtle statement of the moral theory of just war, and then applied it to some of the more controversial aspects of the conflict in the Persian Gulf. The lecture and the discussion that followed showed vividly that moral philosophy can clarify and deepen our understanding of contemporary controversies.

The discussions during the question period, as well as those that followed over dinner, stimulated a great deal of cross-professional conversation. Our audiences were composed of faculty and students from a wide range of backgrounds from the schools of Business, Law, Medicine, Government, Divinity, and Education, among others. A significant number of residents from the local community who have no affiliation with the university also attended. It is gratifying that nearly all of our lectures have maintained the interest of philosophers (including senior members of Harvard's faculty) while attracting a diverse audience from many other disciplines and professions.

Activities Beyond Harvard

We have not neglected our responsibility to spread the ethics gospel beyond Harvard. This year the Program inaugurated a series of Working Papers, manuscripts on practical and professional ethics produced by faculty or Fellows associated with the Program. Their purpose is twofold: to make a wider audience aware earlier of the research that is being conducted here, and to give the authors a wider range of reaction to their own research before final publication. The papers will be distributed to several hundred scholars on our mailing list, as well as to others who write to request specific papers. The first papers to be issued in this series are: Frances Kamm, "The Philosopher as Insider and Outsider"; Norman Daniels, "AIDS: Access to Care and the Duty to Treat"; and Greg Dees, "Shrewd Bargaining on the Moral Frontier: Toward a Theory of Morality in Practice." Applbaum is the editor of the series.

The Program played an important role this year in the founding of the Association for Practical and Professional Ethics, a new national organization for teachers of applied ethics in institutions of higher education. The Association's Executive Committee, on which I serve along with several others currently or formerly associated with the Program, held its first official meeting this year at Elmwood, thanks to Sissela Bok, another member of the Executive Committee. Later in the year the interviews to select the first Executive Secretary were held in the Program offices. In the future, we expect to work closely with David Smith at the Poynter Center (currently the headquarters for the Association) helping the new organization fulfill its important mission, which it defines as encouraging "interdisciplinary scholarship and teaching of high quality in practical and professional ethics by educators and practitioners."

Our Program continues to serve as a national clearing-house for information about teaching and research in practical and professional ethics. We respond to dozens of inquiries each month from colleges and universities throughout the country, seeking advice about syllabuses, case studies, faculty recruitment, and fund-raising. We referred many more requests for information about specific areas of ethics to faculty associated with the Program or scholars at other institutions. During the past year, we met personally with more than a dozen scholars and administrators interested in establishing centers or planning curricular reform. They came from as nearby as the Institute for Global Ethics in Camden, Maine, and as far away as the Kingswood Centre for Applied Ethics, at Crawley, and the Department of Geography and Environmental Science at Monash University, both in Australia. We also had even more extensive contact with several new centers, including the Ethics Program of the Norwegian Research Council and Princeton University's Center for Human Values.

Although the campus-based activities of the Program take most of my time (and could easily consume more if there were any more), I have thought it important to accept some of the many invitations we receive to speak and consult elsewhere. I talked about ethical issues in universities to Harvard alumni in Ottawa, to the annual meeting of the fellows of the American Council on Education, and in a public lecture series on ethics at the University of California, Santa Barbara. In addition to visits to some of our sister institutions in this country, I also made two trips abroad. I attended a conference and board meeting of a new ethics center in Locarno, Switzerland, which is related to a group of European universities; and spoke at a conference in Prague on the place of ethics in the new Europe, while meeting with faculty at Charles University there. Next month, I go to South Africa to attend a workshop organized by Andre DuToit, a former Fellow in the Program, with the purpose of helping to establish ethics programs at several universities there.

Besides these activities generally related to ethics in higher education, I have tried to save some time for some government service, serving as a consultant on issues more specifically related to my own field of political ethics. Several times during the year I met with members of the President's Commission on the Federal Appointment Process and offered comments on drafts of their Report. I have already referred to the most time-consuming activity of this kind my role as consultant to the Special Counsel of the Ethics Committee. I cannot claim to have had any influence on the outcome (the more fervently the Committee praised my "thoughtful" comments, the more evident it was that they were going to reject my

recommendations). But some of our ideas did appear in the Special Counsel's Report, and the experience with the Committee provided one of the Fellows (Ross Cheit), several students and me with access to a great deal of material for future research. I will have another chance in September to express my views about government ethics when I address 3,500 ethics officers in the federal government at a three-day workshop sponsored by the Office of Government Ethics. President Bush has also accepted an invitation to speak at the same workshop, no doubt having heard I am coming and believing it prudent to demand equal time.

Problems and Prospects

The two most pressing problems - space and money - about which I have written in the past are now at least partially resolved. While others may complain about the architectural curiosities of the Taubman building, we are just glad to have a roof over our collective heads. It is hard to imagine how we could have functioned at all in our previous space, where Fellows, associated faculty, and staff were spread out in four different locations in two different buildings. Although we have had to settle for less than we need, the new space has already greatly improved the quality of life in the Program. It is facilitating collegial discussion, and has increased the efficiency of the administration of the Program. (The staff, by all accounts already one of the most effective in the university, is functioning even better than before.) The new space also visibly reinforces the identity the Program as an independent entity in the university.

It would not only be false but also imprudent to say that our financial problems are solved. But compared to our situation last year, our circumstances are more secure. After more than a year of discussion, we now have a commitment for funds sufficient to support the basic costs of the Program for the next four years. It is especially gratifying that a substantial amount of this support is coming from several of the Schools (Business, Government, Law, and Medicine), and at a time when each is facing severe budgetary problems of its own. We are pleased and grateful that they have the confidence in the Program to make this commitment to our activities at this time. We of course also appreciate the major contribution that you have arranged to continue from funds in your Office.

But this relative improvement in our financial security cannot be an occasion for celebration. Our standard of living, already frugal even by Harvard standards, has declined, as our budget has been subjected to review by three different offices over the past year. Our plans for increasing the number of Fellows and for some other new ventures have been put on hold until we can raise additional funds. So far the Program's greatest fund-raising successes have been for activities centered in the faculties (such as the DeCamp grant for medical ethics, the American Express Fund for the College curriculum, and the Keck Foundation grant for legal ethics). Another generous gift from Obert Tanner was the only unrestricted contribution we received this year for the core activities of the Program itself. The Program's long-term financial health depends on securing some substantial endowment that can be used for general purposes. We have one commitment of this kind for the future, but we will need more such support and we will need it sooner if we are to sustain the kind of Program we would like to have in the coming years. That is why we are already working closely with those who are planning the campaign, and why we are pleased that the Program has been designated as one of the presidential initiatives in the coming campaign.

The long-standing problem of recruiting senior faculty to lead the ethics effort here remains as serious as ever. We have had some success at the junior level, as several of the professional schools have appointed some of our Fellows as assistant professors, and have recruited others from outside Harvard. But similar success at the senior level continues to elude us. In three (possibly four) of the schools, chairs exist, or could easily be established, if there were a reasonable chance of appointing a distinguished senior scholar in the field. The problem continues to be the relative scarcity of scholars of sufficient distinction in practical and professional ethics. It is becoming clear, I think, that we will have to rely, more than we originally assumed, on recruiting younger scholars and counting on some of them to develop into leaders in their fields. This strategy appears more promising than it did in the first years of the Program, as both the quality of younger

Fellows in the Program, and the number of outstanding graduate students and junior faculty prepared to devote their careers to professional ethics, have turned out to be higher than we anticipated.

The Program, now five years old, welcomes its fifth class of Fellows next year. In the first year, there were no Fellows, only a lonely Director, who wandered about the university trying to find faculty to join him in what probably appeared to be a quixotic undertaking. Fortunately, some of Harvard's most distinguished (and already overburdened) faculty agreed to help, and soon we had our first class of Fellows (small in size though not in talent). It was a promising start, but at the time I certainly did not imagine that within five years the Program would have accomplished what my recent reports to you have summarized.

To mark the fifth anniversary, we are preparing a publication, more attractive and readable than my annual reports to you, that will present a history of the early years of the Program, and describe the teaching and research in which all the Fellows and others associated with the Program are engaged. We are also planning a reunion of former Fellows, not (as some may suspect) to begin an alumni giving campaign, but rather to provide a forum for presenting recent work by former Fellows and faculty associated with the Program. Among the events will be several panels, open to the university community, that will discuss current issues in practical and professional ethics.

This is the last annual report that I will address directly to you in your official capacity. I am glad that you will continue your association with the Program as a Senior Fellow, as one of our two Honorary Fellows, and - who knows? - perhaps you will decide to apply to become a real Fellow.

Your departure may cause some to worry for the future of the Program since your support has been so important in the past. I do not see this as a cause for concern. The Program is now an established institution in the university, and depends less than in its early years on particular individuals, whether they be the President or the Director. In any case, your successor, Neil Rudenstine, is (as you know) already well acquainted with the Program, having taken a special interest in our activities while he was at the Mellon Foundation. His strong support for the Program assures that our work will continue as effectively as before.

All of us associated with the Program will miss the encouragement and inspiration you have provided in these founding years. While reminding us where we were failing, you never doubted (as I did at times) that we would succeed. That combination of criticism and confidence kept us moving forward. Your contributions have created the conditions for the future contributions of the many teachers and scholars who, we can now be confident, will join the movement to improve the teaching and research in practical and professional ethics in higher education. The Fellows, faculty, and others associated with the Program, I know, are grateful for what you have done, and I personally thank you for giving me the opportunity to play a part in what is still a challenging mission.

Appendix I
Reports of the Fellows
1990-91

Appendix I
Fellows in Ethics
1991-92

Dan W. Brock is Professor of Philosophy and of Human Values in Medicine at Brown University, where he has been teaching moral and political philosophy since 1969, and biomedical ethics to medical students and residents in the Brown Program in Medicine since 1984. He received his B.A. in economics from Cornell University and his Ph.D. in philosophy from Columbia University. He worked for four years in investment banking. In 1981-82 he was Staff Philosopher on the President's Commission for the Study of Ethical Problems in Medicine and Biomedical Behavioral Research, and in 1985 he was Scholar in Residence in Biomedical Ethics at Rhode Island Hospital. He is the author of more than 70 published papers chiefly on ethics and biomedical ethics. His most recent book is *Deciding for Others: The Ethics of Surrogate Decisionmaking*, co-authored with Allen Buchanan. During the Fellowship year he will work on a book that focuses on methodology in applied ethics and the relation to policy issues. Brock will also be a Fellow in the Division of Medical Ethics at the Harvard Medical School.

Moshe Halbertal, a Fellow in the Society of Fellows at Harvard for the past three years, earned his B.A. in Jewish Studies and Philosophy and received his Ph.D. in Philosophy from the Hebrew University in Jerusalem. During the Fellowship year he will be writing on the subject of group rights. Drawing from his experience as a political activist in Israel, he will focus on group right to self determination, and minority group rights within a state. He will also teach at the Law School and the Program in Social Studies. Following the year in the Ethics Program, he will teach at the Hebrew University in Jerusalem.

Terrence L. Moore is Associate Professor of Philosophy at the United States Air Force Academy, where he supervises the teaching of military ethics to some 1,000 cadets. As a career officer in the United States Air Force, he has approximately one thousand hours of flying time as an officer on fighter aircraft. His academic interests center on practical applications of modern social contractarian ethics and political philosophy. During the Fellowship year he will conduct research on the role military officers should play in our constitutional scheme for deciding when to use military force. Moore received his M.A. and Ph.D degrees from the University of Pittsburgh. His publications include an article entitled "The Moral Standing of States", and he is currently working on a book on terrorism.

Robert A. Pearlman is Associate Professor of Medicine and Health Services at the Seattle Veterans Administration Medical Center and the University of Washington. He received his M.D. from Boston University School of Medicine, and his M.P.H. from the University of Washington. Throughout his academic career, he has conducted empirical research on the ethics of decisionmaking at the end of life. His research has been published primarily in medical journals, including the *Annals of Internal Medicine*, and the *Journal of Gerontology*. He has taught medical students and internal medicine residents, chaired the hospital's Ethics Committee, developed hospital policies on the withholding and withdrawing of life-sustaining treatment, and organized a hospital ethics consultation service. During the Fellowship year, he will study the contributions of empirical research to clinical ethics.

Jennifer H. Radden is a Professor of Philosophy at the University of Massachusetts in Boston. She received her B.Phil. and D.Phil. in Philosophy from Oxford and degrees in both philosophy and psychiatric social work from the University of Melbourne. Long interested in mental health issues and in the values underlying public policy, she has published and taught on moral and philosophical aspects of psychiatry and mental health law. Her book *Madness and Reason* focuses on philosophical dimensions of the insanity defense. Current research involves the application of philosophical analyses of fragmented and successive selves to psychiatric practice and theory. During the period of the Fellowship, she will be finishing a book on these topics, and developing course materials for a new Ph.D. program in Public Policy at the University of Massachusetts.

Andrew Stark is currently a Guest Scholar at the Brookings Institution. He received his M.Sc. in Economics from the London School of Economics, and his Ph.D. in Political Science from Harvard. From 1985-1989 he was a Policy Advisor in the Office of the Prime Minister of Canada, serving as Executive Assistant to the Senior Advisor to the Prime Minister and the Cabinet. He has contributed articles and reviews to a number of periodicals, including *The New Republic*, *The Public Interest*, *The American Scholar*, *The Washington Post*, and *the Wall Street Journal*. Stark's research interests fall into the areas of both business ethics and government ethics, and currently center on normative issues of business-government interaction. During the Fellowship year, he plans to complete a book on conflict of interest in American public life.

Sanford V. Levinson, the Angus G. Wynne, Sr. Professor of Civil Jurisprudence at the University of Texas Law School, will be affiliated with the Program while he is also teaching at the Harvard Law School. He previously taught at the Ohio State University, Princeton University, and the Hebrew University. The author of numerous articles on a wide variety of topics, Levinson received the 1989 Scribes Book Award from the American Society of Writers on Legal Subjects for his book *Constitutional Faith* (1988). He was a staff attorney with the Children's Defense Fund and has served as a volunteer attorney with the American Civil Liberties Union. He has taught courses on professional responsibility at Texas and currently serves as a member of an advisory committee to the American Law Institute on "the law governing lawyers."

Appendix II
Reports of the Fellows
1990-91

Appendix II
Graduate Fellows in Ethics
1991-92

Alyssa R. Bernstein, a Ph.D. candidate in Philosophy, is currently working on a dissertation on relativity in theoretical and practical moral reasoning, and its bearing on the question of whether there can be objectively correct answers to moral questions. During the Fellowship year she will continue this work, as well as examine the distinction between practical ethics and theoretical ethics, and its role in shaping research and educational programs. At Harvard she has served as a teaching fellow for courses in moral and political philosophy. She received her B.A. from Cornell, and was awarded a Fulbright Scholarship to study Judaism, Christianity and Islam at Hebrew University in Jerusalem.

Alan C. Hartford, an M.D. candidate at Harvard Medical School and a Ph.D. candidate in Political Economy and Government at Harvard's Graduate School of Arts and Sciences, is writing a dissertation focusing on hospitals that use economic criteria in making credentialing decisions about physicians. During his Fellowship year, he plans to explore the empirical and ethical implications of this practice, addressing the moral underpinnings of economic and medical decisionmaking. While at Harvard he has worked as a consultant to the RAND Corporation, Aetna Life and Casualty, Harvard Community Health Plan, Kaiser Foundation Health Plans, and the American Medical Association, and has served on the AMA's Board of Trustees. He was an undergraduate at Stanford University, where he received his S.B. in biology and his A.M. in philosophy in 1983.

Stephen R. Latham, a Ph.D. candidate at the University of California at Berkeley's Program in Jurisprudence and Social Policy, has been named a Visiting Graduate Fellow. Latham has been working on a philosophical theory of professional ethics, exploring how professional ethics develops from within professional practices, and contrasting this development with the ethical demands made by consumers of professional services. A former hospital attorney, he has taught law school courses in Law and Medicine and Lawyers' Professional Responsibility, and has served as a teaching fellow in several undergraduate philosophy and legal theory courses. He received his A.B. (1982) and his J.D. (1985) from Harvard.

Stewart M. Wood, a Ph.D. candidate in the Government Department, plans to begin work on his dissertation on comparative socialism in twentieth century Europe. His focus will be on the conception of justice and community implicit in the ideology of social democracy, and the challenges to ideological integrity posed by the experiences of socialist parties in government. More generally, his interests center around contemporary debates in liberal political theory, political and philosophical dimensions of the welfare state, and the moral responsibilities of democratic citizenship. Educated at Oxford University, he received his B.A. in Philosophy, Politics and Economics. He was awarded a Fulbright Scholarship to study in the United States, and served as a teaching fellow in Michael Sandel's course, "Justice."

Appendix III
Reports of the Fellows
1990-91

Appendix III
Grants Awarded by the American Express Fund
1991-92

Peter Berkowitz, Assistant Professor of Government, is developing a new course, "What is Law?," for the Moral Reasoning section of the Core Curriculum. Drawing upon writings in political philosophy, religion, jurisprudence, and American constitutional law, the course will explore fundamental opinions about the nature and purpose of law, the relation between justice and law, and the link between virtue or character and law.

Leon Chernyak, Lecturer in Pediatrics, and Steven Levisohn, Instructor in Medicine, of the Harvard Medical School, will develop course materials that explore the historical and intellectual roots of medical ethics. The materials, which include clinical cases, will illustrate the changes in medical ethics as ethical thought became separated from medical thought in the 19th century. Contemporary approaches will also be examined.

Clive Dilnot, Assistant Professor of Visual and Environmental Studies, will prepare a course on "Ethics, Technics and Aesthetics: The Role of Ethics in the Work of Architecture." The course will examine the relationship between the areas of ethics, technics and aesthetics in post-Kantian philosophy and in modern thought in general. The central focus of the course will be the ethics of architecture.

Philip Fisher, Professor of English, is developing a new course on the philosophical and literary concept of the passions, especially anger, fear, wonder and grief. Topics will include the relation of anger to justice and to the literary form of tragedy; the implication of moderation, prudence and deliberation as therapies directed against the vehemence of the passions; and the narrative part played by extreme acts such as killing.

Ellen Fitzpatrick, Assistant Professor of History, is developing a course on "America in the Progressive Era," which emphasizes the ethical issues in early twentieth century reform movements. The course will explore the ethical choices reformers made in fashioning their critique of American society, their strategies for social change, and the ethical implications their policy decisions had for future generations. Prison and criminal justice reform, social welfare policy, women's suffrage, and conservation will be among the topics explored.

Barbara Claire Freeman, Assistant Professor of English and American Literature and Language, is preparing course materials on ethical issues in literary and cultural theory. The course she is developing will examine the role of ethics in contemporary literary studies, and the reasons that the subject of ethics has attained such prominence in the current debate.

Ellen Langer, Professor of Psychology, will revise her course on "The Psychology of Decision Making and Perceived Control," which will focus on the ethical aspects of mindfulness. In Langer's theory of mindfulness, every decision is an opportunity to experience personal control, which, in conjunction with a mindful perspective, engenders increased awareness of the ethical implications of one's decisions.

Stephen Macedo, Associate Professor of Government, will develop a course sourcebook for his moral reasoning course "Public and Private," which will examine the tension between public and private sources of authority in ancient Greece, modern liberalism, and in the thinking of some critics of liberalism. The sourcebook will help students apply theory to contemporary ethical problems, including the basis of private property rights, the aims of public schooling, and the defensibility of national service.

Robert Nozick, Arthur Kingsley Porter Professor of Philosophy, will develop a new course, "Rational Action," one purpose of which is to show how ethics fits within the framework of decision theory. Topics will include: the nature and function of principles, the rationality of preference, self-control, and the utility of being a certain kind of person.

Elaine Scarry, Professor of English, is developing a course, "War and the Social Contract," for the Moral Reasoning section of the Core Curriculum. It will examine the nature of deliberative acts (performed by both individuals and assemblies) at the beginning of and during war. Central issues include: the practice of consent during wartime; the difficulty of thinking in an emergency; and the ability of deliberation to alter the moral status of acts such as wounding or killing.

Judith Shklar, John Cowles Professor of Government, will offer "Political Obligation" in the Moral Reasoning section of the Core Curriculum. The course will ask the question: "Why should one obey public authority?" While discussing the topic historically, she will concentrate on the various arguments for submission and for disobedience, from Antigone to contemporary philosophical and legal discussion of civil disobedience in America. Particular attention will be given to conflicts of loyalty created by friendship, religion, and ideals of honor as well as personal conscience.

Robert Truog, Assistant Professor in Anaesthesia, will prepare a case study focusing on the ethical issues of a recent clinical research project at Children's Hospital which compared the efficacy of extracorporeal membrane oxygenation (ECMO) with conventional therapy in the treatment of newborns with life-threatening respiratory failure.

Paul Ylvisaker, Charles William Eliot Professor of Education, and former dean of the Harvard Graduate School of Education, will collaborate with the Kennedy School of Government Case Program in developing a series of case studies based on research in his workshop in Casewriting and Educational Ethics. Subjects will include an examination of the proper relationship between a university and the Central Intelligence Agency; and the dilemma of an American personnel manager forced to consider both his personal ethics and the safety of his firm's employees when he is sent to revolutionary Iran.

Appendix IV
Reports of the Fellows
1990-91

FINAL REPORT, PROGRAM IN ETHICS AND THE PROFESSIONS 1990-91
Allan Brett, June 1991

For those of us in academic medicine with substantial clinical, teaching, and administrative responsibilities, a block of a few uninterrupted hours without being paged is a rare experience indeed. Although I did not entirely abdicate my clinical practice responsibilities during the fellowship year, the program held out the promise of insulating my reading, writing, and thinking from the shrill tones of a beeper. That promise was certainly fulfilled.

At the intellectual level, one might say that the fellowship rekindled my liberal education. Medicine tends to be an all-consuming intellectual activity. Despite my ongoing interest in the medical humanities and social sciences, it has not always been easy to step back from medicine's sometimes provincial worldview, and look at the larger picture. The seminar readings and discussions, and the perspectives of the other fellows helped me to re-establish contact with that larger picture. The insights derived from these fellowship activities were refreshing and challenging, whether or not they were immediately relevant for medicine. And inevitably, I stumbled across relevance even when I was not looking for it.

My scholarly endeavors for the year turned out to be rather eclectic. I first managed to complete (and subsequently publish in the Journal of the American Medical Association) an essay on human experimentation in health services research. I argued that the traditional ethical framework for analyzing human

experimentation does not capture some of the important nuances in the rapidly expanding field of health services research. This field presents new problems related to its focus on cost-containment, efficiency, and health care delivery systems.

Several other works were entirely conceived and completed during the fellowship year. One is a paper that examines the growing trend for increasing detail and specificity in advance directives for medical care. I take the position that a list of medical interventions (from which a patient selects those interventions that he would reject in the event of incompetence) does not necessarily enhance self-determination nor minimize uncertainty. A second paper, on psychological responses to the diagnosis of hypercholesterolemia, combines a bit of philosophy, psychology, and medicine. I begin with some conceptual distinctions between diseases and risk factors, and end up with some practical suggestions for primary care providers. Both of these papers have been accepted by major medical journals, and will be published in the near future. Finally, in the true interdisciplinary spirit of the program, I have married business ethics to medical ethics by addressing the increasingly visible practice of advertising by health care institutions. Thanks to some valuable criticism by present and former PEP fellows, my paper on this topic is currently undergoing major revisions.

Several other activities deserve a brief mention. At the national meeting of the Society of General Internal Medicine, I delivered a paper on ethical issues in clinical practice guidelines, focusing on the uneasy interface between patient

preferences and guidelines. (Clinical practice guidelines are formal recommendations, made by some authoritative body, that suggest or mandate a certain approach to a specific medical problem). I am also currently analyzing responses to a questionnaire completed by a large number of physicians and nurses, who were asked to comment on the most pressing issues they faced in caring for critically and terminally ill patients. And finally, I am participating in a program on research ethics for scientists-in-training at Harvard Medical School.

These concrete descriptions of "accomplishments" are obviously a necessary part of any annual report. But they should not be allowed to overshadow the more intangible benefits of a program like this. For me, those benefits will hopefully include (but not necessarily be limited to) enhanced teaching skills and a richer menu of ideas upon which to base future scholarly activity.

Finally, I cannot say enough about the people who made this program work. The other fellows brought a variety of interests and talents that, in the aggregate, represented an impressive intellectual force. They were also, without exception, genuinely nice people with whom a climate of trust was easy to establish. Dennis Thompson displayed an amazing grasp of just about any topic that came up. He pushed hard to expose sloppy thinking, yet was receptive to comment and criticism from others. And finally, the office staff -- Jean, Helen, Ted, and Amy -- bent over backwards to make life at the Kennedy School as pleasant as possible.

Annual Report
Program in Ethics and the Professions

Ross E. Cheit

June, 1990

This has been a year of beginnings. It was really my first serious exposure to practical ethics. Indeed, it was my first sustained involvement with philosophy of any kind. It was certainly the first time I had the opportunity to venture beyond the materials that I collected for my undergraduate course in Ethics and Public Policy. I have used Ethics and Politics (by Dennis Thompson and Amy Gutmann) in that class for several years, but it wasn't until this year that I started to feel comfortable with the field of practical ethics. Through a year of sustained discussion and reading--guided by Dennis Thompson, but also shaped significantly by Arthur Applbaum, Ken Winston, and several of the other Fellows--I have come to appreciate the language and general perspective of practical ethics. This will redound to the benefit of my students next fall (and thereafter) at Brown. It will also inform a line of research that I initiated this year.

My introduction to practical ethics came in many forms. I observed two related courses in practical ethics: the mandatory course for first-year students at the Kennedy

School, and Dennis Thompson's "Political Ethics and Public Policy." I also attended assorted class sessions in the Philosophy Department and at the Business School.

But the core of my introduction to practical ethics was the PEP seminar. The readings were multifarious and interesting, the seminars lively and enlightening. But perhaps even more memorable was the post-seminar fallout: the informal discussions, the inter-office memos. This is where I found out what else people were reading, how they had "resolved" the dilemma under question, or why they considered another one more pressing. Through the PEP seminar, and the Policy Value Seminars at the Kennedy School, I was introduced to a community of scholars who take ethics seriously. This diverse group converges in unexpected and fascinating ways that were often apparent in the question-and-answer sessions following the dinners for invited lecturers. Several of these discussions were memorable, indeed. I plan to stay in touch with several members of this community.

What will come of my brief immersion into the study of practical ethics? Most immediately, it will change the course I offer at Brown. That is one of my tasks for the summer. First, I will add two case studies (that I am still writing). One is a brief case stemming from the Rhode Island credit union crisis; it raises questions about secrecy and problem of the self-fulfilling prophecy and unfavorable financial information. The other, involving the Keating

Five, is more substantial. I done extensive research, have drafted the case, and will conduct some additional field work this summer. I have also obtained a grant (and hired a research assistant through Brown) to put together a videotape from C-SPAN to supplement this case.

I will make several other changes in the class as well: adding more theoretical works (particularly on democratic theory) and, perhaps, more literature. I audited Robert Coles' class at the Kennedy School (Fiction and Political Reflection) with the latter in mind. It was the only disappointing experience of the year. Coles made little effort to structure the class discussions, and he did not bring to the discussions any sophistication about politics or political theory. Fortunately, two people connected to the Program in Ethics and the Professions (Sissela Bok and Martha Minow) were quite helpful, providing suggestions and reading lists that identified many intriguing possibilities. I will try out several this year.

This year will undoubtedly change the course of my future research. In fact, it already changed the tone and substance of work involving my long-standing interest in the insurance industry. I have generally been asking political and economic questions: what interest groups control this regulatory arena? how efficient is the industry in reducing hazards? This year I wrote two things about insurance: an article (to be published this summer) about auto insurance reform in California, and major portions of the Gregorian

Report on the collapse of private deposit insurance for Rhode Island credit unions. In both endeavors, my efforts were shaped by considerations of practical ethics. I gave more emphasis to the distributional issues in the first instance, and devoted special attention to questions of political ethics in the second.

Once I complete my case study of the Keating Five I plan to research some related issues in the private sector, specifically involving the role of public accounting firms. I was originally going to look at accounting firms and the insurance industry, but given my background from the Keating Five, it makes sense to start with the S&L industry. (Indeed, an opinion letter from an accounting firm loomed large in the Keating Five case.) I want to examine several issues involving professional ethics and accounting. I can even see this research extending into the general concept of "independence," which looms large in connection with certain public institutions. I can also see the need to arrange another fellowship.

The Fellows went through a "commencement" exercise a few weeks ago, marking the end of the academic year. But I continue to think of this year as commencement in the form of beginnings, not endings. It is the beginning of a line of research; it is the beginning of an improved course at Brown. I certainly hope it isn't the end of invitations to attend lectures, seminars, and dinners sponsored by the Program in Ethics and Professions.

MEMORANDUM

TO: DENNIS THOMPSON
FROM: ANTHONY COOK
RE: STATUS REPORT AND EVALUATION
DATE: JUNE 11, 1991

The Program of Ethics and the Professions provided me with a rare opportunity that I will long treasure and continue to benefit from over the course of my career. The time away from teaching, committee work, student counseling and community service allowed me to reflect on my career and writing more intensely than I ever have. I completed three substantial articles on Robert Bork and the hermeneutics of original understanding, critical race law and postmodernism. Each of these essays explored the ethical dilemmas fostered by conflicting interpretive models and communities.

The weekly seminars have stimulated my thinking about how I might reorganize some of my courses to make more explicit and explore various ethical dilemmas. Since I will be teaching corporate law at Georgetown Law School in the Fall, I have begun to reorganize the course to incorporate the literature and debate over business ethics. I will devote more course time to corporate social responsibility and examine more closely than I have in the past the ethical questions raised by the relationship between the corporation and its workers, the environment and communities in which they do business. I will also address the corporation's ethical obligations as a multinational player, an advertiser of consumption goods and as a major contributor to political campaigns.

Furthermore, the year has caused me to think of ways in which I might integrate my interests in law, ethics and political organization. The result is that I am in the process of organizing

a quite novel approach to legal clinics at Georgetown. The objective is to advance Charles Hamilton Houston's concept of the lawyer as social engineer and community leader. Through instructional courses, time in the field, speaker series and the availability of visiting scholars, we hope to situate progressive lawyers as true organic links with the community. Law students as well as attorneys already serving in the community will be instructed on how to use law, the court room and their stature in the community as vehicles for mobilizing opinion and raising consciousness about the pervasive problems of the inner city-- problems that traverse the boundaries of race, class, gender and age.

Overall, the year has been wonderful, and I am appreciative of the opportunity to participate in such a fine program.

R. Fullinwider
6/2/91

Report on Accomplishments 1990/91

I came to the program last August hoping to move forward my thinking and writing about civic and moral education. Although the exercise closest to my heart -- revising and elaborating a paper on teaching national history as a mode of civic education -- didn't get done, so many other things did. My tenure here has been extremely fruitful and my hopes were more than realized. I will just itemize my output:

- * a long paper entitled "Science and Technology Education as Civic Education," written for an NSF project and forthcoming in Paul Durbin, ed., Europe, America, and Technology: Philosophical Perspectives

- * a talk on affirmative action, incorporating some earlier work, delivered at Rider College in October and forthcoming in The Report of the Institute for Philosophy and Public Policy

- * a long paper entitled "Multicultural Education," delivered at a conference on democracy, law, and education at the University of Chicago Law School in October, and forthcoming in The University of Chicago Legal Forum

- * a review of Brian Barry's Democracy, Power, and Justice for Philosophical Books

- * a talk, "Teaching Ethics in the University" (partly drawing from earlier work) delivered at DePauw University for the Poynter Center (and published by it as an occasional paper)

- * "The Ends of Political and Moral Education," a paper delivered at a Carnegie Council for Ethics and International Affairs conference on values education in the United States and Japan, and published (in Japanese) by the Uehiro Foundation in Tokyo

- * three project proposals on aspects of multicultural education, submitted to three foundations

- * a substantial chapter (in outline form) on "Morality and Politics" for CIVITAS (a national curriculum framework project of the Center for Civic Education and the Council for the Advancement of Citizenship, supported by the Pew Foundations)

* a short essay on racial representation in the U. S. military (prompted by current events!), forthcoming in The Report of the Institute for Philosophy and Public Policy

* a comment on a paper at the American Philosophical Association meetings in Chicago

* a working paper on the idea of balance in teaching, for the working group on balance and quality in global education of the Alliance for Education in Global and International Studies (AEGIS)

In addition, I penned (word-processed?!) several PEP memos of varying length (and spleen).

Apart from the reading for the PEP seminar, I was able to cover much new ground in civic and moral education, especially with respect to multiculturalism. More importantly I was also able, for the first time in years, to read some real philosophy, including Thomas Pogge's Realizing Rawls, sections of Onora O'Neill's Constructions of Reason, Nicholas Rescher's Moral Absolutes, essays by Habermas, Amelie Rorty, Jean Hampton, and others. (In addition, related to my interests in political communication and to the teaching I do at the Graduate School of Political Management, I read Peggy Noonan, What I Saw at the Revolution: A Political Life in the Reagan Era, Robert Bork, The Tempting of America: The Political Seduction of the Law, Patrick McGuigan and Dawn Weyrich, Ninth Justice: The Fight for Bork, and Michael Pertschuk and Wendy Schaetzel, The People Rising: The Campaign Against the Bork Nomination, these last three having to do with the defeat of Robert Bork's nomination to the Supreme Court. Incidentally, one unanticipated upshot of my labors this year is that I am seeing many more overlaps between my work in political communication and in civic education.)

The Program provided an ideal setting for work. The wonderful physical facilities, excellent support staff, and congenial company of other Fellows made every day a source of energy, concentration, fecundity, and good humor.

Finally: I swam approximately 4,000 laps (115 miles) in Blodgett Pool, ate about 400 scones and muffins (240,000 calories) from Rebecca's Cafe, and gained two pounds. Rebecca's won.

Annual Report
for
The Program in Ethics and the Professions

John Kleinig

My intentions were pure enough. Even Heaven is paved with good intentions. I planned to develop materials gathered and written over a period of four years into the first draft of a book on police ethics. The real world - and academic akrasia - intervened.

So what happened instead? The final finicky touches were added to **Valuing Life** (Princeton, 1991). About half of the projected first draft of **Ethical Policing** (?) was written. Preparation for three seminar presentations - on dirty hands, deception, and loyalty - helped to firm up (or was it further complicate?) my ideas on some of the themes that will be central to the book. Fragments of the draft material were tried out at conferences and colloquia in far-flung places. Beyond that, an article¹ and a couple of book reviews were written,² and a paper with the unlikely title, "Conceptual Cannibalism: The Social Scientific Appropriation of Ordinary Discourse," was prepared for a conference in Albany.

Going a bit deeper. The seminar program enriched my conception of what I had come to do in a way that transformed my original intentions. The discipline of surveying professional ethics in general as well as in certain particular contexts (especially that of the public service/bureaucracy) forced me to revise and extend my conception of what I had planned to do, and the end product will be much more substantial. Coupled with that was the splendid access to resources provided through the Program: I came to "put together" materials I had; I finished up accumulating vast quantities of additional material.

Quite apart from the benefits to my particular project, the Program seminar brought me into regular contact with a group of people whose diverse backgrounds, amiability and intelligence reinvigorated for me the notion of a community of scholars. As an "old hand" in applied philosophy and practical ethics, I may well have found the pedagogical intent of the structured seminar program diverting and boring. But Dennis's masterly orchestration of the proceedings, coupled with the extremely high quality of the readings and the keen and distinctive insights of my fellow seminarists, ensured that I was constantly challenged intellectually as well as pedagogically. Dennis's

¹ "Professional Courtesies: To Ticket or Not to Ticket."

² Peter Byrne (ed.) Medicine, Medical Ethics and the Value of Life, in Bioethics (April, 1991); John Braithwaite & Philip Pettit, Not Just Deserts: A Republican Theory of Criminal Justice, in Ethics (October, 1991).

conscientiousness was exemplary, daunting, and without doubt a key factor in enabling the seminars to be as stimulating as they were. And the tradition - for which I think Ross Cheit deserves the initiating honor - of circulating (firing?) post-seminar memos (intellectual wordbites) should be zealously preserved and fostered for future generations of Fellows. Not to forget Bob Fullinwider's innovation of the pre-emptive strike.

The seminar's intellectual benefits were reinforced by various Kennedy School colloquia that I attended and many lunchtime discussions with other Fellows and faculty. It recalled a long-distant past in the Research School of Social Sciences at the Australian National University, a past easily forgotten in the College where I currently teach. (Perhaps it is in danger of being forgotten here, as well, by those who don't have the administratively unburdened privilege that belongs to Fellows.)

Do I have regrets? Sure. I think it may have been John Rawls who pointed out that our capacities and opportunities may make it possible for our lives to develop in more diverse and coherent ways than any single life will be able to accommodate. It was the embarras de richesse of Harvard, and having to make some of those either/or decisions that constituted the main frustration of the year. There were courses in which I would like to have participated, colloquia to which I would like to have gone, books and articles that I would like to have read, tangential papers and books that I would like to have written, and cultural activities that I would like to have enjoyed, that were forgone in pursuit of other things - or, less comfortably, in response to other demands.

The hardest lesson to learn is when to say "no." Soon after coming here, I discovered that leaving a world behind did not mean that it would not follow. Doctoral students, journal editors, and colleagues from other places assumed that I was now free to look at everything they sent me. With only one exception I did; but it made serious inroads on time I had planned to spend otherwise.

It is difficult to praise too highly the Program's support and support staff. Mainframe, Hollis and database facilities expanded my access to data enormously, aided by student assistance generously available through the Program's research allowance. But reinforcing that benefit, and in large measure making it possible, was the Program's administrative staff. In twenty-five years of academic life I have encountered good and unbelievably bad administrative support. I have never before encountered unbelievably good support. To find an administrative staff utterly committed to making a Program work as well as possible, and capable of doing that competently, efficiently and personably, must be so rare that I hesitate to mention it lest someone gets tempted to steal them away. Perhaps if I can find a

wealthy benefactor..... Or better, is there anything in the rules that prevents a person from applying again?

When I was first appointed to John Jay College of Criminal Justice in 1986, and it fell to me to develop and teach courses in police ethics, I had practically no background in that area, there were few "texts," and the exigencies of teaching and other responsibilities made it difficult for me to get a sense of the field. The fellowship year has enabled me to get a much broader perspective on the area, and in order to capitalize on it I have structured my teaching when I return to the College so that my Fall 1990 teaching commitment will be a single doctoral course in police ethics (based on my current project), enabling (indeed, forcing) me to complete a draft of my project, and to obtain some feedback from people who in many cases will still be actively involved in policing.

May 15, 1991

TO: Dennis Thompson
FROM: Lynn Paine *LSP*
DATE: June 7, 1991
SUBJ: Report on 1990-91 Activities

As you know, my appointment as a Fellow in the Program on Ethics and the Professions coincided with my appointment as an Associate Professor at Harvard Business School. Consequently, this academic year has been devoted both to specific HBS activities as well as to research and the weekly PEP Seminar. In addition, the year has been a year of transition--not only from one university to another, but also from an academic environment which stressed scholarly publication in academic journals to one which encourages practitioner-oriented research and fieldwork. Thus, some of my time has been devoted to advancing (and in some cases completing) work in progress when I arrived; and another portion, to shaping a somewhat different agenda for future research, one which will involve more active engagement with the business community.

The year has been incredibly full and busy, but in a very positive way. I very much appreciate the opportunities for professional development that have come with my participation in the Program and my appointment at the Business School. Here is an outline of my activities, broken down into Research, Teaching and Course Development, and Other Professional Activities.

Research

On the research side, I completed two papers, both of which were accepted for publication, and updated a third for publication. "Trade Secrets and the Justification of Intellectual Property: A Comment on Hettinger," was accepted for publication in Philosophy and Public Affairs and will appear in the summer 1991 issue. "Corporate Policy and the Ethics of Competitor Intelligence Gathering," was accepted by the Journal of Business Ethics and is due out any day. I also revised and updated a paper on children's advertising which had originally appeared in the spring/summer 1984 issue of Business and Professional Ethics Journal. This revised version of "Children as Consumers" will be included in a book on marketing ethics which is being co-edited by my HBS colleague John Quelch.

In addition, two papers accepted for publication before I came to Harvard finally appeared in print this year. "Work and Family:

Should Parents Feel Guilty?" came out in Public Affairs Quarterly (January 1991); and "Ethics and Character Education: Reflections on the Objective of Ethics Education" was included in Business Ethics: The State of the Art, edited by R. Edward Freeman (Oxford University Press, 1991).

I have continued to revise and rework a paper on responsibility for health and environmental costs associated with the international trade in hazardous pesticides. This area of research is rich with conceptual and practical problems with philosophical, legal, political, and managerial dimensions. I presented versions of this paper at The Wharton School as a Guest Lecturer in its Lecture Series in Business Ethics (October 1990); in the PEP Seminar; and in the Kennedy School's Policy Values Seminar (May 1991); and will also give a talk on this subject at a conference in Stockholm in June (jointly sponsored by The International Association for Research in Economic Psychology and the Society for the Advancement of Socio-Economics). I have developed some tentative ideas for field research in this area and hope to do some preliminary field interviews this summer or fall to test and refine my ideas.

I have also devoted time to sketching out possible field research in the area of information gathering practices, a topic on which I have written, and the area of corporate ethics programs, an area in which I have first-hand experience. I have a strong interest in all these areas, but have not yet decided which is the most likely avenue for field research that will be helpful to practitioners and lead to an on-going stream of research I'd like to pursue. As my new course (described below) takes shape, I will have more time to devote to these issues and to some pilot projects that will help me assess the alternatives.

Teaching and Course Development

On the teaching side, I began the year by teaching one section of the 9-session module "Decision-Making and Ethical Values" for our first year MBA students. The experience was exhilarating, challenging, and rewarding for me. The students were keen to discuss the issues of corporate responsibility, organizational climate, and individual ethical values that the module introduced. I also enjoyed the faculty teaching group meetings that preceded the class sessions. Faculty members from different disciplines and with different perspectives gave those interchanges great vitality. For me, a newcomer, they were a stimulating introduction to HBS.

Over the course of the year, I attended the HBS Ethics Interest Group's bi-weekly lunches and the ethics teaching group's occasional meetings. My main contributions were in the form of informal presentations on the state of the art in business

ethics, on my research and course development ideas, and on the work of the sub-committee I chaired. Our sub-committee met several times to discuss our teaching in the area of corporate purpose and the political, economic, and social context of business. As a result of these meetings, we produced a paper which will be the basis of a new teaching note for the ethics module.

Also on the teaching front, I began work about mid-year on a new elective course currently called "Managing Information in a Competitive Context: Ethical and Legal Perspectives." The course will make a contribution to our educational programs--the Business School's and the University's--in two important ways. First, it will enhance our ethics offerings in an area that is increasingly important for managers and for society. The "Information Age," with its information-based services and products and its information technology, brings a new focus on how managers deal with information: how they acquire it, protect it, use it, and disseminate it. This course will explore ethical, legal, and public policy issues raised by managerial choices concerning information management. It will take up topics such as information integrity and truthfulness, privacy, confidentiality, information collection and access, trade secrecy, and intellectual property.

The course is also distinctive in its attempt to bring together students of business, government, and law to explore the subject matter of the course as well as their own perspectives on how they approach that subject matter. It is my belief that many of the problems of professional ethics reflect differing perspectives and assumptions about the appropriate roles and moral purposes of different actors in our social system. Creating such a course is not without challenges--for a start, working out the logistics of class meeting times, grading standards, course approval and registration procedures.

In developing the proposal for the course, I met with about eighteen current and former faculty members to collect ideas and suggestions. I have begun developing materials for the course, which be offered for the first time in the spring of 1992. This spring, I developed drafts of three cases for the course: one on information privacy ("Lotus Marketplace: Households"); one on industry cooperation to control questionable information practices in the software industry ("The Software Business Practices Council"); and one on regulating safety through prior informed consent ("The Pesticide Reform Act of 1990"). All the cases involved both field interviews and library research. I have also done field interviews at Pfizer Inc. and background research for a case on global protection of intellectual property. Pfizer and its CEO Edmund Pratt took the lead in forming a cross-industry, international business consortium to work with governments on the issue.

My case writing activities have also included completing a case on ethics in cash management which I began before coming to Harvard. The "Cameron Company" case will be included in a forthcoming casebook edited by my HBS colleagues Professor Samuel Hayes and Assistant Professor David Meerschwam.

Other Professional Activities

In addition to the presentations and activities already mentioned, I also

- spoke on the subject of competitor information gathering to managers in a program at Dartmouth's Amos Tuck School (October 1990)
- spoke to members of the Society for Competitor Intelligence Professionals (March 1991)
- gave a presentation on ethical decision-making, corporate climate, and whistleblowing for the ethics representatives of the Martin Marietta Corporation (May 1991)
- spoke to the Park School Parents' Association on ethical challenges raised by social changes (January 1991)
- participated in the invitational workshop "Ethical Standards for Global Corporations," run by the SEI Center for Advanced Studies in Management at The Wharton School (December 1990)
- served on the editorial review board for the new journal Business Ethics Quarterly and refereed three papers this year
- helped select the 1991-92 Luce Scholars as a Permanent Member of the Luce Scholars Selection Committee for the Henry Luce Foundation (February 1991)

Lynn Sharp Paine
10 June 1991

HARVARD UNIVERSITY

The Program in Ethics and the Professions

79 J.F.K. Street

Cambridge, Massachusetts 02138

Final Report on the 1990-91 Fellowship Year

June 10, 1991

Dear Dennis,

The Fellowship year has been an intellectual turning point for me. I might have rushed right from my graduate program in organizational behavior into a teaching position in a business school. Instead, the Program provided me an opportunity to stop and reflect, to discover moral philosophy and, as a result, to plot a different course for my future research and teaching. I feel like I will be a different scholar in the future, with some new role models for good work, as a result of this year.

I was quite unfamiliar with the theoretical and methodological terrain of moral philosophy before starting this Program. My training in sociology gave me an interest in issues of inequality, legitimation, and justice. It also led me in the direction of doing mostly descriptive work on these issues. For example, in my area of interest, a sociologist might study inequality by demonstrating empirically that class background explains more about differences in wealth than merit does. Such a study implicitly counters assertions, sometimes made by economists, that wage differences reflect merit or productivity differences. This empirical debate is a cover for a crucial debate about whether or not inequality is "just" and whether or not redistribution of wealth is needed. Much is at stake in the questions asked and answers found, but rarely do normative statements enter the "discussion of findings" sections in sociological articles. I think the underlying normative points are supposed to be understood (I always knew when I was packing a punch without labeling it as such). Explicit normative issues may be generally avoided lest they be dismissed as "mere assertions," "value-laden rather than scientific," "idealistic thinking," or "conclusions that go way beyond the data."

Before this year, I did not have the tools to counter such objections and to try to raise normative issues convincingly and rigorously in my writing about inequality, legitimation, and justice. This year filled that gap and introduced me to new ways of thinking about problems. I also became convinced that these issues are properly the focus of "business ethics." I put aside for awhile my previous descriptive work on corporations' use of codes of ethics, and began to think of my "other" work on meritocracy as truly a business ethics problem. I enjoyed delving into a philosophical literature that was new to me — on meritocracy, on just desert, on the role of effort versus ability as bases for the distribution of rewards. This literature added a new dimension to my ongoing work on employees' beliefs about what does and what ought to characterize distributive systems in organizations. (This philosophical literature probably should not have been a discovery for me, but the on-line data bases for journals in the social sciences and in philosophy seem not to be cross-referenced — a case where technology may be driving knowledge accumulation. Perhaps a paper on the role of library catalogues in paradigm shifts is warranted.) Reading this work in philosophy helped me find a voice for

my previous vague uneasiness about whether we would want a meritocratic order even if we could perfect one.

To be loyal to my home field, I am still convinced of the importance of doing empirical work, particularly for thinking about change. Once we elaborate what kind of system "ought" to be, we need to know how people will actually behave, what incentive structures will work to make their behavior change, what kind of individual courage or collective dissent will be required for change. My hope is that I can maintain an interdisciplinary approach to distributive justice issues. I worry that Stanley Hoffman is right in the concern he voiced during one of our dinners: that young scholars "know more and more about less and less." In this early stage of my career, I feel this Program was an inoculation against this spreading tendency. The Program made me feel like an undergraduate again, and I think it will stay fresh in my mind for a long time. Now that I know "a little bit more about more and more," I have my work cut out for me for the next several years.

During the fellowship year, I worked on three papers that explore the three "stages" of my interest in justice issues. The first paper explores objections to meritocratic rules for the distribution of valued rewards. It considers whether objections made to the use of merit criteria for the distribution of organs to patients needing transplants might inform our thinking about possible objections to the much more commonly accepted use of merit rules for the distribution of jobs and incomes. This paper is truly a product of the Program. Our readings in medical ethics expressed a real distaste for using merit rules in distributing something as vital as an organ. The tone was so different from the assumption, made even by radical social scientists, that merit rules should apply to how we distribute jobs and incomes, as long as the rules are applied without bias. I wondered if we might see jobs and incomes as just as vital, and harness for the workplace some of that sense that merit rules can be crass, invidious, and even harmful to the goals of the system where they are applied.

Having taken this critical stance, my second project takes the next step of considering alternatives to merit rules for the division of labor and the sharing of rewards. This paper asks what alternative rules may be practical; I plan to attempt a more philosophical treatment in the future. The current use of teams in organizations has prompted some managers to reconsider how and whether rewards can be calibrated to individual input. The alternatives considered so far -- equal division of a group bonus or group discussion of who gets how much -- do not seem to be practical, motivating, or fair to managers and employees. The thinking about alternatives often takes place in hierarchical organizations where the structure and ideology are conducive to meritocratic schemes. Imagining alternative settings may help. I have begun working collaboratively on this project with Anne Donnellon, a researcher on the business school faculty who has been studying teams. Our current plan is to write a chapter for a book on "post-bureaucratic organizations," which is being put together (in a team-like and non-hierarchical way) by a group of faculty at the business school. Also in the search for alternative reward schemes, I am beginning a project that addresses the moral and practical implications of conceiving of intelligence, performance evaluations, national class structures, and other social phenomena as distributed, inherently or in practice, on a bell curve (tentatively titled, "What's so normal about the normal curve?"). Other "shapes" for distributions may be desirable; flat equality is not the only alternative.

The third paper focuses on one strategy for bringing about change in organizations. It considers the challenges faced by internal change agents -- employees of organizations who are trying to parlay some internal insight and influence into fundamental change. I wrote this paper with Debra Meyerson, an assistant professor of organizational behavior at the University of Michigan. This paper had been simmering for some time, and we were glad to finally have a chance to work on it. We used the case of feminist executives, who can use their position to lobby for reformist and even radical changes (e.g., that will improve the work-

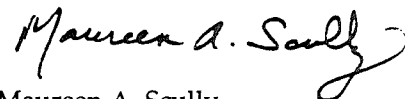
family balance for employees, that will distribute decision-making more widely). They face the tensions that arise from alternately being considered "too radical" by some fellow executives and "a sell-out" by some feminists. We consider the prospects for individual activism and endogenous organizational change.

In addition to reading and writing in my area, the fellowship year provided a wonderful broad background in applied ethics. The weekly seminars created the setting for one of the most exciting sustained intellectual dialogues in which I have participated. I enjoyed the presentations made by other Fellows and the lively exchange of memos following the seminars. I found the preparation that I did for the two seminars I co-led, on business ethics and on feminist approaches to ethics, to be quite helpful. I found that I did not have a good overview of either of these areas until I spent time on this preparation. Discussions with the other Fellows outside of seminar were always interesting (and generative of far too many research ideas). I also enjoyed many good conversations with the growing body of Program alumni still in the area.

I devoted intersession this year to the academic job market. I interviewed for assistant professorships at ten professional schools. The job search allowed me to do an informal survey of the state of ethics in various schools and of the degree to which ethics research has gained legitimacy in organizational behavior. Armed at that point with three months' knowledge of philosophy and applied ethics, I went ahead and struck up conversations with many people during my visits to schools about teaching and doing research on ethics. I accepted a position in Industrial Relations at the Sloan School at MIT. I will be teaching the MBA required course in Human Resource Management. This year I have been thinking about how I will raise ethical issues in the numerous places they naturally fit in such a course -- in discussions of hiring, promotions, wages, layoffs, plant closings, union negotiations, affirmative action, and sexual harassment. The Sloan School does not have a stand-alone course in ethics for MBA students, but there is interest in my developing such a course in the next couple years. I found Joe Badaracco's ethics elective at the Harvard Business School to be an excellent model, and I attended several sessions. Prior to this year in the Program, my values and interests would have impelled me to attempt an ethics course, but now I feel much more competent and ready to do so (although still appropriately overwhelmed by the weighty issues).

In closing, I would like to thank you for all your many efforts to make this year a marvellous experience. I would also like to thank Jean McVeigh, Helen Hawkins, Amy Tutrone, Ted Aaberg, and Shari Levenson for their good cheer and helpfulness throughout the year. The Program provides a wonderful home for a year.

Sincerely,

A handwritten signature in dark ink, reading "Maureen A. Scully". The signature is fluid and cursive, with a large, stylized "S" at the end.

Maureen A. Scully

SUMMARY OF ACTIVITIES, PEP SEMINAR, 1990-1991

Robert D. Truog, MD

My scholarly activities during the fellowship year included the following:

- 1) Participation in the weekly seminar series. One of my seminar presentations dealt with the ethical issues raised by a research study completed recently at Boston Children's Hospital. Professor Thompson encouraged me to pursue this issue further, and I successfully applied for a small grant from the American Express Fund for Curricular Development in Ethics to write up a case study of the incident.
- 2) Preparation of several manuscripts (see below), including a critique of the philosophical foundations of "brain death," recently submitted to the journal *Critical Care Medicine*. This paper will serve as the core of the thesis I am preparing for completion of my Master's Degree in Philosophy from Brown University.
- 3) Participation in numerous conferences and lectures throughout the Harvard community. In particular, I completed a course on utilitarian theory taught by Professors T.M. Scanlon and Derek Parfit. The opportunity to interact in a small group setting with two such renowned philosophers was one of the high points of the year for me.
- 4) Through my colleague Dr. Allan Brett, I was introduced to a multi-institutional bioethics project headquartered at the Educational Development Center (EDC) in Boston. I am collaborating with the EDC and the Hastings Center on an analysis of practices surrounding the limitation of life-sustaining treatment in pediatrics.
- 5) The best part of the year, however, was the opportunity to get to know a fascinating and wonderful group of people, including my fellow colleagues, the

program staff, and Professor Thompson. I hope the year will only be the beginning of several life-long friendships.

MANUSCRIPTS:

1. Truog RD. "Do-not-resuscitate" orders during anesthesia and surgery. *Anesthesiology* 1991; 74:606-608.
2. Truog RD. Should scarce ICU resources be withdrawn from those unlikely to benefit? *Hast Cent Rep* In Press.
3. Arnold JH, Truog RD, Scavone JM, Fenton T. Changes in the pharmacodynamic response to fentanyl in neonates during continuous infusion. *J Pediatr* In Press.
4. Truog RD, Hickey, PR. Should newborns receive analgesics for pain? *J Clin Ethics* In Press.
5. Truog RD, Arnold JH, Rockoff MA. Sedation before ventilator withdrawal: medical and ethical considerations. *J Clin Ethics* In Press.
6. Truog RD, Rockoff MA. Ethical issues in pediatric anesthesia. *Seminars in Anesthesia* In Press.
7. Truog RD, Fackler JC. Brain death: a reappraisal. *Crit Care Med* Submitted.
8. Task Force on Ethics of the Society of Critical Care Medicine. Consensus report on the ethics of foregoing life-sustaining treatments in the critically ill. *Crit Care Med* 1990; 18:1435-1439.

INVITED LECTURES:

Justice and the Allocation of Scarce ICU Resources,

Third International Conference on Justice in Health Care,
Chicago, Illinois (October, 1990)

Controversies in the Diagnosis of Brain Death,

Children's Hospital Clergy Orientation Day
Boston, Massachusetts (October, 1990)

Anencephalic Newborns and Organ Transplantation,

International Symposium on the Beginning of Human Life
University of Iowa,
Iowa City, Iowa (November, 1990)

Withdrawal of Life-Sustaining Support,

Boston Critical Care Fellow Consortium
Boston, Massachusetts (January, 1991)

DNR Orders During Anesthesia and Surgery,

International Symposium on Controversies in the Care of the Dying Patient
University of Florida, Orlando, Florida (February, 1991)

Controversies in the Sedation of Infants and Newborns,

Grand Rounds, Neonatal Intensive Care
Royal Children's Hospital,
Melbourne, Victoria, Australia (February, 1991)

Death: Categories and Dilemmas,

Keynote Speaker, Consensus Conference on Anencephalics, Infants, and
Brain Death: Treatment Options and the Issue of Organ Donation
Royal Children's Hospital,
Melbourne, Victoria, Australia (February, 1991)

Do the Very Young Have Full Entitlements to Health Care,

Congress of Clinical Societies, American Geriatrics Society,

The New York Academy of Medicine,

New York, New York (March, 1991)

Euthanasia,

Postgraduate Grand Rounds, Department of Medicine,

The Children's Hospital, Boston, Massachusetts (May, 1991)

VISITING PROFESSORSHIPS:

Visiting Professor and Keynote Speaker, Consensus Development

Conference on Anencephalics, Infants, and Organ Donation

Royal Children's Hospital and The Bioethics Centre, Monash University

Melbourne, Victoria, Australia (February)

HONORS AND AWARDS:

Special Recognition, Jeanette Lappe Memorial Prize,

Hastings Center Report, for *Should scarce ICU resources be withdrawn from those unlikely to benefit?*

ADVISORY COMMITTEES:

Ethic's Task Force, Society of Critical Care Medicine

Ethics Advisory Committee, Children's Hospital, Boston

Division of Medical Ethics, Harvard Medical School

GRANT FUNDING:

American Express Fund for Curricular Development in Ethics

\$3000 grant to develop case study in research ethics

PRESENTATIONS AT SCIENTIFIC MEETINGS:

1. Truog RD, Arnold JH, Fackler JC. Scarce ICU resources and the obligation to limit therapy. Presented at the Annual Meeting of the American Academy of Pediatrics; 1990.
2. Arnold JH, Truog RD. Rapid development of tolerance to fentanyl in infants undergoing extracorporeal membrane oxygenation. *Anesthesiology* In Press.
3. Shannon T, Truog R, Harmon W, Fackler J. A prospective analysis of creatinine clearance during ECMO and ultrafiltration. Presented at the 29th International Conference of the American Society of Extracorporeal Technology; March 3, 1991.