

**Harvard University**  
**The Program in Ethics and the Professions**  
**Annual Report 1991-92**

---

# HARVARD UNIVERSITY

The Program in Ethics and the Professions

79 J.F.K. Street

Cambridge, Massachusetts 02138

Dennis F. Thompson  
*Director*

(617) 495-1336  
Fax (617) 496-9053

**To:** President Neil Rudenstine  
**From:** Dennis Thompson  
**Subject:** Annual Report of The Program in Ethics and the Professions  
**Date:** June 30, 1992

The Program celebrated its fifth anniversary this year, hosting a two-day conference, and publishing a five-year Report, *Ethics at Harvard*, a copy of which I enclose. Because that Report covers many of the activities that took place during the past year, this memorandum can be briefer than my previous annual reports. The main purposes this year are to provide some details about the activities of 1991-92 that could not be included in the five-year report, and to introduce the reports of the individual fellows.

You may wonder why we are celebrating our fifth anniversary even though the Program began in 1986, six years ago. This anomaly is not intended as a humanist statement against quantitative methods. Neither is it meant to signal that we are trying to expunge the first year from our historical record — or not entirely because of that. In the beginning, there was in fact not much to celebrate. There were no Fellows. There was only a peripatetic Director, wandering about the university trying to find faculty to join what seemed a quixotic venture. We can celebrate a fifth anniversary only because we have now had five classes of Fellows.

At the anniversary conference, I offered, in somewhat whimsical spirit, a statistical profile of the accomplishments of the first five years:

- We made offers of fellowships to 33 people, and every one of them accepted.
- The research the Fellows conducted during their year here produced 29 books, 170 articles, and 27 memos.
- The Program supported the development of 35 courses at Harvard in 26 different disciplines.
- The Fellows heard 32 public lectures, and at the dinner that followed sat through 24 personal introductions of each Fellow by the Director.
- At the weekly lunches, the Fellows ate 42 pounds of tuna salad, 326 chocolate chip cookies, and drank 422 Diet Cokes.

Before you suspect me again of trying to demonstrate the weakness of quantitative methods, I should make a broader point about the accomplishments of these first five years. In *Ethics at Harvard* I wrote about these at some length, but two, more collective than individual in nature, were made even more evident during our anniversary conference.

Attended by more than 100 scholars from Harvard, the Boston community, and a dozen universities throughout this country and three foreign countries, the conference provided a forum for presenting the recent work of former fellows and faculty associated with the Program. The quality and range of this intellectual product, presented in the panels, were impressive. (For the topics and speakers, see Appendix IV).

It would be immodest to claim that those associated with the Program have created a new field of study, but it would not be an exaggeration to say that we have helped set and unify a new agenda of teaching and research on problems that in the past have been treated mainly by separate disciplines and professions.

As a result of our discussions and publications during these past five years, it has become clearer that there is a distinctive intellectual activity – what some of us have come to call *practical ethics*. It has also become clearer that it merits serious curricular and scholarly attention in the modern university, alongside the traditional disciplines in arts and sciences as well as in the professional schools. In the introduction to *Ethics at Harvard*, I offered some thoughts about the nature of practical and professional ethics.

No field of study is likely to advance or sustain its progress unless it creates a community of teachers and scholars dedicated to its pursuit. That is why one of the most important accomplishments of the Program has been to bring together, and keep together through various forms of communication, the growing number of people teaching and writing about ethical issues in public life. The Fellows have been among the leaders in this effort. The associations that they have formed, and renewed at the anniversary conference, have endured, and are helping to create a community of scholars in practical ethics that reaches across many different faculties and many different institutions.

At Harvard, the Program has been one of the first and most effective efforts in bringing together faculty and students from the various schools to create university-wide collaboration. I know from our discussions that you have been especially interested in this aspect of our experience, as it has implications for other university-wide initiatives. The five-year Report provides a full account of the activities of the Program that have stimulated collaboration of this kind, as well as activities in the various faculties to which the Program has contributed. Here I want to emphasize only that our plan has been not to centralize or control ethics at Harvard, but to stimulate and support ethics-related activities in all of the faculties. 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 each of the faculties is creating its own programs and courses, and developing its own group of scholars specializing in ethics.

The ethics movement has also spread beyond Harvard. There are now ethics programs in dozens of other universities in this country and abroad. The directors of several of the most distinguished attended our anniversary conference. Representatives from many others visited us during the year. Also at the conference was the president (and several board members) of the new international organization, the Association of Practical and Professional Ethics, which our Program helped found last year. The purpose of the Association is to provide teachers and scholars of ethics in many different fields with a forum for discussing their common problems and for collaborating on curricular and research projects.

### **The Current Fellows**

The Fellows of '92 were no less diverse in background, interests, and experience than their predecessors. At the beginning I wondered if we could sustain a constructive discussion in face of the differences: what could an air force officer say to a peace activist, or a deconstructionist legal theorist offer to an analytical philosopher? Although the differences were real, these (and other simplistic) descriptions plainly did not capture the subtleties in the thought or the openness in the attitude of the Fellows. It did not take long before we were learning from each other. Indeed, we may have made more intellectual progress than in previous years, at least if my own sense of the number of insights that I gained is any indication of progress.

The intense intellectual interchanges not only produced stimulating conversations but also contributed to teaching and research. As the reports of the Fellows indicate (see Appendix V), the collegial experience in the Program influenced their own thinking and writing in both their current and future work. The hope that by juxtaposing different intellectual perspectives we could stimulate creative research and fresh curricular ideas proved well founded.

The Fellows take up positions next year in which they will play an important role in influencing other faculty in some cases by teaching new courses on ethics, and in other cases by directing programs or projects that introduce study of ethical issues into the curriculum. Dan Brock returns to Brown where he will continue to teach bioethics in both the philosophy department and the medical school, and influence work in professional ethics more generally in this country through his lecturing and writing. Moshe Halbertal assumes a new position as professor of political philosophy at Hebrew University in Jerusalem, where he will introduce a new course dealing with practical problems in ethics. Sanford Levinson will continue to teach legal ethics at the Texas Law School, while expanding some of his professional activities in this field. After a tour of duty in Abu Dhabi, Terrence Moore will return to the Air Force Academy to direct the

teaching of ethics, and to help other faculty there as well as in other service academies to develop their competence in ethics. Robert Pearlman, resuming his position at the University of Washington Medical School, will star in a video series that he has helped write for training physicians in medical ethics throughout the country. Jennifer Radden returns to the University of Massachusetts in Boston, where she will help begin a new program in Public Policy, with a significant emphasis on ethical issues.

### **The New Fellows**

Once again, all of the Committee's first choice candidates accepted our invitations to become Fellows. As the biographical descriptions in Appendix I indicate, the quality of the class of '93 is exceptional. The diversity by field is in some respects less wide. For the first time, one field — medical ethics — has significantly more representation than others. Three of the seven fellows work primarily in medical ethics, and a fourth has made contributions to it. Although two of the Fellows in medical ethics are lawyers, no one in this class specializes in legal ethics. Also, no one is working primarily in business ethics. This tilt toward medical ethics was partly the result of the distribution of applications, and partly the result of a deliberate decision by the Faculty Committee, some members of which have long argued that in some years we should concentrate to some extent on certain fields or themes. In other respects, however, next year's class is more diverse. For the first time, a Fellow is specializing in ethical issues in primary and secondary education, another is working on human rights, and another on ethics in state legislatures. Three of the Fellows are women, and another Fellow is African-American.

In addition to the regular Fellows, we usually invite at least one member of the Harvard faculty or a visiting professor to join the seminar. I am pleased that Lynn Peterson, the Director of the Division of Medical Ethics, and a member of the Program's Faculty Committee, has agreed to participate next year.

We received some 60 applications from faculty at some 33 different American colleges and universities and seven foreign countries (Australia, Canada, China, England, Germany, India, and Singapore). The applicants ranged in age from 29 to 62, with an average age of 43. Sixteen women applied (28 per cent of the total). More applicants again came from Philosophy (35 per cent) than any other field. Other fields with substantial representation were: Medicine (26 per cent), Law (21 per cent), Government (18 per cent), Business (16 per cent), and Religion (12 per cent). The quality of the top half of the applicant pool was as strong as before, and we were unable to offer fellowships to many outstanding candidates whom we would have liked to have in the Program.

### **The Graduate Fellows**

Our new Graduate Program, now in its second year, 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. The Fellows meet weekly in their own seminar, led by Arthur Applbaum, and take part in other aspects of the intellectual life of the Program. 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.

One of this year's Graduate Fellows, Steve Latham, will teach at Brown next year and will also teach a course in Professional Responsibility at Harvard Law School. Alyssa Bernstein, Alan Hartford, and Stewart Wood will continue their doctoral studies.

For 1992-93, we selected four Graduate Fellows (see Appendix II). The new group is intellectually outstanding and diverse both in background and in interests. One of the four is a woman, a recent Harvard Law graduate with a strong background in philosophy. Another, a German physician, is deeply committed to both public health service and philosophical study. The third, who combines economic theory and philosophy, is from the Netherlands, and the fourth is a political theorist studying ancient and modern conceptions of friendship in politics.

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. With the expiration of the American Express Fund grant, this has become a pressing concern.

### **Faculty and Curricular Development at Harvard**

As I have indicated, the activities in the other faculties, many of which the Program supports, are now a major part of the ethics effort at Harvard. The five-year Report describes these activities in detail. In the College, the most important activity remains the preparation of new courses with the support of the American Express Fund for Curricular Development. The previous awards are described in the five-year Report; for the most recent awards, see Appendix III of this report.

### **Public Lectures**

The series of public lectures that the Program sponsors each year with the support of a Fund established by Obert Tanner features distinguished scholars who present their

recent work on issues in practical and professional ethics. The series makes a further valuable contribution: it brings together philosophers and scholars from other disciplines and professions for sustained discussions reaching across conventional intellectual and geographical boundaries. It provides one of the first truly university-wide forums for intellectual interchange.

The first lecture of the year, sponsored jointly with the Law School, was given by **Cass Sunstein**, Professor of Law and Political Science at the University of Chicago. Examining the nature of "Deliberation in the Law," Sunstein argued against the leading models of legal reasoning and in favor of a model based on reasoning by analogy in a political context. Sunstein chose abortion as his primary example, evidently because he believed that if he could demonstrate the value of his model for this hard case he would have suggested its applicability for many standard cases. As one might expect, he did not fully persuade either the lawyers or the philosophers to adopt his model, but he did manage to persuade most people that legal reasoning is again a serious and lively subject in moral and legal philosophy.

In November, **Will Kymlicka**, a philosopher from Queens University in Canada, delivered a lecture on "Bioethics and Public Policy: The Case of New Reproductive Technologies." Kymlicka is one of the most talked-about younger scholars in moral and political philosophy, and many here were eager to hear him. Because he had recently served on a Canadian commission preparing a report on reproductive technologies, he was an especially appropriate speaker for a series that tries to bring philosophical reflection to bear on practical problems. His main message was that moral theory is generally not very helpful in dealing with practical questions, but he also suggested that philosophical analysis can be useful in helping to identify and clarify ethical issues, and certainly in exposing inappropriate uses of moral theory.

**Susan Moller Okin**, a Professor of Political Science at Stanford and one of the country's leading feminist political theorists, lectured on "Women and Inequality in the Elite Professions." Supporting her argument with more empirical evidence than theorists typically offer, she critically examined the obstacles that confront women who pursue careers in the elite professions. In addition to the familiar forms of social and economic discrimination, she discussed some deeper conceptual obstacles — ways in which the moral mission of the professions have been conceived — that stand in the way of equality in the professional life.

In the past, we had never invited one of our colleagues to deliver a lecture in this series, following the principle that these lectures should bring new people and new ideas to campus. But almost any good principle can be carried too far, and rigidly following this one was denying us the opportunity to learn about some of the most exciting recent work in the field. (We were more likely to hear our colleagues speak if we went to other institutions.) This year we began what I hope will become a regular practice — inviting one Harvard faculty member to speak in the series each year. The first speaker, **Stanley**

**Hoffmann**, Dillon Professor of the Civilization of France and Mellon Professor of the Social Sciences, lectured on "A New Ethics and International Law of Intervention." He argued that a moral foundation for the new world order must join ethics and international law, and he drew on both traditional and contemporary sources in moral philosophy and legal doctrine.

The Program joined with the Government Department to host a lecture by **Hanna Pitkin**, a professor of political science at the University of California, Berkeley. Her topic, "Relativism," is once again of great interest not only to philosophers but also to other humanists, social scientists, and ethicists in various professional schools. Although we had not planned it this way, her talk set the agenda for all three of the next lectures, which in various ways addressed the question of moral relativism. Pitkin's own view of relativism, that some form of it may be true, was less important than her claim that the implications of its being true do not threaten the possibility of serious moral commitment.

**Brian Barry**, a professor at the London School of Economics and Political Science and a notorious critic of many Harvard philosophers (including Rawls), came bearing a peace offering. His lecture, "The Skeptical Basis of Liberal Institutions," was intended as a new defense of the theories of justice of Rawls, Scanlon and others. This came as something of a surprise to most of the audience, especially to two of these theorists, who were sitting in the front row. But since they rejected his defense (fearing that the skepticism could not be contained), there was never any danger that the proffered peace would end the philosophical battles.

Professor **Joshua Cohen**, a philosopher and political scientist at the Massachusetts Institute of Technology, spoke on "Freedom of Expression," providing a new and rather elaborate framework for justifying some traditional liberal notions. Since in his earlier years he had been critical of many aspects of liberalism, his attack on those who are now attacking liberal values such as free speech came as a refreshing shift of emphasis. His argument was not complacent, however: among its implications was his criticism of our political system for not providing sufficiently extensive opportunities for genuine political deliberation, which he presented as a chief value of freedom of expression.

The final lecture of the year, which also served as the keynote address of our fifth anniversary conference, was given by Professor **Amy Gutmann**, the Laurence Rockefeller University Professor and Director of the University Center for Human Values at Princeton. Speaking on "The Challenge of Multiculturalism in Ethics," she argued against both cultural relativism and comprehensive universalism. Persons, not only societies, are multicultural, she noted, and all of us must to some extent choose our cultural identities; we must make these choices with others in a political process (which she called deliberative democracy) that recognizes some common universal values. Both the speaker and the topic attracted an overflow crowd, despite the competition from the world historical speaker next door, Mikhail Gorbachev.



### **Problems and Prospects**

Our short-term financial circumstances are reasonably secure. For the next three years, the schools of Business, Government, Law and Medicine are committed to providing a substantial portion of our expenses. The remainder will come from a fund established by your predecessor. We are especially grateful to the support from the four professional schools at a time when they are also facing severe budgetary problems of their own. Although secure, the level of support is less than what would be desirable. After budget reviews by three different offices, we now have almost no flexibility for undertaking any new ventures, even those that might be modest in scope. Any plans for increasing the number of Fellows or other initiatives are out of the question until we can raise new funds.

The longer term financial future is also relatively secure, as the Program will be the beneficiary of a charitable remainder trust, which eventually should provide a substantial portion of the core level of support. Our major needs therefore are for (1) general support in what might be called the middle period (after the expiration of the commitment of the four schools and the exhaustion of the President's fund); and (2) specific support for new ventures, such as increases in the number of fellows, or funding for the graduate fellows. We are continuing discussions with a number of foundations and corporations, several individuals, and expect to work closely with those who are planning the campaign. Derek Bok had designated the Program as one of the presidential initiatives in the coming campaign, and though I recognize that you have adopted a somewhat different planning process, I trust that our Program remains an important priority.

The other major concern for the future is the persistent difficulty in recruiting senior faculty to lead the ethics effort here. We have had some success in appointing junior faculty, many of whom have been Fellows. In several of the schools, chairs exist, or probably could be funded, if there were a reasonable chance of appointing a distinguished senior scholar in the field. The root of the problem continues to be that there are simply too few senior scholars of distinction in practical and professional ethics. We are now relying, more than we originally expected, on recruiting younger scholars and helping them develop into leaders in their fields. This strategy appears to be working to some extent. The number and quality of outstanding graduate students and junior faculty prepared to devote their careers to professional ethics have turned out to be higher than we anticipated, and the prospects of many of our junior faculty in this field look good.

Our fifth anniversary provided an occasion to review the scholarship at the frontiers of our fields, to renew professional associations, and in general to celebrate the many successes, collective and individual, of these early years of the Program. The conference was a tangible expression and confirmation that the intellectual prospects for the study of practical and professional ethics are excellent. As I indicated in the five-year Report, a rising generation of teachers and scholars are dedicating themselves to this mission, and more public and private institutions are committing themselves to its support. We can look forward to significant advances in the quality and impact of teaching and research on ethical issues in public life.

## Appendix I Fellows in Ethics 1992-93

**Lawrence A. Blum** is Professor of Philosophy at the University of Massachusetts, Boston, where he has been teaching moral, social, and political philosophy, and Women's Studies, since 1973. He has written several articles and a book, *Friendship, Altruism, and Morality* on moral theory, moral psychology, and moral development—specifically on the place of emotion, perception, personal relationships, group identifications, and community in moral life. For the Fellowship year he will be writing a book on multiculturalism as an issue in value education.

**Norman Daniels** is Goldthwaite Professor and Chair of the Philosophy Department at Tufts University, where he has taught moral and political philosophy since 1969; and Professor of Medical Ethics in the Department of Community Health at Tufts Medical School. Having read philosophy and psychology at Balliol College, Oxford, he received his Ph.D. from Harvard in 1971. He is the author of *Thomas Reid's 'Inquiry', Just Health Care*, and *Am I My Parents' Keeper?*, and editor of *Reading Rawls*. He is completing a book on justice and AIDS policy choices, and he has published widely in philosophy of science, ethical theory, political philosophy, and biomedical ethics. During the Fellowship year he will work on a book on rationing and distributive justice. Daniels will also be a Fellow in the Division of Medical Ethics at Harvard Medical School.

**Rebecca Dresser, J.D.**, appointed jointly in the School of Law and Center for Biomedical Ethics, School of Medicine, Case Western Reserve University, has taught in these areas for nine years. She is the author of numerous articles in legal and medical journals, and since 1987 has been the legal consultant for the American Academy of Pediatrics Committee on Bioethics. She has also participated in many national and regional projects on such topics as foregoing life-sustaining treatment, biomedical research on nonhuman animals, and hospice care for terminally ill patients. During the Fellowship year, she will give particular attention to the philosophical and practical implications of adopting an objective "best interests" standard for treatment decision-making on behalf of incompetent patients.

**Jorge Garcia** is Senior Scholar at the Kennedy Institute of Ethics and Associate Professor of Philosophy at Georgetown University. Since completing his doctorate at Yale, he has published numerous articles on issues in theoretical ethics, and received grants from the Ford Foundation and the National Endowment for the Humanities. His article, "African-American Perspectives, Cultural Relativism, and Normative Issues," will soon be published in a Georgetown University Press volume: *African-American Perspectives on Biomedical Ethics: Philosophical Issues*. He is currently at work on a book taking interpersonal relationships and virtues as central within both moral life and moral theory. During the term of the Fellowship, he will explore the implications this concept holds for professional role morality.

**Elizabeth Kiss** is Assistant Professor of Politics at Princeton University, where she teaches political theory. She received her B.A. from Davidson College and her B.Phil. and D.Phil. in Philosophy from Oxford University, where she held a Rhodes Scholarship at Balliol College. She has a strong interest in human rights, both as an activist and as a student of moral philosophy. During the Fellowship year, she will be working at the intersection of these concerns, writing a book that develops an instrumental theory of rights which

seeks to unite philosophical issues of justification with political issues concerning the practical strengths and limitations of rights.

**Alan Rosenthal** is Director of Eagleton Institute of Politics and Professor of Political Science at Rutgers University. His primary field of study is state government and politics, and particularly state legislatures with which he has consulted in about half the states. He has served as Chairman to both the New Jersey Commission on Legislative Ethics and Campaign Finance, and the New Jersey Redistricting Commission, a statutory body charged with drawing new congressional lines. His latest book, *The Third House: Lobbyists and Lobbying in the States*, will be published in 1992. During the period of the Fellowship, he will work on a study of legislative ethics and develop materials for a course on ethics in political life.

**Susan M. Wolf** has been the Associate for Law at the Hastings Center since 1985. She earned her A.B. summa cum laude from Princeton University and her J.D. from Yale Law School, with graduate work at Harvard. After clerking for a federal judge and practicing law for several years in New York, she received a National Endowment for the Humanities Fellowship and then joined the staff of the Hastings Center, where she has directed work on such topics as death and dying, and the future of the physician-patient relationship. She has taught law and medicine as an Adjunct Associate Professor at New York University School of Law since 1987, and has served on various governmental and institutional panels. She has authored numerous publications including articles in law, ethics, and medical journals. During the Fellowship year she will be working on a book on rights in medicine.

## Appendix II Graduate Fellows in Ethics 1992-93

**Deborah Hellman**, currently an associate at a New York Law firm, plans to use the fellowship year to examine the question of whether the legal profession has a duty to make public what is now essentially a private debate about legal interpretation. Hellman received her B.A. from Dartmouth College, an M.A. in Philosophy from Columbia University, and a J.D. from Harvard Law School. While at Harvard, she served as a teaching fellow for Michael Sandel's course "Justice," and was the Book Review Editor of the *Harvard Civil Rights Civil Liberties Law Review*. She has also co-authored, with her father, an opinion piece for the *New England Journal of Medicine* on the ethical problems inherent in the use of the randomized controlled clinical trial.

**Karl W. Lauterbach**, a Ph.D. candidate in Health Policy and Management at the School of Public Health, is currently writing a dissertation on the ethical problems that public health professionals typically confront. He is also a senior associate of the Department of Health Care Systems Research at the University of Tuebingen. At Harvard, Lauterbach has been a teaching fellow for various courses and seminars on applied ethics. He received his M.P.H. from the Harvard School of Public Health in 1990, and is expected to receive his S.M. this summer. He graduated magna cum laude from the Medical School of the University of Aachen in 1989 and received a doctorate magna cum laude from the University of Dusseldorf in 1991 for a dissertation about nuclear imaging devices for developing countries. He has been awarded scholarships by the Konrad Adenauer Foundation, the Daimler Benz Foundation, and the German Academic Exchange Service. During the fellowship year, he plans to examine critically the role that public health professionals play in the allocation of scarce resources and the philosophical assumptions that are implicit in this practice.

**Remco Oostendorp**, a Ph.D. candidate in Economics, is currently working on a dissertation exploring how the moral writings of Adam Smith can bring normative considerations into the framework of neoclassical economics. During his fellowship year, he plans to continue this work, as well as examine the import of ethical considerations for applications of economic theory. Oostendorp has been educated at the Erasmus University Rotterdam, the Netherlands, and received a Drs. degree in 1989 in Econometrics. Before coming to Harvard to pursue a Ph.D. in Economics, he was affiliated with the department of Philosophy of the Erasmus University as a research fellow. While at Harvard, he was awarded the Charles A. Coomb scholarship, and has served as a teaching fellow for several courses in economic theory.

**Joseph Reisert**, a Ph.D. candidate in the Government Department, is currently working on a dissertation on the role of friendship in political life, examining the conflicts that arise between citizens' obligations to the state and their duties to friends and private organizations. His focus will be a comparison of modern theories of liberal citizenship in representative democracy to an ancient Greek vision of citizenship as a kind of friendship. Educated at Princeton, he received his A.B. in politics in 1989. He was awarded a National Science Foundation Graduate Fellowship to study at Harvard. Reisert has taught the Sophomore Tutorial in Government and served as head teaching fellow for Judith Shklar's core course, "Political Obligation."

### Appendix III

#### Grants Awarded by the American Express Fund

#### 1992-93

**David Hall**, Professor of American Religious History, is developing a core course on political and cultural movements in modern America (from the late 19th century to the present) that adopt "radical" perspectives on war, justice, equality, and the good society. In telling the history of these radical movements, the course will address questions of means and ends. At issue will also be the practice of history itself, and changing conceptions of the American past.

**Bonnie Honig**, Assistant Professor of Government, is developing a new course, "Moral Dilemmas." The course centers on two questions: What are the advantages and limits of moral theories (Kantian, utilitarian, feminist) that seek to resolve moral dilemmas? Does the law (whether moral, prudential, juridical, or natural) that decides dilemmas for men create undecidable dilemmas for women? Readings include *Antigone*, *Agamemnon*, *The Book of Ruth*, as well as works by Kant, Mill, Bernard Williams, R.M. Hare, Carol Gilligan, Luce Irigaray, and Michel Foucault.

**Barbara Johnson**, Professor of English and Comparative Literature, will prepare a course entitled "Persons and Things." The course will examine texts in literature, law, psychoanalysis, philosophy, and economics in order to analyze the ways in which the relations between persons and things are defined and articulated. The course will consider such topics as fetishism, commodification, monumentalization, pornography, torture, slavery, aestheticization, and personification in an effort to understand both celebratory and harmful blurrings of the boundaries between persons and things.

**Jann Matlock**, Assistant Professor of Romance Languages and Literature, will develop a new course on censorship and aesthetics. This course will explore literary and visual censorship from 1789 to 1900 through the case of France in the century after the French Revolution. In explorations of the relationship of categories and exclusion, censorship, and aesthetics, comparisons will be drawn between late 18th and 19th century theories of obscenity and contemporary debates over rock music lyrics and videos, the Mapplethorpe show, and NEA funding. Theoretical materials on ethics will complement case studies from the 19th and 20th centuries.

**Roy P. Mottahedeh**, Professor of History, is creating a course entitled "The Ethics of the Market Place in Islamic Thought." The course will begin with a survey both historical and topical of Islamic ethical thought, particularly in its Middle Eastern setting. It will deal with the variety of attitudes and methods of legal reasoning in this field, which, by the tenth century A.D., had become a developed area of philosophy, law, and homiletic literature. The course will consider such questions as: Could the strong emphasis on distributive justice in the Koran be reconciled with a generally perceived preference for the free operation of the market in setting prices? If hoarding is forbidden for goods of necessity, how is such necessity determined (by analogical reasoning, by strict adherence to the precedents set in the earliest years of Islam, etc.)? Also, the development of the law of sale among Muslim jurists will be examined.

**Lynn Peterson**, Director of the Division of Medical Ethics, Harvard Medical School, and **Howard Husock**, Director of the Case Program, Kennedy School of Government, are preparing a case on ethical issues in the development and implementation of the "HIV

Documentation Guidelines" adopted in 1992 by Boston's Beth Israel Hospital. Among the issues raised by the case is the ethical justifiability of excluding information from medical records, or limiting the gathering of medical information, because of social norms or economic consequences. The case will look both at the internal decision-making process at the Hospital prior to the publication of the HIV Documentation Guidelines, as well as framing specific situations for physicians and/or medical administrators which ensue. It will be designed to allow both potential physicians and policy-makers to see more clearly the kind of ethical conflicts they will face once they enter practice — specifically, in this case, a potential conflict over how an institution should respond to the larger societal interest in the habits of patients at risk for AIDS. Should medical institutions hinder insurance companies in their efforts to minimize AIDS-related losses? The development of this case is intended to serve as a pilot project in a much larger effort to develop a new type of medical ethics case — one which links the worlds of medical practice and those of public values and policy — and thus, logically calls on the resources of both the Medical School and the Kennedy School.

**Doris Sommer**, Professor of Romance Languages and Literature, is preparing a core course on "Tolerating Difference: The Ethical Limits of Comprehension." The course will consider the ethical and political implications of efforts to overcome cultural differences in reading literature. A purpose of the course is to train students to recognize the ethical limits of presumed competence. It is hoped that students would develop a capacity for negotiation and dialogue in their understanding of literature. Among the questions to be raised are: Does understanding imply appropriation? How does difference (racial, ethnic, class, gender) survive understanding? What are the strategies that distance privileged readers in minority texts? The readings include: Walt Whitman's *Leaves of Grass*, and *Democratic Vistas*; Richard Rodriguez's *Hunger for Memory*; Toni Morrison's *Beloved*; and Mario Vargas Llosa's *The Storyteller*.

**Andrea Walsh**, Lecturer on Social Studies, will develop the course "Women's Movements in the Contemporary United States." A primary focus will be a sociohistorical analysis of the framing of ethical issues from the late 1960s to the early 1990s by different political tendencies within the feminist movement as well as by anti-feminists. The course will explore current moral debates within social movements by analyzing the language and visual imagery, and by uncovering the complexity of other ethical issues which often underlie the "presenting issue."

## Appendix IV

### Anniversary Conference, May 1992

#### Friday, May 16

##### **Panel on Research Ethics: *Defining And Communicating Standards For Conduct***

**Vivian Weil**, Illinois Institute of Technology: *Issues in Research Ethics*

**Nicholas Steneck**, Department of History, University of Michigan: *University Efforts to Promote Integrity in Research*

**Robin Levin Penslar**, Research Associate, Poynter Center: *The Catalyst Project at Indiana University*

**Karen Muskavitch**, Research Faculty in Biology, University of Indiana: *Case Study in Research Ethics*

*Sponsored by the Association for Practical and Professional Ethics*

##### **PUBLIC LECTURE: *The Challenge of Multiculturalism in Ethics***

**Professor Amy Gutmann**

Laurance S. Rockefeller University Professor of Politics, and Director, The University Center for Human Values, Princeton University

Reception

Dinner and Seminar Discussion

#### Saturday, May 16

##### **Panel I: *Role Morality Reconsidered***

**Alan Goldman**, Professor of Philosophy, University of Miami

**Arthur Applbaum**, Assistant Professor of Public Policy, KSG

Commentator: **Tim Scanlon**, Alford Professor of Natural Religion, Moral Philosophy, and Civil Polity, Harvard

##### **Panel II: *Distributive Justice and the Professions***

**Greg Dees**, Associate Professor of Business Administration, HBS

**Andre du Toit**, Professor of Political Studies, University of Cape Town, South Africa

**Ezekiel Emanuel**, Fellow in Oncology, Dana Farber Institute

**Sandy Levinson**, W. St. John Garwood and W. St. John Garwood, Jr., Regents Chair in Law, University of Texas

##### **Panel III: *The Limits of Informed Consent***

**Dan Brock**, Professor of Philosophy and Biomedical Ethics, Brown University  
**Frances Kamm**, Professor of Philosophy and Adjunct Professor of Law, New York University  
**John Kleinig**, Professor of Philosophy, John Jay College of Criminal Justice, New York City  
**Judith Shklar**, John Cowles Professor of Government, Harvard

**Panel IV: *Can Ethics Be Taught?***

**Joe Badaracco**, Lecturer on Business Administration, HBS  
**Lachlan Forrow**, Instructor in Medicine, HMS  
**David Wilkins**, Professor of Law, HLS  
Moderator: **Dennis Thompson**, Alfred North Whitehead Professor of Political Philosophy; Director, Harvard Program in Ethics and the Professions

Reception and Closing Dinner



**Appendix V**  
**Reports of the Fellows**  
**1991-92**

To: Dennis Thompson  
From: Dan W. Brock  
Subject: Report on activities during 1991-92 fellowship year

My year as a Fellow in the Program in Ethics and the Professions has been very intellectually enriching and productive. First, a word about the seminar. Among this year's Fellows, I am a relatively "old hand" in practical and professional ethics, having worked in philosophical ethics for my entire professional career and having begun my work in medical ethics in the mid-1970s. I have written on or taught at one time or another most of the topics we took up in the seminar. Thus, I confess to some initial skepticism about how interesting and productive I would find the seminar. I am happy to report that this skepticism turned out to be fully unwarranted. While the topics were familiar, I found the diverse mix of professional training, background, and more general intellectual style and approach of the different Fellows enormously stimulating. The weekly meetings of the seminar displayed in a concrete way the breadth of perspectives possible on common issues, a breadth that even interdisciplinary work in a single field like medical ethics often lacks. I have no doubt that this breadth of perspective will influence my future work for many years, and in this respect I count the year a resounding success.

As you know, I was also appointed a Fellow in the Division of Medical Ethics at Harvard Medical School during this past year. I presented some of my own research to their Faculty Seminar Series, and was a regular attendee when others did so; this series exemplified the breadth of interesting work currently being done in medical ethics. I was and will continue as a member of a working group of faculty at HMS that formed to explore common research interests in the use of advance directives in health care. I am also exploring beginning some collaborative empirical research on euthanasia with some Division and other HMS faculty. Finally, I found it extremely useful to get a detailed picture of the teaching and other activities of the Division to bring back to my work as Director of the Center for Biomedical Ethics at Brown.

My own research moved forward substantially on several fronts during the year. In the spring of 1991, after having formulated my plans for the fellowship year, I received a contract from Cambridge University Press to publish a collection of some of my essays in biomedical ethics. Though I had not initially planned on devoting fellowship time to this project, doing some minor revisions to the essays and writing an introduction to the collection did occupy a significant chunk of my time in the fall of 1991. This collection is now in press and should appear around the end of this year under the title, Life and Death: Philosophical Essays in Biomedical Ethics.

My main project, on which I spent the most time, was a book on methodology in applied ethics and the role of moral theory there. As you know, this is a subject of lively debate in applied or practical ethics, and I believe philosophers in particular have not done a good job making the case for what role, if any, substantive moral theory has in applied ethics. What, if anything, is applied, and applied in what way. Besides these methodological issues, I attempt in the book to explicate what I believe nonphilosophers doing practical ethics should know about different moral theories. Work on the collection of my essays, as well as other papers described below, kept me from getting as far as I had initially hoped on this book. Nevertheless, I did make significant progress on it and

have completed a draft of several chapters, the first of which I presented at the last meeting of the seminar. The seminar throughout the year was especially valuable for this book project. My own work in professional ethics is concentrated in medicine, but this book concerns practical and professional ethics more generally, and so it was especially valuable to see on many occasions how similar issues are framed, approached, and dealt with differently in the other professions besides medicine which were represented in the seminar.

During the year I also completed a number of scholarly papers, three of which had been begun before my arrival at the program in September. The first of these, "Ethical Issues in Exposing Children to Risks in Research," is forthcoming in a collection of new essays, Children as Research Subjects: Science, Ethics, and the Law from Oxford University Press. It explores some special problems about children's capacity to consent to participation in research and different justifications for parents deciding about their participation. The second paper that I finished up last fall was "Voluntary Active Euthanasia," which appeared in the March/April 1992 issue of the Hastings Center Report. I imposed this paper on my fellow seminar members, so as you know it is a systematic attempt to evaluate critically ethical arguments for and against voluntary active euthanasia, and to clarify some important confusions in that debate. A shorter version of this paper is also forthcoming in the Yale Journal of Biology and Medicine. A Hastings Center project that I participated in completed a paper, of which I was a co-author with others (Susan Wolf, who will be a PEP Fellow next year, was first author), "Sources of Concern about the Patient Self-Determination Act;" this appeared in the December 5, 1991 issue of the New England Journal of Medicine.

Several other papers were entirely written during the seminar year. I wrote "Borderline Cases of Morally Justified Taking Life in Medicine" for a conference on Intending Death in Medicine, sponsored by Georgetown University and Johns Hopkins School of Medicine in January 1992. One important aspect of this paper was a critical evaluation of the very common "bias in favor of life" in borderline cases of forgoing life support or of more active means of hastening death. The papers from this conference are under consideration at a publisher. I also wrote two papers, "Public Policy and Bioethics" and "Death and Dying: Euthanasia and Sustaining Life. Ethical Issues," commissioned for the new second edition of the Encyclopedia of Bioethics. I wrote a review, "The Birth of Bioethics," of David Rothman's book, Strangers at the Bedside, which appeared in the May/June 1992 issue of the Hastings Center Report. Finally, I did a short paper entitled "What is the Moral Basis of the Authority of Family Members to Act As Surrogates for Incompetent Patients?" which is forthcoming in the Journal of Clinical Ethics. This last is a truly PEP inspired paper, since it is a commentary on a paper by Bob Pearlman, another of this year's PEP Fellows.

While the fellowship year provided a welcome respite from my usual teaching and administrative duties at Brown University, my broader professional activities continued unabated. I continued to do considerable manuscript review for about a dozen journals and publishers, for several of which I serve on the editorial board. I reviewed ethics codes or manuals for the American College of Physicians, the American Bar Association, and the American Nursing Association. I also continued my participation in an on-going research project at the Hastings Center on setting priorities in mental health care. One other project which took some time during this past year was membership on

a steering committee for the formation of a new American Association of Bioethics. Finally, just to keep my ties active back in Rhode Island, I have been President of the Rhode Island Philosophical Association for 1991-92.

To round out my report, during the period of September 1991 through June 1992 I gave the following 22 invited lectures at national and international conferences and symposia, or academic and health care institutions:

"Ethical Dilemmas of Health Care Reform," Boston Health Care Leadership Invitational Conference, Boston MA, September 1991.

"Surrogate Decision Making," Ethics Lecture Series, Lahey Clinic, Burlington MA, September 1991.

"Access to Health Care For All?" and "The Economics of Health Care: Who Pays? Who Benefits?" Conference on U. S. Health Care: Condition Critical, University of Montana, Missoula MT, September 1991.

"Trumping Advance Directives," Hastings Center/Harvard Medical School Conference on Implementing the Patient Self-Determination Act, Boston MA, October 1991.

"The Basis and Limits of the Authority of Advance Directives," Harvard Medical School, Division of Medical Ethics, Faculty Seminar, Boston MA, October 1991.

"Ethical Decisions Regarding Patients' Capacities to Make Decisions," Conference on Determining the Patient's Capacity to Decide: Medical, Ethical and Legal Perspectives, Charleston Area Medical Center, Charleston WV, October 1991.

"Voluntary Active Euthanasia," DeCamp Lecture Series, Princeton University, Princeton NJ, October 1991.

"Voluntary Active Euthanasia and Physician-Assisted Suicide," Brin Visting Professorship, Oncology Center, The Johns Hopkins University School of Medicine, Baltimore MD, December 1991.

"The Human Genome Project and Personal Identity," American Philosophical Association Eastern Division Meetings, New York NY, December 1991.

"Borderline Cases of Morally Justified Taking Life in Medicine," Conference on Intending Death in Medicine, Georgetown University and Johns Hopkins School of Medicine, January 1992.

"Trumping Advance Directives," Massachusetts Health Care Proxy Task Force, January 1992.

"Medical Need and Access to Health Care," Hastings Center Project on Priorities in Mental Health Care, January 1992.

"Voluntary Active Euthanasia," Martin Lecture, University of Rhode Island, March 1992.

"Should We Limit the Use of Beneficial Health Care?" American Philosophical Association Pacific Division Meetings, March 1992.

"Unexpected Decisions By Guardians and Surrogates," Kennedy Institute Advanced Bioethics Course, Georgetown University, March 1992.

"The Human Genome Project and Human Identity," 1992 Humanities Symposium: Genes and Human Self-Knowledge: Historical and Philosophical Reflections on Modern Genetics, University of Iowa, April 1992.

"An Ethical Framework for Surrogate Decision Making," United Kingdom Forum on Health Care Ethics and the Law, Centre for Medical Ethics, Kings College, London, April 1992.

"Current Issues in Terminal Care Ethics," Middlesex Hospital, Middletown CN, May 1992.

"Involuntary Hospitalization of Adolescents," American Psychiatric Association Annual Meeting, Washington, DC, May 1992

"The Limits of Informed Consent," Fifth Anniversary Conference, Program in Ethics and the Professions, Harvard University, May 1992.

"The Ethics of Surrogate Decision Making," 2nd International Conference of Public Trustees and Official Guardians, Toronto, Canada, May 1992.

Finally, on a more personal note, I want to express my admiration and gratitude for the superb way you ran both the seminar and the program. Melding the diverse approaches and different, but in no case small, egos we all brought to the seminar into a coherent and always amiable whole was no mean feat. The other superb staff of the Program also contributed in many ways, large and small, to a thoroughly enjoyable and productive year. The only thing I shall not miss is riding the train back and forth between Providence and Cambridge.

Moshe Halbertal

The year I spent in the program was an enriching experience for me. Among the many things that I learned was the importance of a framework that attempts seriously to combine practice and theory. Thinking about moral philosophy in the context of the practical arena of the professions has a therapeutic effect on philosophers who tend to have too much confidence in theory. This integrative approach is as beneficial to philosophers as it is to doctors, lawyers or other members of the professional community. The seminar discussions were both stimulating and thought provoking. Dennis skillfully facilitated a wonderfully constructive atmosphere between fellows of different moral positions and intellectual interests. The most interesting part of the seminar for me, was the discussions we had on the fellows' projects. It gave me an opportunity to know my colleagues' work, and interacting with them around their own research was fascinating. I personally benefited a great deal from the discussion on my project. My research focused on issues of group rights, such as the rights of groups to form a state and the rights of groups within a state. I dealt mainly with the tension between minority rights and liberalism. One of the central implications of this tension - the debate between Universalists and Multiculturalists - surfaced again and again in the seminar. (The most memorable session we had, even if not the most succesful one, was our heroic attempt to clarify the problem once and for all...) The time and the atmosphere provided by the program were valuable to the progress I made on my research.

Last, but not least, I want to thank the programs' staff. I am grateful to Amy, Ted, Hellen, and Jean; their kindness and dedication will be remembered.

June 3, 1992

To: Dennis Thompson

From: Sandy Levinson

Subject: Report on 1991-1992 activities as a Fellow of the Program in Ethics and the Professions

My particular experience as a Fellow of the Program was undoubtedly affected by the fact that I taught at the Harvard Law School during the fall semester of 1991. What this meant, alas, is that I spent less time in Taubman during the fall than did my colleagues. I did, of course, profit greatly from the truly excellent gatherings every Tuesday, but there was relatively little time available for more informal conversations that are often so helpful.

However, the fact that one of my courses was one the legal profession worked in important ways to strengthen my experience as a fellow. I constantly brought things we talked about at the seminar to my classroom, and vice-versa. Indeed, one of the most memorable classes occurred when I brought my fellow Fellow Terry Moore to describe the Air Force Academy's honor code as the preface to a discussion of whether the students would wish to institute an honor code at the Harvard Law School (with attendant duties to inform the relevant authorities about classmates' deviations from the code). It is, I think, revealing both about the Harvard Law School and about the legal profession in general that the general view was quite antagonistic toward the idea of bringing an honor code to the School.

Although I had taught the course many times before at the University of Texas Law School, there were, nonetheless, interesting differences that emerged when teaching it at Harvard. I have no doubt that my future teaching and writing in the area will be affected by the opportunity to teach here, as well. of course, as the opportunity to engage in the seminar. Though there were real costs attached to the teaching, there were equally real benefits as well, and I am grateful to the Program for tolerating, indeed arranging, the circumstances of my year as a Fellow.

Fortunately, the spring was far more Taubman oriented, and I was able as well to complete two writing projects begun during the fall. One is a review-article, Religious Language in the Public Square, that will appear in the June 1992 issue of the Harvard Law Review. Focusing on Michael Perry's new book, Love and Power, it discusses the legitimacy of employing religious discourse in the public square of a liberal state. Must public discourse in such a state be "neutral" in terms of reference to moral or religious ideals? The second project, Who is a Jewish



Lawyer: Reflections on the Notion of Professional Identity, will appear in the Cardozo Law Review, probably as the centerpiece of a wider symposium addressing the variety of ways that one's religious identity might (or might not) intersect with one's identity as a disciplined, professional lawyer. This paper began as the Feibel lecture at the Ohio State University in March 1992, was rewritten for presentation at the Fellows' seminar later that month, and was in turn rewritten once more as the result of the challenging reactions of some of the Fellows.

I had earlier done some writing on the notion of Louis Brandeis and Felix Frankfurter as "Jewish justices" and on the interrogations of Catholic nominees for the Supreme Court and the felt importance of eliciting their assurances that their religious commitments would be irrelevant to their performance of the judicial role. All of these pieces are united by a common focus on the demand, either by liberal political theory or by what I call "the professional project," to "bleach out" contingent aspects of personal identity--race, gender, religion, sexual preference, etc.--and to focus instead on adherence to a basically abstracted notion of the role appropriate for the liberal citizen or the trained professional. As Iris M. Young has written, "public life," at least under some highly influential conceptions, "is supposed to be 'blind' to sex, race, age, and so on, and all persons are supposed to enter the public and its discussion on identical terms."

This is obviously a highly debatable (and debated) notion, especially at a cultural moment emphasizing "multiculturalism" and the legitimacy of defining oneself by reference to what otherwise have been defined as highly particularistic aspects of the self. This is, therefore, a particularly rich time to look at some of the implications of our standard conceptions of professional role. An additional justification for looking at religious identity and argumentation, within the context of the Program, is that it helps us to recognize the extent to which "ethics" is assumed to be strictly secular and "philosophical," rather than religious and theological. It remains an open question whether people with secular and sectarian understandings of "professional ethics" can really respect one another and co-exist together.

Though it is premature to state with any confidence where this work will ultimately lead, it is possible that I will try to put these various musings on the intersection of religious and "public" identity together in the form of a short book. If so, that will simply be one more thing I

Sandy Levinson, Annual Report, Page Three

will be grateful to the Program for effectively making possible.

I also participated in a variety of professional meetings and conferences throughout the year on subjects related to the interests noted above (as well as several other gatherings devoted to issues in constitutional theory). Especially important was a conference in November in Madison, Wisconsin on Jews and the law, though I also participated in a panel on law and religion at the 1992 meeting of the American Association of Law Schools in San Antonio. I also presented versions of the two papers at Fordham Law School and gave a lecture on political ethics at Bates College. I very much enjoyed participating in the Fifth Anniversary gathering of the Program, where I gave a talk as part of a panel on the distribution of professional services. Most recently I participated in the meeting of the Law and Society Association in Philadelphia.

PEP Final Report-Moore

Annual Report  
for  
The Program in Ethics and the Professions

Terrence Moore

My plans in coming to the program last August had the dual foci of taking advantage of the opportunity to be close to and learn from some of the best minds in Ethics and Philosophy and working on my continued development as a Professional Military Officer. Although the latter task took more of my time than I had hoped, my expectations for the program were fully realized and I consider the opportunity to be a fellow to have been the highlight of the academic portion of my career.

Although my own research and reflection occupied most of my time, the Program seminar brought me into contact with a delightful group of colleagues. The penetrating and insightful comments offered by this distinguished group on a collection of high quality readings ensured that I was constantly challenged intellectually. Dennis's impeccable preparation was clearly a key factor in ensuring that the seminars were as stimulating as possible. I was especially impressed with his keen ability to find the central thread in impromptu and, by the seminarians, not-prior-coordinated research presentations during the last month of the seminar.

Although my original research plans focused on the question 'What role should the senior military leadership plan in the decision to go to war?', I found myself drawn instead to worries about the just war criterion of proportionality, especially with respect to the nature of the air campaign in Operation Desert Storm. This culminated in the preparation of a paper entitled 'Proportionality, Assumption of Risk and Contributory Responsibility' which was prepared for preparation at the Joint Services Conference on Professional Ethics in January of this fellowship year. The paper was revised and presented to the fellows on April 7th and has subsequently been accepted for publications by the National Defense University Press. During the fellowship year I also gave presentations to a meeting of the Society for Values in Higher Education, at the Harvard University Center for International Affairs and to Sanford Levinson's students at the Harvard Law School. I have also been working on a paper on force structure and strategy needs in the year 2000 for the United States Central Command.

The seminar's intellectual benefits were reinforced by various programs in the Kennedy School to include Alan Wertheimer's Ethics and Public Policy course in the Fall, Dennis Thompson's discussions of War and Morality in his course in Ethics and Public Policy, various colloquia and a fall study group on the Future of the US Military. I also benefited by

PEP Final Report-Moore

attending numerous colloquia in the Center for International Affairs.

My regrets are only that time did not afford me the opportunity to take advantage of more that the University had to offer. There were additional courses that I would like to have sat in on, colloquia I would have like to have attended, books and articles that I would have liked to have read and cultural activities that I would have liked to have been able to take advantage of.

I cannot praise too highly the Program's support staff. They are, without exception, highly dedicated and committed to making the Program run as smoothly as possible. Every request for assistance was swiftly and efficiently attended to. Without exception, Jean, Helen, Amy, Ted and Shari are wonderful people and outstanding staffers. Dennis must have an incredibly good eye for picking outstanding people.

The fellowship year gave me the opportunity to read, reflect, write, meet wonderful and bright people and experience the Yard. I have benefited immeasurably from the time I spent there. I hope the Fellows will remember me as fondly as I will remember them.

Washington, DC  
June 24, 1992

June 5, 1992

Memo to: Dennis Thompson  
From: Robert Pearlman

I came to the Program with three major objectives: (1) to explore the variability in the relationship between ethics and professional roles and responsibilities, (2) to expand my understanding of moral philosophy as the underpinning of clinical medical ethics, and (3) to work on a book pertaining to the role of empirical data in clinical medical ethics. I anticipated that progress would be measured by the number of papers and book chapters completed during my tenure as a fellow.

Shortly after initiating the Program, I realized that writing manuscripts and drafts of chapters early in the year would lack the insights gained from the weekly seminars, discussions with the other fellows, course work and readings in moral philosophy. In fact, I realized that forced productivity could inhibit the broadening effects of this educational experience. Moreover, during the year I came to appreciate the uniqueness of the opportunity to read, think, discuss, and grow intellectually.

It is easiest for me to divide my accomplishments during the Program into two major categories; what I shall refer to as "soft" and "hard" (without any suggestion that one is better than the other). In some ways I am most pleased with the "soft" accomplishments, although they are less tangible and more difficult to demonstrate at this time than the "hard" ones. Within the "soft" category, the first major accomplishment was an appreciation of the usefulness of considering and critically analyzing the similarities and differences of ethical problems and professional positions in different professions. This knowledge will be beneficial in teaching medical students and resident physicians to view many of their ethical concerns with greater impartiality. Second, before coming to the Program I mostly read articles in medical ethics (in addition to clinical and research progress in geriatric and internal medicine) and secondary accounts of moral philosophy. Like many other physicians I found reading moral philosophy to be rather obtuse and insufficiently focused. However, during the year I began to read primary source material in moral philosophy, including writings by Kant, Mills, Rawls, and Williams to name a few. Most importantly, I started to appreciate and enjoy the styles of writing and analysis, including those by Parfit. I consider this second accomplishment to be comparable to having a door partially opened. I anticipate that this

effect of the Program will influence my readings and grasp of moral and political philosophy as it applies to my work and teachings in medical ethics. For example, when I return to Seattle I plan to broaden the teaching focus of the clinical ethics seminars by expanding the reading topics and including political philosophers in all the activities. The aforementioned accomplishment also will directly influence my future research and writings. For example, I will be drafting the practice guidelines and their justifications for the American Geriatrics Society pertaining to physician assisted suicide, and writing papers on gender discrimination in medical practice and research, the difficulties and recommended mechanisms for achieving adequate representation for persons with dementia, and describing the ethical issues in nursing homes with reference to ethics in the family and social institutions.

Accomplishments in the "hard" category include course work, presentations, manuscripts, research, and progress on the book project. During the year, I audited a graduate seminar given by D. Parfit, attended an undergraduate course on Kant given by C. Korsgaard, participated in a medicine and literature seminar taught by R. Coles and participated fully in a workshop on principled negotiation at the Law School given by R. Fisher. In addition to these courses I met regularly with faculty in the Department of Social Medicine to discuss multiculturalism and ethical problem resolution, and met with faculty in the Division of Medical Ethics to develop a collaborative project pertaining to advance care planning. I gave several lectures during the year, mostly pertaining to advance care planning and the Patient Self Determination Act. One lecture was at the Harvard Club in Boston (sponsored by The Hastings Center), and four lectures occurred at Harvard Medical School or its hospital affiliates. These medical school activities were coordinated by the Division of Medical Ethics. I also gave a lecture in the Boston area to a national meeting of chaplains within the VA medical system. During the year I completed a paper on the role of empirical research in clinical ethics which was accepted for publication in "Theoretical Medicine" and coauthored a manuscript with Linda Emanuel on the process for advance care planning. This latter manuscript is under editorial review. Two other manuscripts were drafted; one pertaining to the role of negotiation in the identification, discussion and response to perceived ethical problems in clinical practice, and the second pertaining to needed revisions in the Medical Will (see JAMA article by L. and E. Emanuel). In addition to these manuscripts I also coauthored three research-based papers pertaining to "states worse than death." A major research activity during the Program was the development of an interactive videodisc to facilitate advance care planning. This project is a collaborative endeavor involving faculty at Harvard and Dartmouth Universities and represents an application of ethical principles and

objectives to clinical practice. I have been the principal consultant (pertaining to research design and ethical implications) and have benefited from the collegial input from the other fellows and the substance of our readings and seminars (eg., representation, impartiality, consent, disclosure, etc.). The last "hard" accomplishment was deferring the initial book idea and replacing it with writing a textbook of clinical ethics. During the year this revised book idea was developed as a result of the critical analyses of issues that occurred in the seminar series and informal discussions. This multi-authored textbook for students and trainees in medicine and nursing will identify ethical issues that confront practitioners by virtue of conflicts involving their own personal morality, ambiguity in understanding the goals of medicine, professional responsibilities, the nature of the fiduciary relationship with patients, relationships to institutions, (eg., medical practice and the law, multiculturalism, and the relationship between patient advocacy and social responsibility. This book idea has been discussed with potential contributors, including L. Peterson, L. Emanuel, L. Farrow, and T. Brennen; all of whom have expressed support and interest in this project. My goal for the upcoming year is to draft the moral map of the medical profession, so that the book has a cohesive underpinning and to minimize the editorial difficulties of a multi-authored textbook.

In summary, the Program has provided intellectual enrichment in professional ethics and moral and political philosophy. Most importantly, the Program has broadened my perspective in medical ethics. I anticipate returning to the University of Washington to further develop my level of sophistication in these areas and apply this knowledge to my writings, research and teaching.

Ethics Fellowship, Final Report RADDEN

The year just ending has been a wonderfully fruitful and fascinating one. It was an opportunity to experience the academic life as it most supports and nourishes the scholar, with time and a setting for intellectual interchange, with a rigorous program of reading, discussion and lectures provided by the weekly Seminar and the visiting speaker series, respectively, with excellent facilities and an outstanding staff on hand to help in every way, and finally, with the amiable guidance, friendship and example of a scholar and teacher as distinguished and vital as Dennis Thompson.

The weekly seminar stands out as especially memorable. Here I learned about ideas and also about teaching, about professions very different from my own, and about professionals. It was not always comfortable, but it was invariably instructive : on role morality, and the self-loathing of lawyers, on the intricacies of the military mind, and on how to run a seminar with civility and grace.

Those of my energies not directed toward goals arising out of the seminar and its requirements were spent elsewhere in roughly equal parts. Curriculum development for the new public policy graduate program beginning at my home institution, the University of Massachusetts in Fall semester, 1992, required me to be assembling



materials and engaged in course planning. I also tried to learn all I could about the way ethics and moral philosophy are taught to prospective public policy professionals at the Kennedy School. To this end I sat in on classes taught by Appelbaum and Wertheimer ( P-100 The Responsibilities of Public Action), and visited for Wertheimer's entire course ( M-800 Ethics in Government) during the Spring semester. I have been meeting regularly throughout this academic year with the other faculty responsible for the U.Mass. program, and attempting to apply and share some of these new ideas.

My own research was my other concern. I completed all but one chapter of a first draft of my manuscript on identity theory and its relation to the theory and practice of psychiatry. My position as a fellow has provided a useful entrée to the world of practitioners associated with the medical school and allied psychiatric wards and clinics, and I have benefited from their guidance and case analysis. This link with the professional field gave me the opportunity to attend two regular seminars. One was the weekly meetings of the Program in Forensic Psychiatry and Law, run by Dr Thomas Gutheil of the Harvard Medical School. This group is centrally concerned with the issues of psychiatric ethics, and identity and responsibility, arising in my research. The more metaphysical side of my work was enhanced by my participation, during the Spring semester,

in Professor Ed. Hundert's seminar at the medical school on Philosophy, Psychiatry and Brain Science. In February I also attended a conference, and met with staff at the Institute of Philadelphia Hospital, where a special unit houses patients suffering from the dissociative disorders about which I am writing.

In addition to research related to my book, I have been at work on a number of articles. A short piece on affirmative action was read at a conference in Amsterdam in April, the 6th Symposium of the International Association of Women Philosophers. It will appear in the symposium's Proceedings, Against Patriarchal Thinking, to be published this year by the Vrije Universiteit Press, Amsterdam. At this conference I also participated in a panel discussion : 'A Future Without Discrimination'.

Of my several articles related to advance care planning in psychiatry, one was accepted for publication (the Journal of Social Theory and Practice), and another will be read at a conference this August ( the VIth Annual Conference of the European Society for Philosophy of Medicine and Health Care, held in Hungary ). Papers on autonomy and on reductionist theories of the self were completed and are now under review at scholarly journals, and I have begun work on a chapter about responsibility and successive selves requested for an anthology which will contain philosophical and clinical pieces on multiple personality disorder.

Final Report  
Program in Ethics and the Professions  
1991-92

Andrew Stark

This year brought many pleasures, both academic and non-academic. Among intellectual pleasures, the weekly PEP seminar was unquestionably the highlight. In the first place, and perhaps most obviously, the seminar introduced me to issues and problems which I had not encountered before. More important, the structure of the seminar forced me to read and think about these issues on their own terms, and not simply -- as I might otherwise have done -- ransack them for useful analogues to my own work (although, I must confess, I did a little bit of that anyway). And, on their own terms, I found all of these new questions -- from "frivolous cases" to "futile care" to "alternative approaches to ethics" and others -- fascinating, and the discussions surrounding them rich and provocative. But also simply to re-learn (after eight years) what it is to be part of a seminar, and, week after week, to have to enter into new issues wholly on their own terms -- this was very important for me.

Second, the two seminars in which I presented my own work were of great assistance. Everyone clearly made the effort to enter into the spirit of what I was attempting to do, and many of the comments will help make those papers much better products. In fact, some of the comments showed a greater understanding of what I was trying to do than I myself had at the time. Only in further reflecting on some of them was I able -- days or weeks later -- to grasp their true import. I appreciated in particular Dennis's encouragement of my attempts to root my work in both theory and "real-world" public discourse, as well as his suggestions that I attempt to resolve, and not simply expose, philosophical contradictions or difficulties in the questions I analyze.

Apart from introducing me to many new debates, and offering new perspectives on my own work, I discovered the pleasure of revisiting some old, timeless debates in the company of scholars whose own positions were often (at least to me) unpredictable; certainly they rarely, if ever, fit neatly into any particular camp.

I recall that early on in the year, I felt some frustration about one of our sessions because the discussion reminded me of a play I had seen before -- I knew at the outset, in other words, how it was going to end. What I didn't realize at the time was how apt that analogy really was. For we often

eagerly attend plays that we have seen performed many times before. And we do so, in large measure, because of the novel and unexpected interpretations the actors and the director place on the various roles. For me, in some ways, the seminar's greatest revelations occurred not when we turned to new questions I know little about, nor to questions currently on my mind which I think alot about, but to old questions I thought I knew about.

This was an important discovery for me. By the time I completed graduate school seven years ago, I had developed the impression that many of the central debates in political/legal/moral theory were stuck in a rut. The big theoretical questions seemed simply irresolvable, and many of those discussing them either delighted in pointing out how irresolvable they were, or else were partisans whose positions continued to score the same points and betray the same difficulties. Or, at any rate, that is how I jadedly viewed things seven or so years ago. And, even after deciding to re-enter academic life a couple of years ago, I felt more comfortable pursuing theoretical questions thrown off by "real-world" debates than in pursuing the mainstream theoretic agenda.

What the seminar showed me was how some of the big, theoretical questions -- by which I mean, for example, partialist versus impartialist approaches to ethical questions, or the soundness of the role morality/common morality distinction -- can be productively approached. Specifically, they can be productively approached by scholars for whom their ultimate irresolvability doesn't preclude a collective inching and iterating forward, insight by insight, and who, instead of being advocates for different schools, see themselves -- to paraphrase Justice Brandeis -- as counsel to the intellectual "situation." Speaking very personally, to observe my colleagues at work week after week in this spirit was a vitally important and welcome experience for me. My guess is that as a result, my research interests will expand, over time, to reincorporate some of these broader theoretical issues.

The year was a very productive (to say nothing of re-productive) one for me. I made considerable progress on my book, "Conflict of Interest in American Public Life," although its completion will have to wait until next summer. I also completed three papers. The first, a political-theoretic examination of American constitutional discourse over corporate political activity, will be appearing in the September American Political Science Review. Another article examines the democratic-theory issues which arose in the debate surrounding the recent passage of Canada's law regulating the activity of paid lobbyists, the most comprehensive statutory instrument of its kind to be found at the national level in any western democratic polity. This piece will be appearing in the Canadian Journal of Political Science. Finally, a piece called "Public-Sector Conflict of

Interest at the Federal Level in Canada and the U.S.: Differences in Understanding and Approach," is forthcoming in Public Administration Review. Another version will be appearing in Ethics and Public Administration, edited by H. George Frederickson.

I presented two papers to the PEP seminar, one called "The Appearance of Official Impropriety and the Idea of Political Crime," and the other called "What is a Balanced Committee? Democratic Theory, Public Law, and the Case of Federal Advisory Committees." I presented the "appearance" paper, as well, in the Harvard Government Department's Olin/Bradley Seminar Series in Constitutional Law and Politics.

In March I testified before a joint Canadian House of Commons/Senate Committee which has been asked to draft a new conflict-of-interest law for Canadian M.P.s, senators, and cabinet ministers. In April I gave a talk at the Wharton School called "Business Ethics: Some Responses to Its Critics." Also in April I participated in a Washington press conference to launch a new Brookings Institution book called The Collapse of Canada?, to which I contributed a chapter called "English-Canadian Opposition to Quebec Nationalism."

At the beginning of the academic year, I made a list of courses that I wanted to audit -- some in the fall, some in the spring. In January, having somehow managed not to audit a single one, I was advised by Dennis not to regard auditing as an all-or-nothing proposition: Instead, I should examine the syllabi of the courses that interested me and "cherry-pick" -- that is, with the permission of the instructor, attend a given course whenever that day's subject particularly interested me. It was good advice and I would recommend it to busy future fellows. Unfortunately, I was unable even to follow it as completely as I would have liked. My one regret about the year is that other pressing things made it impossible for me to take greater advantage of Harvard's academic offerings.

I would, finally, like to thank Dennis, Arthur, Alan, Martha and the Fellows for creating a wonderful intellectual environment, and a seminar that extended far beyond the space-time coordinates of Taubman/Tuesdays 12:30-3:30. And I would like to express my appreciation to Jean, Helen, Amy, Brenda and Ted for their warmth, patience and good-humored assistance on dozens of occasions over the past year.