Harvard University

The Program in Ethics and the Professions

Annual Report 1997-98

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To: President Neil Rudenstine
Provost Harvey Fineberg

From: Dennis Thompson

Subject: Annual Report of the Program in Ethics and the Professions

Date: July 31, 1998

After the impressive presentations and grand celebrations during our Tenth Anniversary observance last year, I was concerned that this year might seem dull in comparison. I should have known better. It would be hard to complain about a year in which the world's leading political philosopher chose the Fellows' seminar to present the first paper he had given since his recovery from illness, a federal judge came to face the Fellows to answer criticisms of his now notorious attack on moral theory, two schools at Harvard appointed faculty with interests in ethics, two former Fellows joined the tenured ranks of our Law School and another won the senior class's award for the best teacher, the Program received several generous gifts from donors, the Fellows held a seminar on top of a mountain, the Program finally advanced into the cyberage by creating its own Web page, and the Program's jazz combo, complete with a classy vocalist, was able to perform twice in public.

The issues of ethics and the faculty and students who explore consistently pose new challenges, and the faculty and students who pursue practical ethics, active now in all the schools of this University, as well as many others, continued their impressive work and undertook many new initiatives, as you will see in the reports from the Fellows and the various schools at Harvard.

The Current Faculty Fellows

The seminar was even more diverse in several respects than in previous years (see Appendix III for individual reports of the Fellows). The ages of the members ranged from the early thirties to the late sixties. Their philosophical education extended from Harvard orthodoxy to Italian heresy. The discussions went beyond the usual boundaries of ethics: in addition to the familiar topics of moral and political theory and professional

ethics, we examined issues in genetics, campaign finance, managed care, and war crimes trials.

The most lively and probably most controversial issues arose in our discussions about the place of religion in professional life and public policy—a topic to which we frequently returned, sometimes deliberately, sometimes reluctantly (at least for some members). And thanks to the healthy skepticism that some effectively expressed, we never suffered from the lack of strong challenges to the relevance of theory for the practice of ethics. We also benefited from the participation of Ken Ryan, a senior fellow of the Program from the beginning and a physician of extensive experience in medical ethics at Harvard and nationally.

Despite (or was it because of?) the intellectual diversity, the group bonded: the intellectual chemistry worked. Some of the special events no doubt helped. Although last year's Fellows managed to climb together to the top of Mt. Monadnock, this year's group actually held a seminar on the top. (We became so engaged in the argument on the way down that we lost our way—geographically, not intellectually, of course.) Judge Richard Posner's visit to the Program to defend his "Problematics of Moral Theory," in which he attacked all manner of theorizing about ethics, united even the skeptics among us. And John Rawls, returning after his illness, presented his paper on public reason to a joint seminar of the faculty and graduate fellows, reminding us all what philosophical inquiry about contentious questions can be when at its best.

But most of all, the Fellows themselves—their commitment to serious intellectual inquiry and their openness to new approaches and topics—made the seminar work so well. They not only enthusiastically took part in the Program's own activities, but all participated in activities throughout the University, including the Law School, the departments of philosophy and government, the Medical School, and several affiliated hospitals.

At the final seminar I usually make a few comments by way of conclusion; nothing elaborate, just some appreciative remarks (in those years when there is something to appreciate). This year, I forgot. I did not realize we had reached the last session. Perhaps I assumed that the seminar would go on indefinitely. That may be the best summary of all: I wish it could have.

As the Fellows return to their own institutions or take up new challenges, they will continue their work in practical and professional ethics. Most of them will immediately assume positions in which they can influence other faculty as well as students—teaching new courses on ethics, directing programs or projects that introduce the study of ethical issues into the curriculum, and in other ways contributing to the advancement of the study of practical and professional ethics.

Lisa Lehmann will return to our Medical School, where she will teach

the course "Patient-Doctor (III)" and coordinate the student research summer program in the Division of Medical Ethics. She will also be a Fellow of General Medicine at Massachusetts General Hospital. Peter de Marneffe, newly promoted to Associate Professor, will continue to teach ethics to undergraduate and graduate students at the University of Arizona. Sebastiano Maffettone, a pioneer in bringing practical ethics to Italy, will return to the program he directs in Naples, and to the University of Palermo, his home base for the numerous projects and publications that influence academics and practitioners in law, medicine, government and business throughout Italy. Richard Miller, sought after this year by another university to lead their ethics and religion programs, decided to return to Indiana University, where he plays an important role in the ethics activities. Herlinde Pauer-Studer returns as Associate Professor to the University of Vienna to teach and write about ethics and political philosophy. Richard Pildes, Professor of Law at the University of Michigan Law School, will be Visiting Professor of Law at New York University Law School in the spring. He will continue his writing on the values and institutions in contemporary American democratic processes.

The New Faculty Fellows

Next year's fellows were selected from a pool of applicants from 45 different U.S. colleges and universities. Thirty-six applications came from overseas, representing 18 countries (Australia, Austria, Bahamas, Cameroon, Canada, Chile, Egypt, Ethiopia, France, Germany, Greece, India, Israel, Japan, Nigeria, Poland, South Africa, and the United Kingdom). The applicants ranged in age from 27 to 77 years, with an average age of 43. Twenty-seven women applied (about 30 percent of the total). More applicants came from philosophy (about 31 percent) than any other field. Among other fields represented were: government including political science (14 percent), medicine (about 6 percent), law (18 percent), education (6 percent), business (about 6 percent), and religion (5 percent).

The group finally selected again poses the challenge of creating some unity out of diverse intellectual backgrounds. (For biographical notes on the new Faculty Fellows, see Appendix I.) Even so, the new fellows share some interests: two have worked on feminist theory, two on liberalism, and two on various aspects of insanity. (The latter may prove useful, if the seminar discussions take the turn they occasionally have done in previous years.)

Theorists (in the form of one philosopher and two political theorists) make up half of next year's class. The philosopher has written on moral dilemmas, a central topic in practical ethics and long a focus of the Program. The political theorists, in addition to their interest in contemporary liberalism, are working on applied questions such as abortion policy, privacy rights, and the pat-

enting of genetic materials, as well as not so practical topics such as anarcho-capitalism.

After several years of a (welcome) profusion of lawyers, we have only one practicing legal academic next year, an Israeli scholar who is working on, not conventional legal ethics, but aspects of the trials of the holocaust. For the first time a clinical psychologist joins the seminar. Also holding a law degree, he is known for his scholarship on mental health law, as well as his clinical practice at the Massachusetts Mental Health Center. To bring the perspective of a physician to the seminar, we invited Walter Robinson, director of the Medical School's Fellowship Program in Medical Ethics and a Faculty Associate of our Program, to join the seminar.

The Faculty Fellows were selected by our faculty advisory committee with representatives from several of the Harvard professional schools and the Faculty of Arts and Sciences: Mark Moore (Kennedy School of Government), Martha Minow (Law School), Thomas Scanlon (Philosophy), Lynn Peterson (Medical School), Michael Sandel (Government Department), and Joseph Badaracco (Business School). I chaired the committee. Arthur Applbaum and Jean McVeigh also helped evaluate the applications, and sat with the committee.

The Graduate Fellows

The eighth class of Graduate Fellows included two political theorists, a philosopher, an economist, and a journalist studying law. (See Appendix IV for their individual reports.)

Under the leadership of Arthur Applbaum, director of the Graduate Fellowships in Ethics, the seminar studied ethical problems in law, business, medicine, and government, and treated topics that cut across the professions, such as the morality of roles and the nature of moral dilemmas. The interests of the Graduate Fellows led to special emphasis on human rights and military intervention, ethics and the environment, political liberalism, ethics and economics, and moral responsibility.

Samantha Power, a law student, was named the Eugene P. Beard Fellow in Ethics. Power, who covered the war in the Balkans for major news magazines, is writing a book on U.S. responses to genocide. She has recently been appointed project director of the Kennedy School's new Initiative on Human Rights. Power also served as a Fellow in the Shorenstein Center on the Press, Politics, and Public Policy. Peter Cannavo, a political theorist working on environmental ethics, presented two conference papers during the year, and is scheduled to present a third in the fall on the political meanings underlying disputes over ancient forests.

Evan Charney, a political theorist writing on political liberalism, published an article in *American Political Science Review*—a rare achievement for a graduate student. Nien-hê Hsieh, an economist, published an article that challenges the accepted

view of the influence of the Irish famine on the development of the discipline of economics. He also designed and taught an undergraduate tutorial in ethics and economics. Angela Smith, a philosopher writing about our moral responsibility for mental states such as desires and attitudes, presented her work at a conference in the Netherlands. Not least of Smith's accomplishments this year was to lead the PEP Jazz Combo on trumpet.

Through the generosity of Eugene P. Beard, who has established a second Beard Fellowship, we are able to fund six Graduate Fellows for the coming year. Reflecting the increasing internationalization of Harvard, the group includes citizens of Greece, Turkey, and Canada. Two of the incoming Fellows are philosophers, one studies political theory and international relations, one is a political theorist and lawyer, and two are legal theorists. (See Appendix II for their biographies.)

Former Graduate Fellows are now taking positions at leading institutions around the world. Graduates of the Program have joined the faculties at the University of Michigan School of Public Health, Oxford University, University of Maryland Law School, University of Cologne, Colby College, Cambridge University, Tufts University, University of Virginia, Williams College, Georgetown University, and Northwestern University Law School. Others hold research positions at the Research Council of Norway, the Free University in Amsterdam, the University of Amsterdam, the European University Institute in Florence, the University of Michigan Business School, the University of Witwatersrand in Johannesburg, and the National Institutes of Health. Two of our downwardly mobile graduates are now members of the Harvard Society of Fellows.

Public Lectures

Supported by a fund established by Obert Tanner, the Program's lecture series seeks to encourage philosophical reflection on problems of human values in contemporary society. In the spirit of the interfaculty collaboration you are encouraging throughout the University, this series continued to bring faculty and students together for discussion of a variety of ethical issues. As in previous years, most of the lectures attracted overflow crowds including members of the wider community.

The speakers in this year's series were:

Deborah L. Rhode, Professor of Law; Director, Keck Center on Legal Ethics and the Legal Profession, Stanford University Law School: "Lawyers: Problems of Professionalism"

Elaine Scarry, Walter M. Cabot Professor of Aesthetics and the General Theory of Value, Harvard University: "Thinking in an Emergency"

Michael Walzer, Professor of Social Science, Institute for Advanced Study,

Princeton, New Jersey: "Deliberation, And What Else?"

John Ferejohn, Professor of Political Science, Stanford University: "Institutions of Deliberative Democracy"

Judith Thomson, Professor of Moral Philosophy and Philosophy of Mind, Massachusetts Institute of Technology: "Doctor-Assisted Suicide: Some Moral Issues"

The Program is responsible, along with the President's office, for arranging the annual Tanner Lectures on Human Values. Their purpose is to advance scholarly and scientific learning in the entire range of moral, artistic, intellectual and spiritual values, both individual and social. This year's lecturer, Professor Myles Burnyeat, Senior Research Fellow at All Souls College, Oxford, spoke on "Culture and Society in Plato's Republic."

The lectures were delivered to overflow crowds at Lowell Auditorium. Students and faculty from the departments of philosophy and classics were joined by others from many parts of the University, as well as from the Cambridge-Boston community, and several other universities and institutions in the area. Over 100 faculty and graduate students participated in the seminar following the lectures, which was moderated by Professor Richard Tuck of the government department. The commentators were Alexander Nehamas, Edmund Carpenter II Professor in the Humanities, Princeton University, and Julia Annas, Regents Professor of Philosophy, University of Arizona. At the final lunch, Professor Burnyeat and the commentators engaged a group of graduate students from classics, government, and philosophy in a lively discussion that further explored the issues raised during the three-day event.

The Program also sponsored, jointly with the Division of Medical Ethics, a panel on the timely topic of cloning. (See the report in the section on the Medical School.)

Ethics in the Schools

As a result of connections made through the Program, as well as programs within each of the professional schools, individual faculty and students come increasingly together for curricular development and research projects. The Program remains an important source for encouraging and fostering collaboration among faculty and students. It also continues directly to provide ethics education for some faculty and students. But at the same time, nearly all of the faculties have created their own programs and courses, and have their own group of faculty who specialize in ethics. Only Design and Education had no faculty teaching in this field, and both have now taken steps to remedy that deficiency. The Design School has appointed Victoria Beach, an architect who had previously prepared case studies for the ethics course there. The Education School appointed Catherine Elgin to their chair in the Philosophy of Education. Although her primary field of interest is

epistemology, she is expected to be a strong source of advice for students and faculty of the School interested in professional ethics. Reports from our friends in the other schools follow.

The Faculty of Arts and Sciences
(reported by Michael Sandel and Chris Korsgaard)

A new fund for curricular development in the Core Curriculum in the College was established, thanks to the generosity of Paul Josefowitz (AB '74, MBA '77). It is to be administered by the Ethics Program. Already three distinguished senior faculty have expressed serious interest in developing new courses. All three are innovative and in fields where previously there have been no moral reasoning courses. One explores how we reason morally in emergency situations (i.e. individual and collective decisions in natural disasters, rescue operations, war, and the like); a second is on the concept and practice of majority rule in political governance (its moral justifications, its limits and its contemporary meaning); and a third course will focus on free speech and censorship in the wake of the communications technology revolution (with examples from cyberspace).

There is of course a problem with recruiting some of our most talented scholars and teachers for such courses: these faculty are already in demand for other projects and have commitments they must fulfill before beginning these projects. We are confident that the courses will be worth waiting for, however.

The links between the Program in Ethics and several departments of the Faculty of Arts and Sciences continue to strengthen and grow. Through participation in the Program's Graduate Fellowships in Ethics, as well as the public lecture series, faculty and students continue to demonstrate a strong commitment to the field of practical ethics. Several of the Program's visiting lecturers – Michael Walzer, Judith Thomson, and John Ferejohn – attracted large audiences from the departments of government, philosophy, and classics, and generated cross-disciplinary discussions at the dinners following the lectures, now a firmly established tradition.

A highlight of the year was the luncheon seminar with Professor Myles Burnyeat, Senior Research Fellow at Oxford, who delivered the University Tanner Lectures on Human Values. Fourteen graduate students from the departments of philosophy, classics, and government, who are writing on ethics-related topics, spent a productive session with Burnyeat and the two commentators, Professor Alexander Nehamas of Princeton, and Professor Julia Annas of the University of Arizona.

The philosophy department has appointed a new assistant professor, Michael Blake (from Stanford University), who specializes in political philosophy and philosophy of law. He will join the roster of those teaching in the Moral Reasoning division of the Core Curriculum. Professor

Melissa Barry's course, "Reason and Morality," has been accepted for the Core Curriculum. The course introduces students to influential approaches to moral reasoning. Four positive accounts of moral thinking are examined: Plato's, Hobbes', Kant's, and Mill's. Also examined in the course is Nietzsche's skepticism about the possibility of moral reasoning. The questions she will explore include: Can our moral views be defended by rational argument? Or must we resort to mere assertion and counter-assertion when trying to defend moral positions? Are there moral facts? If we can reason about morality, what does such reasoning look like?

This year, the department awarded three Ph.Ds to students writing dissertations in the area of ethics. All are former Graduate Fellows in Ethics: Tamar Schapiro, who continues as a Junior Fellow in the prestigious Society of Fellows; Talbot Brewer, who teaches at the University of Virginia; and Agnieszka Jaworska, currently holding a postdoctoral fellowship at the National Institutes of Health together with a three-year teaching position at Georgetown University and Johns Hopkins University. James Dawes, also a former Graduate Fellow in Ethics, has been named a Junior Fellow in the Society of Fellows.

Graduate students and faculty in political theory came together regularly for ethics-related discussions at the Political Theory Colloquium organized by Pratap Mehta. Other faculty participants included Seyla Benhabib, Harvey Mansfield, and Michael Sandel.

The Workshop in Moral and Political Philosophy continued to meet weekly throughout the year. Participants included 12 graduate students in philosophy and two Faculty Fellows from the Program in Ethics (Lisa Lehmann and Peter de Marneffe). Participating department faculty were Melissa Barry and Chris Korsgaard, who were joined by Thomas Scanlon and Derek Parfit in the fall, and for several sessions by Amartya Sen. The workshop sponsored speakers from outside the University. As in the past, the speakers gave colloquia and held office hours for the students in the Workshop.

The Weatherhead Center for International Affairs again offered its seminar on ethics and international affairs. This successful series attracts both scholars and policymakers. The speakers and topics included: James Der Derian, Professor of Political Science, University of Massachusetts at Amherst: "From Just War to Virtual War: The Ethical Lag"; Seyla Benhabib, Professor of Government: "The Return of the Citizen in Contemporary European Debates"; Thomas Scanlon, Professor of Philosophy: "Benign Relativism"; Michael Walzer, Institute for Advanced Study, Princeton, New Jersey: "The Argument about Military Intervention"; Alaistair Iain Johnston, Department of Government: "But is it Socialization? International Institutions and Foreign Policy"; Deborah Yashar, Department of Government: "Democratic Boundaries and Ethnic Diversity: Remapping Political Autonomy and

Differentiated Citizenship in Latin America." The government department initiated the Judith N. Shklar Memorial Lectures (organized by Stanley Hoffmann). The inaugural speaker was Quentin Skinner, Regius Professor of History, Cambridge University, whose topic was "Ancient Laughter and Modern Philosophy." The lecture was learned and lively, delivered with erudition and insight that would have pleased our late Senior Fellow Dita Shklar, however much she might have disputed Professor Skinner's conclusions.

A sample of speakers and topics for Harvey Mansfield's program on constitutional government, included: David Brooks, *The Weekly Standard*: "Latte Liberalism"; Alan Ehrenhalt, *Governing Magazine*: "Where Have All the Followers Gone: Thirty Years of Eroding Authority"; and Robert Samuelson, *Newsweek Magazine*: "The Politics of Overpromising."

The Center for Literature & Cultural Studies held a two-day conference on "The Turn to Ethics" in the spring. The thirteen national and international speakers from diverse fields such as history of science, literature, medicine, philosophy, and political science, included Harvard faculty Allan Brandt, Marjorie Garber, and Elaine Scarry. The conference discussed the many turns the "turn to ethics" itself could take: from aesthetics and justice, multiculturalism as "multi-ethics," antagonism or deliberation, the rhetoric of ethnic particularism, and how to read ethically as a pedagogical practice, to the crucial bioethical questions we all face as we head for the 21st century. Despite the variety of examples, which reflected the revived interest in ethics in both academic and popular discourse, each of the speakers addressed common concerns: How did our idea of ethics come to be shaped? How can we understand "ethics" today, when the very notion of a common standard may be seen to be under question? Must the "turn to ethics" involve a turn away from something else, or is ethics intertwined with other concerns?

The Business School
(reported by Joe Badaracco)

The major developments during the past year involved the MBA curriculum. During the spring term, Lynn Paine introduced her new elective course, "Globalization, Culture, and Management," which explores the role of business and ethical values in international and non-U.S. contexts. The course, which includes twelve new cases, is the culmination of a multi-year research and case-writing effort.

A second new course is "The Moral Leader," an elective designed by Joe Badaracco, which he taught in the fall semester. The course uses a combination of fictional works and traditional cases to examine the moral issues commonly faced by leaders of organizations. The initial version of the course was well received, attracting 180 students.

Another elective course changed its focus considerably. "The Business World: Moral and Spiritual Inquiry through Fiction," concentrated on the relationship between religious and spiritual values and the issues of work and life that MBA students are likely to face.

The ten-session ethics module, "Leadership, Values, and Decision-Making," taken by all incoming MBA students, was taught to both the September and January cohorts. Receiving higher ratings than in any recent year, the course was one of the best received of all the required MBA courses.

Joe Badaracco's book, *Defining Moments: When Managers Must Choose between Right and Right,* was published in the fall. The reviews in the business press were almost uniformly positive, and an article based on the book appeared in the March-April issue of *The Harvard Business Review*. In the fall, Lynn Paine served as the commentator for the Hansen-Wessner Memorial Lecture, delivered by Max De Pree and sponsored jointly by the Business School and the Center for the Study of Values in Public Life at the Divinity School. The lecture is one of a series funded annually by The ServiceMaster Foundation to provide a forum to discuss and consider a reference point for a moral and ethical framework for the marketplace. The lecture, together with Lynn Paine's comments, will be published later this year.

Lynn Paine and Joe Badaracco are organizing a yearlong seminar, which will focus on the issues raised by Paine's recent research and course development. The seminar is still at the planning stage, but it is likely to involve participants from several schools and departments of the University.

The Design School
(reported by Victoria Beach)

The School of Design introduced its first courses in the ethics of architecture in the 1996-97 academic year. They were taught by Carl Sapers, adjunct professor, and Mack Scogin, former chair of architecture in the School.

The 1997-98 academic year was an exciting and productive one for ethics at the School, and the main ethics course showed notable improvement over the inaugural year. Again, the course was taught by Mack Scogin and Carl Sapers. This is one of the few courses of its kind in the country. Victoria Beach, an architect and Yale-trained political theorist, who served as teaching assistant in the course, prepared the cases, which were based on actual episodes involving dilemmas faced by practicing architects. They raised issues such as the ethical limits on soliciting work, the nature of responsibilities to clients and colleagues, and the various conflicts among obligations to clients, professional standards, and the community. Students were appointed to task forces and assigned further research on each case, after which they reported back to the class. The architect

featured in the case then met with the class to discuss the issues the students wished to raise. The revisions concentrated on refining the structure and sequencing of class time. Next year the course will expand to include case studies addressing themes of design quality in circumstances of diminished project control, effects of professional specialization on fiduciary responsibilities, and issues surrounding international work. The academic level of the course will be raised by requiring student prerequisites or pre-approvals.

The unique element of the course is less its combination of actual and theoretical readings and more the level at which the actual events are conveyed. Architects of the highest professional distinction participate and present case studies that, by agreement, avoid abstractions and allegories. Thus the students are offered the opportunity to study scenarios of far-reaching public impact.

The Divinity School
(reported by Brent Coffin and Betsy Perabo)

The Divinity School is engaged in the teaching of theologically informed ethics and in research on the ethical dimensions of public policy and professional practice. In its courses, interfaculty seminars, and executive and public education efforts, as well as in the programs of the Center for the Study of Values in Public Life (CSVPL), the Divinity School has focused on the importance of religious ideas and institutions in contributing to public life from a variety of perspectives. Subjects receiving curricular attention in the area of ethics include international relations, economic decision making, the environment, medicine, and civic renewal and political discourse. J. Bryan Hehir, a Faculty Associate in the Ethics Program, continued to offer courses on political and moral criteria for the use of force and on the politics and ethics of statecraft. He also taught social ethics and public theology. Two courses were offered on religion and ethics in American public life, one by Dean Ronald Thiemann and CSVPL Executive Director Brent Coffin, and the other by Preston Williams. Marcy Murninghan taught a course on moral values and decision making in the media and other businesses. Tim Weiskel, Visiting Lecturer on Religion and Society, offered "Topics in Environment Ethics" with affiliated faculty member Tim Ford of the School of Public Health. Arthur Dyck taught a course on theological perspectives in clinical ethics and health policy, and a medical ethics class with Judith Kinley, R.N., and Richard Norton, M.D., visiting lecturers.

Preston Williams offered courses on contemporary religious ethics, social ethics, and "African American Ethical Perspectives." Affiliated faculty member Charles Hallisey taught a course on comparative religious ethics, and Ralph Potter offered social ethics, moralists, the ethics of relationships, and "Fame, Celebrity, and Public Relations." Elisabeth Schussler Fiorenza taught New Testament ethics.

Two interfaculty seminars focused on ethics, values, and public policy. The Harvard Faculty Seminar on Public Life and the Renewal of Democracy, in its second year, provided a forum for 25 University faculty members to share research on the health and future of American democracy, and to identify common points of investigation. Together the faculty will be writing a book entitled, *Who Provides? Religion and Civil Society After Welfare*, which seeks to respond to fundamental questions concerning the capacity and moral responsibility of American institutions to secure conditions of just social provision in American Democracy. Presenters included Mary Jo Bane, Brent Coffin, Francis Schussler Fiorenza, J. Bryan Hehir, Martha Minow, Robert Putnam, Theda Skocpol, and Rick Weissbourd.

In the Harvard Seminar on Environmental Values (HSEV), faculty and practitioners examined the values that animate and underpin their research, and the ethical implications of public policy on environmental matters. The HSEV is co-sponsored by the University Committee on the Environment. The theme, "Water/Symbol and Substance of Life: Toward a New Environmental Ethic" was addressed in six seminars throughout the year by faculty members from the Medical School, the Design School, and the Department of English, as well as outside faculty and practitioners, including Dr. Jerry Schubel, President of the New England Aquarium, and Robert L. Zimmerman, Jr., Executive Director of the Charles River Watershed Association. The coordinator of the HSEV is Tim Weiskel of CSVPL.

The CSVPL has also been involved in executive and public education on key moral issues. In October, a public symposium brought together Diana Eck, J.Bryan Hehir, James Kloppenberg, Michael Sandel, Ronald Thiemann, and Cornel West for a conversation on Alexis de Tocqueville, religion, and civil society. In the fall, in collaboration with the Business School, the Center hosted the Hansen-Wessner Memorial Lecture sponsored by The ServiceMaster Company of Downers Grove, Illinois. The evening featured a lecture by Max De Pree, the recently retired chairman of Herman Miller, Inc. and the author of *Leadership is an Art* and *Leadership Jazz*. In November, the CSVPL conducted a "prototype" executive seminar at the American Academy of Arts and Sciences in Cambridge.

In June, the forty-strong inaugural class of the Summer Leadership Institute (SLI), representing fourteen states, participated in a Program designed to sharpen the skills of clergy and lay leaders involved in local church-based community and economic development. Directed by Preston Williams, this CSVPL program was the culmination of two decades of collaboration by the Divinity School with its African-American alumni/ae, and several communities of faith. It involved a two-week intensive program of lectures, case discussions, seminars, forums, and specially arranged events with nationally recognized experts.

The CSVPL Fellows Program supports scholars and practitioners in the area of civil society and democratic renewal. This year's Fellows were Lawrie Balfour, a lecturer at Princeton University, and a visiting scholar at the Du Bois Institute; James Carroll, a journalist and novelist; and Kathleen Sands, Associate Professor of Religious Studies at the University of Massachusetts. The 1998-99 Fellows include Jon Gunnemann, Professor of Social Ethics and Director of the Graduate Division at the Candler School of Theology at Emory University; Janet Jakobsen, Assistant Professor of Women's Studies and Religious Studies at the University of Arizona; Linda Nicholson, Professor in the departments of Educational Administration and Policy Studies, Women's Studies, and Political Science at the University of Albany; Jeff Seglin, a noted business journalist and the Executive Editor of Inc. magazine; and Jim Wallis, Editor-in-Chief of *Sojourners* and Convener of Call to Renewal, a network of Evangelical, Catholic, Black, Pentecostal and mainline Protestant churches and groups engaged in political action.

The CSVPL has identified a need for opportunities for leaders in business, government, the media, and religion to reflect upon and articulate their deeply rooted values in order to bring them to bear on leadership problems. In response, it has created the Institute for Values-Centered Leadership, whose mission is to provide accessible and renewing opportunities for senior leaders to: 1) identify the core values which enable leadership; 2) identify the spiritual and religious sources, both traditional and contemporary, which have given rise to those values; and 3) assess in peer settings the ways in which those values can help them meet contemporary challenges of institutional leadership. The CSVPL Advisory Board endorsed the creation of the Institute, and in June, Dr. Laura Nash, a nationally recognized teacher and writer on values and business leadership, joined the CSVPL as Director of the Institute for Values-Centered Leadership.

The John F. Kennedy School of Government

(reported by Arthur Applbaum)

Friends of the Ethics Program at the Kennedy School are making major contributions to scholarship. On the teaching front, the required political ethics curriculum for MPPs and the ethics in government elective for mid-career students are well-entrenched and highly successful. However, the number of course offerings in ethics continues to be small. An important new development is the founding of the Initiative on Human Rights, which will be chaired by Graham Allison and directed by Samantha Power, a current Graduate Fellow in Ethics.

Arthur Applbaum, the Program's director of graduate fellowships, again served as head of the core MPP course in political ethics. He also lectured on obedience and dissent to military officers in the School's National Security Program, on antiquities and cultural property to the

American Association of Art Museum Directors, on independence and accountability to the Harvard Program for Art Museum Directors, and continued his work with U.S. intelligence officers. Applbaum completed three articles and a book. "Are Lawyers Liars: The Argument of Redescription" for *Legal Theory*; "Are Violations of Rights Ever Right?" for the journal *Ethics*; and "Doctor, Schmoctor: Practice Positivism and Its Complications." The latter will appear in *The American Medical Ethics Revolution*, edited by Stephen Latham and Linda Emanuel, two Ethics Program graduates. His book *Ethics for Adversaries: The Morality of Roles in Public and Professional Life* is in press with Princeton University. Work in progress includes the beginnings of a long-term longitudinal study of the moral development of twins.

Cary Coglianese, promoted to Associate Professor this year, continued teaching in the core political ethics curriculum. He also taught "Law and Public Policy" and lectured on ethics in an executive program on the regulation of the Russian securities market. His ethics-related scholarship includes "Implications of Liberal Neutrality for Environmental Policy," which appeared in *Environmental Ethics*, and research on democracy and the role of consensus in regulatory policymaking.

Jane Mansbridge, on sabbatical at the Center for Advanced Study in the Behavioral Sciences, completed numerous articles, including: "Starting with Nothing: On the Impossibility of Grounding Norms Solely in Self-Interest"; "On the Contested Nature of the Public Good"; and "Should Women Represent Women and Blacks Represent Blacks? A Contingent 'Yes'." The latter will appear in the *Journal of Politics*. Mansbridge will return in the fall to teach in the core political ethics course and to chair the new Women and Public Policy program.

With Faculty Associate Dick Fallon, Fred Schauer taught a course on the First Amendment, which was cross-listed in the Law School. He continued research on legal authority, and his "On Extrajudicial Constitutional Interpretation" (with Larry Alexander for the *Harvard Law Review*) has already generated several substantive responses. He developed an instrumental approach to the problem of commensurability, an article about which will appear in *The University of Pennsylvania Law Review*. In the fall, the Quinnipiac College School of Law held a symposium on Schauer's work on rules, precedent, exceptions, and legal language. Eleven philosophers and academic lawyers wrote papers, and the commentaries will be published next year, along with Schauer's response.

Alec Walen, former Graduate Fellow in Ethics, taught for Mansbridge in the core ethics course. His article, "The Defense of Marriage Act and Moral Authoritarianism," appeared in the *William and Mary Bill of Rights Journal* and a shorter version in *Dissent*. "Consensual Sex Without Assuming the Risk of Carrying an Unwanted Fetus: Another Foundation for the Right to an Abortion," will appear in

the *Brooklyn Law Review*. Walen was graduated from the Law School this year and takes up a judicial clerkship in the fall.

Kenneth Winston, a former visiting professor in the Program, co-taught "Ethics in Government" with Mary Jo Bane. He saw the publication of two essays: "Teaching with Cases" in *Teaching Criminal Justice Ethics*, edited by former Fellow John Kleinig; and "Moral Opportunism: A Case Study" in *Integrity and Conscience*, edited by Ian Shapiro. While participating in a conference on "Moral Education in a Diverse Society," organized by former Ethics Fellow Elizabeth Kiss at Duke University, he conducted a case discussion on racism and presented a paper on "Methods and Aims in Teaching Practical Ethics." Winston will be a Lecturer in Ethics at the School next year and coordinator of "International Ethics and Diversity Development."

The Law School

(reported by David Wilkins and Martha Minow)

Ethics teaching and scholarship are firmly established at the School, and the Program in Ethics continues to enhance the ethics curriculum. In addition to the standard complement of ethics courses, six current or former Fellows in Ethics offered values-related courses, including David Wilkins' seminar on identity and professional role; Carol Steiker's seminar on the law and ethics of capital punishment; Richard Fallon's seminar on advanced constitutional law and political theory; and Richard Pildes' seminar on the law of democracy. The School also offered a number of specialized ethics courses, including Detlev Vagts' course on the ethics of transnational practice; Alan Dershowitz's course on "Tactics and Ethics in Criminal Litigation"; and Bruce Hay's new course on the legal profession and the adversary system.

The Program on the Legal Profession (PLP), directed by David Wilkins, continued to facilitate interaction and discussion of issues in ethics and professional responsibility among faculty, students, visiting professors, and practitioners. With Wilkins as their faculty advisor, a group of students created the Harvard Law School Society of Law and Ethics. In its inaugural year, the Society and the PLP jointly sponsored two events. The first, "Representing Unpopular Clients," featured a discussion of a prominent New York law firm's recent controversial decision to represent Credit Suisse with respect to claims to assets allegedly stolen by the Nazis. Participants included Professor Andrew Kaufman, Senior Fellow in the Ethics Program, Visiting Professor Peter Murray, and Attorney Gilda Russell. The second event, "Keeping the Secrets of the Courts," with Professors Richard Parker and Bruce Hay, and Justice (and former Professor) Charles Fried of the Massachusetts Supreme Judicial Court, focused on a recent book about the ethical issues of confidentiality between justices of the U.S. Supreme Court and their law clerks. Both events were

well attended, the second drawing almost two hundred students and several faculty members.

The Program also invites distinguished speakers for discussion of ethics-related topics. This year's guests included Professor David Sugerman, Director, Law in History Programme and Programme on the Legal Profession, Lancaster University: "LA Law and Alley McBeal meet the 'Culture of Englishness'"; Attorney Elliot Groffman: "Conflicts of Interest in the Entertainment Business"; and Professor John Coates: "Ethical Issues in Mergers and Acquisitions Practice." In addition, Professor Janet Halley, Stanford Law School and Professor David Richards, New York University Law School, presented major public lectures on ethical issues surrounding arguments for gay rights. The seminar that followed drew more than twenty faculty from the Law School and the University.

Wilkins continues to write and speak extensively on ethics related topics. His public lectures included the W.M. Keck Lecture at Georgetown Law School: "Black Lawyers and Justice: Ethical Reflections on an Empirical Study"; "Identities and roles: Race Recognition and Professional Responsibility," delivered at Yale Law School; and "Partners Without Power: A Preliminary Assessment of Black Partners in Elite Corporate Law Firms," delivered at Hofstra Law School. Wilkins was also the keynote speaker at a retreat for leaders of the Association of the Bar of the City of New York.

Wilkins received the Sachs-Freund Award as the Law School's teacher of the year. His acceptance speech, portions of which will be published in *Harvard Magazine*, centered on the recent conference in Cape Town on the South African Truth and Reconciliation Commission. Other conference attendees associated with the Ethics Program included Dennis Thompson and Martha Minow. The conference papers will be published in a book edited by Thompson.

Carol Steiker, former Ethics Fellow, has been promoted to full professor. She continues to teach and write about the institutions of criminal justice. Her course, "Advanced Criminal Procedure," addresses some of the ethical issues facing prosecutors and defense counsel. Steiker presented papers at St. Mary's Law School in San Antonio, Texas, on the 25th anniversary of *Furman v. Georgia* (abolishing the death penalty temporarily) and at St. John's Law School in Queens, New York, on the 30th anniversary of *Terry v. Ohio* (which gave the police broad discretionary authority to "stop and frisk"). She also gave several talks to our students about choosing careers in the criminal justice system, as well as addressing the Wexner-Israel fellows at the Kennedy School "Politics and the Judiciary." She is the author of "The Limits of the Preventive State," the "Foreword" to the Supreme Court issue of the *Journal of Criminal Law and Criminology*.

Martha Minow, former acting director of the Ethics Program, continued to integrate case study materials on

ethics into her courses on civil procedure and family law. A portion of these materials will be included in a casebook on civil procedure, which she will co-edit with three other scholars. Her book, *Law Stories*, co-edited with Gary Bellow and presenting studies of legal professionals at work, has been adopted in several classes. As distinguished visiting professor at Boston College Law School, Minow taught the course "Between Vengeance and Forgiveness," which addressed societal responses to mass atrocity. Her book on the subject will be published by Beacon Press. She also delivered the Frank Irvine Lecture on "Reparations" at Cornell University. In May, Minow received an honorary Doctorate of Education from Wheelock College, where her commencement address focused on the ethical issues involved in working with children and families.

Larry Lessig, former Fellow in the Ethics Program, joined the Law School in 1997, and was recently appointed the Jack N. and Lillian R. Berkman Professor of Entrepreneurial Studies. When not advising the court as Special Master on the Microsoft case, he taught "Contract Law" and "The Law of Cyberspace."

Richard Fallon, former Visiting Professor in Ethics, joined forces with Fred Schauer of the Kennedy School to teach an advanced course on the First Amendment. It dealt with free speech doctrine and theory, and lawyering strategy, including the issues arising in client representation. Fallon's seminars on constitutional theory and constitutional law cover topics ranging from the appropriate role of the Supreme Court within a substantially liberal but democratic constitutional structure, to the role ethics of lawyers, judges, and public officials who may find the doctrine unduly constraining, or even deeply misguided. Fallon's principal publication was an article entitled "Implementing the Constitution," the "Foreword" to the Supreme Court issue of the *Harvard Law Review*. In tandem with the article's publication, the *Review* sponsored a forum, moderated by David Wilkins, with commentators Amy Gutmann of Princeton University, and Walter Dellinger, former Solicitor General of the United States, now professor of law at Duke University Law School.

The Medical School

(reported by Allan Brandt, Lynn Peterson, Joel Roselin, Bob Truog, and Walter Robinson)

The Division of Medical Ethics at Harvard Medical School has refined its goals and programs. Efforts to address critical issues in clinical ethics, as well as the broad moral and social contexts in which these issues arise, have been given priority. Existing teaching programs and research in medical ethics have been enhanced and expanded, and new program initiatives have been developed. The Division was reorganized, and five programs now reflect the broad range of activities and interests in medical ethics within the School, its affiliated

teaching hospitals, and the other faculties at Harvard.

Educational Programs: Offering educational activities for undergraduates continues to be a central goal of the Division. Lynn Peterson again taught the successful elective in medical ethics. A related activity was the Student Ethics Journal Club, which discussed current topics in the medical ethics literature. Under Peterson's supervision, the students produced the *Harvard Medical School Student Journal of Ethics*. The journal's second annual issue addressed the present and future state of ethics in reproductive medicine.

In addition to the introductory course in medical ethics, advanced courses such as "Living with Life-Threatening Illness" and "Pain: Exploring Issues from Sensory Receptors to Societal Concerns," gave students an opportunity to examine more complex issues in medical ethics.

The Division's eagerness to ensure that ethics is fully integrated throughout the School curriculum resulted in a series of meetings to explore how ethical and moral issues might be more substantively addressed within the three-year Patient-Doctor sequence, as well as in the clinical clerkships. The entire social medicine curriculum is under review, the primary goal being to more sharply identify opportunities to discuss value conflicts in medical practice in all courses. As part of its efforts to increase support for students' interests in issues of medical ethics, the Division awarded the first Henry K. Beecher Prize for the best essay in medical ethics by a Harvard medical student. Beecher, who was a prominent anesthesiologist, was one of the founders of medical ethics at the School. The prize committee was chaired by Edward Lowenstein, cardiac anesthesiologist and the Division's first Senior Fellow in medical ethics.

The Division continued to sponsor two popular medical education courses, now held annually. In the fall "Professionalism and Ethics in Managed Care" featured a debate between Malik Hasan and Arnold Relman on the merits of for-profit and not-for-profit care. The second event, held in June, was entitled "Toward Excellence in End-of-Life Care."

The Program in the Practice of Scientific Investigation (PPSI) continued to fulfill the National Institutes of Health mandate to provide workshops and symposia on research ethics to post-doctoral fellows working in the School's research labs. The Program's director, Ruth Fischbach, will begin a two-year leave of absence at the National Institutes of Health this summer. The Division will continue the PPSI's important programs.

Public Programs: Following a dedicated effort on the part of the Division, a major new initiative on public programs has been established. This results from the Division's commitment to making the School an intellectual center for public debate of issues that concern scientists, medical professionals, and the general public. A primary goal is to help fulfill the

University's responsibility as a center of learning, serving audiences beyond the academic community. To this end, the Division sponsored a wide range of public lectures, forums, and symposia.

Several programs demonstrated the broad interdisciplinary approach to addressing contemporary issues. In the fall, in conjunction with the Program in Ethics, the Division co-sponsored, "Carbon Copies: Legal, Ethical and Scientific Reflections on Human Cloning," a public forum in which representatives of the sciences, law, ethics, and humanities discussed the risks and benefits posed by new advances in genetic technologies. In the spring, the forum "Researchers without Borders: the Ethics of Transnational Research," assessed international research ethics in the context of current debates about evaluating HIV treatment protocols in the developing world. The Division also joined with the Department of Social Medicine to present "Ethics, Medicine, and Social Science," an interdisciplinary workshop that addressed historical, sociological, and anthropological approaches to medical ethics. These public forums engaged students, faculty, practicing clinicians, and the general public in open discussion and debate.

The public lecture series was enhanced by several newly endowed lectures. The first Lawrence Lader Lecture in Reproductive Rights, delivered by Faye Wattleton, addressed the broad societal implications of access to reproductive health services. The George Gay Lecture in Medical Ethics, the oldest endowed medical ethics lecture in the country, was delivered by Dean Daniel Federman. His topic, "Honoring Relationships: Toward a Categorical Ethic for Medical Education," defined the medical undertaking in terms of fundamental relationships that must be nurtured within the educational setting. The first W.H.R. Rivers Distinguished Lecture in Social Medicine, presented in cooperation with the Department of Social Medicine, was given by Renée Fox, who spoke on "Medicine, Ethics & Social Science in the Education of Medical Students."

In contrast to these large public events, the Division sponsored seminars and colloquia on critical contemporary issues in medical ethics, society, and politics. The Faculty Seminar, led by Marcia Angell, brought together a group of distinguished individuals for a discussion of medicine and health policy. The group included Dan Callahan, Arthur Caplan, Sam Thier, Uwe Reinhardt, and Timothy Quill. Other occasional colloquia addressed such topics as "Brain Death in Cultural Context," and "An Oral History of AIDS Doctors." These events created considerable interest among clinicians, humanists, and social scientists.

The Division is eager to reach a broader audience, and next year will explore a range of innovative approaches. In addition to the public forums, lectures, seminars and colloquia, efforts are underway to develop an interactive Web site in medical ethics, as well as a newsletter.

Clinical Ethics and Hospital Programs: The Harvard teaching hospitals have, over the last decade, created a range of impressive programs and policies to address critical ethical issues that arise in the care of patients and clinical research. A central goal of the Division is to foster communication, collegiality, and opportunities for collaborative education and research among the hospitals. This year, the Division focused on creating new mechanisms for bringing these institutions together. Representatives of the ethics programs from all of the affiliated institutions, as well as the Dean's office, met to discuss medical futility. Cases from each of the hospitals were presented, illustrating many of the complex issues involved. The Ethics Advisory Committee from Children's Hospital proposed a policy for resolving these conflicts that is under review at the institution. The discussion provided a model for future debate on these and other critical issues.

Next year, the Division will begin a regular dialogue among the ethics programs at each of the School's teaching institutions. This forum, unlike the Division's other educational activities, will focus on topics of immediate relevance to institutional ethics committees. Many of these committees have a tripartite mission of policy development, case consultation, and ethics education. The meetings will provide an opportunity for the leadership to share insights and experiences with colleagues faced with similar challenges in the three areas of service. Possible topics for discussion include hospital policies on management of DNR orders during surgery, informed consent requirements for minors, and the problem of medically futile care. The Division hopes to facilitate these meetings, as well as provide a range of institutional and intellectual support to enhance collaboration throughout the hospitals.

Fellowship Programs: Among the most successful of the Division's programs is its fellowship in medical ethics. The one-year program offers advanced training in medical ethics to clinicians, lawyers, humanists, and social scientists, who spend the year exploring in-depth ethical issues that arise in the daily practice of contemporary medicine. The centerpiece is a weekly seminar combining didactic readings with presentations from fellows and visiting scholars. Fellows develop their research projects with the goal of completing a manuscript for publication.

A distinguished group of junior and senior clinicians, lawyers, and nurses participated this year. An emphasis on mentored research encouraged each fellow to work with faculty in the Department of Social Medicine, ensuring an in-depth analysis of their chosen area of investigation. The program has evolved into a substantial resource for members of the affiliated hospitals who, following their fellowship year, are able to participate more actively in the hospitals' quality-of-care and ethics committees.

Plans to expand the Fellowship to a two-year program are progressing. With this in view, the current group

of Fellows in Medical Ethics will continue to meet regularly throughout the next academic year.

Research Programs: Members of the Division are engaged in a variety of research initiatives relevant to medical ethics. This includes research by faculty in the Department of Social Medicine, affiliated hospitals, and allied faculties of the University. Much of the research, on topics ranging from the ethics of managed care to patient-doctor relationships, and care at the end of life, is supported by external funding. Grant support includes the Burroughs-Wellcome Fund, the Seaver Fund, the Open Society Institute, and the Risk Management Foundation, with grants pending from the National Institutes of Health and the Robert Wood Johnson Foundation. A principal goal of the Division in the coming year is the fostering and coordination of further research efforts.

A new research program for medical students will begin this summer. Several students, with research grants awarded by the Division, will participate in a weekly seminar and work on independent research projects.

Other Initiatives:

New Appointments. The Dean's office has approved two new junior positions in medical ethics beginning in the academic year '99-00. With the goal of fostering collaboration, the appointments will be shared between the Division and the teaching hospitals. Plans to establish a search committee for a senior appointment in medical ethics are under review.

Ph.D. Training. The Ph.D. Program in Health Policy has initiated a track in ethics. Under the supervision of Allan Brandt, the first two students admitted will begin in the fall of 1998. They will focus on ethical issues in health policy, with an emphasis on empirical and quantitative investigation.

Visiting Faculty. In the next academic year, Daniel Callahan, co-founder of the Hastings Center, will be in residence and will serve as Visiting Professor in the Division.

Collaborative Programs. The Division, in a collaborative arrangement with the Hastings Center and with University College, Oxford, will sponsor a program to exchange Fellows across the respective institutions. A planning meeting, with representatives from the three programs, met at University College, Oxford, in April. A follow-up conference will be held at Oxford in the fall of 1999.

Fund Raising. The Division has initiated a "Friends of Medical Ethics" Committee, which is being chaired by Daniel Callahan. The Committee includes faculty as well as members of the community. Several meetings have been held to review the program, discuss substantive issues in medical ethics, and identify resource needs. The School's development office has strongly encouraged these efforts, and has provided a comprehensive review of potential foundations that support medical ethics. Additional financial resources will be

critical to the success and stability of the Division's future programs.

The School of Public Health
(reported by Troy Brennan and Angie Foss)

The School of Public Health, among the first of the professional schools at Harvard to require that its students take ethics courses, continues to develop and expand it research contributions and course offerings in ethics. Michael Reich and Marc Roberts teach the established "Ethical Basis of the Practice of Public Health" course, required of all Masters of Public Health students. Troy Brennan offers a similar course for public health students and participants in the Summer Institute, with a special focus on the application of ethical analysis to contemporary health policy. Brennan also teaches a course on ethical and legal issues in health care for students from both the School of Public Health and the Medical School.

Following the National Institutes of Health mandate to provide all NIH trainees with instruction in the ethical conduct of research, the School offers "Research Ethics in Public Health" each spring. This provides an overview of the various moral dilemmas that may arise in the conduct of research on public health issues. In his seminar course "Ethical Issues in International Health Research," Richard Cash examines how research is conducted in developing countries and explores ways of dealing with the different ethical issues that arise in international public health research. This subject highlighted by the recent controversy surrounding placebo-controlled trials of AZT in pregnant women infected with the HIV virus. Several of the School's international health research faculty were identified in the press as providing significant leadership on this issue. Students in both of these courses have expressed great interest in understanding the practical application of research ethics.

Faculty members are engaged in deliberation of an increasing number of ethical dilemmas that arise in the scientific research community. Two topics of concern this year were the placebo-controlled trials being conducted abroad, in which two of our researchers are involved, and the study of genetics. An advisory group on molecular epidemiology, led by David Hunter, examines the ethical issues that arise in this field, with particular focus on the genetics of cancer. The research involves understanding the population genetics of the disease. The work of Hunter's group is intended to provide a set of ethical and legal principles for scientists who work in this challenging area. These and similar studies are the subject of a spirited public debate currently unfolding in the academic and popular literature. The open discussion has created an opportunity for the exchange of ideas among the research community.

As the Human Genome Project enters its tenth year, researchers at the School remain at the forefront of scientific advances in this area. Epide-

miologists are involved in large-scale studies that will enable genetic differences between sick and healthy members of the populations to be isolated. Such research, rife with issues of confidentiality and informed consent, presents us with new challenges. In response, the School is developing guidelines to address the ethical issues associated with this growing field.

The School is undertaking a search for a new Francois Xavier Bagnoud professor, who is certain to increase the dialogue around health and human rights at the University.

The pedagogical influence of the School's efforts have spread to Europe, where Karl Lauterbach, a graduate of the School, and a former Graduate Fellow in Ethics, now teaches the ethics of public health at the University of Cologne.

Ethics Beyond Harvard

As the reputation of the Program and related activities continues to grow, so does the number and variety of requests for advice and collaboration from other universities and institutions throughout this country and the rest of the world. Fortunately, we now are able to rely on faculty in each of the schools, particularly members of our committee and faculty associates, to help respond to these requests.

But the Program itself still continues to offer advice to the directors of other ethics centers, professional associations, and to deans and faculty members who are planning to start centers—more than a dozen in the past year. We also provided consultations to representatives from several corporations, professional associations, government agencies, and health care organizations.

Among the visitors who came in person to see us were two faculty from the U.S. Naval Academy who are establishing an ethics program there, a professor charged with creating a new ethics center in Marburg Germany, the director of a center in Australia, the director of the World Press Institute, a delegation from the Hong Kong Ethics Development Center, an adviser to the Mexican Minister of Education on a project on values education, and an Argentinian official interested in business ethics.

The Program will soon be communicating more effectively with the outside world as a result of our staff's efforts to bring us into the cyberage. We already have a basic home page, which soon will include an updated Tenth Anniversary report, a listing of former Fellows' publications, and a history of the Program. The first edition of a newsletter, to be posted on the home page and distributed by old-fashioned mail, will appear in the fall.

Future Prospects for Support

As we look to the future, we concentrate on the successful conclusion of the campaign. We are counting on this success in order to support our current level of activity, and to undertake new projects that require re-

sources beyond our present level of funding. Our campaign statement set a target of $15 million, which includes term funds to continue the core activities, and endowment funds to support our plans for expansion. The most important needs in this respect are additional professorships for faculty specializing in ethics.

As we enter the final phase of the campaign, we appreciate the increased attention that both of you are giving to the Program, along with the other interfaculty initiatives. With the departure of Diane Malcolmson, who ably headed the Development Office's efforts in this area, we are hoping that steps will be taken soon to strengthen the organizational support there.

In addition, we take an interest in the success of the Schools that are seeking funds for ethics. The health of our central Program depends on maintaining strong school-based ethics activities.

This year we received more gifts than in any previous year, an encouraging sign in this final phase of the campaign. An important contribution came from Eugene Beard, a New York businessman with a long-standing interest in ethics, who had already established the Eugene P. Beard Graduate Fellowship in Ethics. His second gift has allowed us to add a second Beard Fellowship. Mr. Beard is considering further initiatives.

Several other gifts we received are especially important because, as unrestricted grants, they express confidence in the general purposes of the Program.

During the tenth anniversary celebration, the work of the Program came to the attention of several guests, including Michael Cooper, a senior partner at Sullivan & Cromwell, New York. He hosted a dinner for friends and colleagues, and provided a forum for our faculty to highlight the Program and its mission. The occasion laid the groundwork for establishing our first Advisory Council. Cooper and Robert Joffe, a senior partner at Cravath, Swaine & Moore, who also attended the dinner and designated his class gift to the Program, agreed to serve on the Council. When fully constituted, the Council will provide an important source of counsel and advice from friends and supporters from outside the University. In the meantime, we are continuing conversations with several other alumni and friends who have expressed a serious interest in the strengthening of ethics education and research at Harvard.

All of us associated with the Program are eager to work with you and other supporters of our efforts to find the resources to maintain and expand teaching and research in ethics in the future. The confidence that you and so many others have shown in our efforts is gratifying, and strengthens our conviction that we are engaged in an important mission for higher education.

APPENDIX I

Faculty Fellows in Ethics
1998-99

APPENDIX I

Faculty Fellows In Ethics
1998-99

STEPHEN H. BEHNKE is an instructor in psychology in the Department of Psychiatry at Harvard Medical School. He is also chief psychologist on the Day Hospital Unit of the Massachusetts Mental Health Center. He received his J.D. from Yale Law School and a Ph.D. from the University of Michigan in Ann Arbor. Dr. Behnke has published on the criminal responsibility of individuals with multiple personality disorder, and has been chosen by W.W. Norton as the editor of a multi-volume series on state mental health laws. Dr. Behnke's current research interests include the legal and ethical dimensions of working with individuals who suffer from severe psychiatric disturbances. His plans for the fellowship year include writing about how the law views the autonomy interests of these individuals, and how mental health professionals address ethical dilemmas they encounter in their day-to-day practice.

LEORA Y. BILSKY is a lecturer in the Faculty of Law at Tel Aviv University and a research fellow at the Van Leer Institute of Research, Jerusalem. Her main areas of interest are procedural law, feminist legal theory, child law, and narrative and rhetoric in law. After receiving her LL.B. from the Hebrew University, Jerusalem, she clerked for Justice Aharon Barak at the Israel Supreme Court. As a Fulbright Scholar, she attended Yale University Law School, completing her J.S.D. in 1995. In recent articles, she has revisited two trials pivotal to the understanding of the history of Israeli law and the legacy of the Holocaust: those of Kastner and Eichmann. In this context and others she has studied the work of Hannah Arendt. During the Fellowship year, she will further pursue these directions in a book tentatively titled, *The Ethics of Memory: The Struggle for Israeli Collective Identity in the Trials of the Holocaust.*

ANNABELLE P.F. LEVER is Assistant Professor in Political Science at the University of Rochester. She specializes in political philosophy and social theory, teaching courses on justice, theories of rights, feminist theory, the right to privacy and social theory. She is currently completing a book for Oxford University Press, tentatively titled, *A Democratic Conception of Privacy,* is revising an article on privacy, sex-equality and the public/private distinction, and has completed an article entitled "Must Privacy and Sexual Equality Conflict?" During her Fellowship year, she will continue work on *Privacy, Property and Democracy,* a book that examines the philosophical relationship between privacy rights and property rights and its implications

for current debates on the patenting of genetic materials. Lever has a B.A. in Modern History from Oxford University and a Ph.D. in political science from Massachusetts Institute of Technology.

WALTER M. ROBINSON, a Faculty Associate of the Program, is a pediatric pulmonologist at Children's Hospital and Director of the Fellowships in Medical Ethics in the Division of Medical Ethics at Harvard Medical School. He received his B.A. in philosophy at Princeton University, his M.D. from Emory University, and his M.P.H. at the Harvard School of Public Health. Dr. Robinson is involved in clinical case consultation and policy formation at Children's Hospital, where he serves as associate ethicist in the Office of Ethics and ethicist for the institutional review board. He is associate director of the Pediatric Lung Transplantation Program as well as associate director of the General Clinical Research Center. He is a Faculty Scholar in the Project on Death in America. Dr. Robinson's academic interests focus on the ethical dilemmas that arise in chronic illness, organ transplantation, and clinical research. His articles on chronic pain and terminal care in cystic fibrosis appeared in the *Journal of Pediatrics*.

WALTER P. SINNOTT-ARMSTRONG is Professor of Philosophy at Dartmouth College, where he teaches courses on ethics, philosophy of law, informal logic, and epistemology. He received his B.A. in philosophy from Amherst College and his Ph.D. in philosophy from Yale University. His books include *Moral Dilemmas, Understanding Arguments* (with Robert Fogelin), *Contemporary Perspectives on Constitutional Interpretation* (with Susan Brison), *The Philosophy of Law* (with Frederick Schauer), and *Moral Knowledge?* (with Mark Timmons). He has published numerous articles in moral theory and applied ethics, including works on abortion, the insanity defense, and nuclear deterrence. During his fellowship year, he plans to finish a book defending limited moral skepticism and to explore its practical implications.

JOHN O. TOMASI is Assistant Professor of Political Science at Brown University. He earned a B.A. and a Ph.D. in philosophy at Oxford University, where he worked under the supervision of Bernard Williams. Tomasi has held teaching and/or research positions at Stanford University, the University Center for Human Values at Princeton University, and the Social Philosophy & Policy Center in Bowling Green, Ohio. His articles have appeared in a variety of journals, including *Ethics* and *The Journal of Philosophy*, on topics as diverse as abortion, anarcho-capitalism, and Plato as a writer of fiction. During his fellowship year, Tomasi will complete a book on citizenship, *Liberalism Beyond Justice*, which examines the role of the concept "justice" within the scope of contemporary liberal theory.

APPENDIX II

Graduate Fellows in Ethics
1998-99

APPENDIX II

Graduate Fellows in Ethics
1998-99

SUJIT CHOUDHRY received the LL.M. degree from Harvard in June 1997. He graduated from McGill University with a B.Sc. in biology, and holds law degrees from Oxford University and the University of Toronto. Choudhry was a Rhodes Scholar, and currently holds a Frank Knox Memorial Fellowship from Harvard and the William E. Taylor Memorial Fellowship from the Social Sciences and Humanities Research Council of Canada. Prior to coming to Harvard, he served as law clerk to Chief Justice Antonio Lamer of the Supreme Court of Canada, and was involved in constitutional litigation both in Canada and South Africa. He has authored or co-authored articles on health law and bioethics that have appeared in *Social Science and Medicine, Cambridge Quarterly of Healthcare Ethics, McGill Law Journal, Journal of the American Geriatrics Society,* and *Canadian Medical Association Journal.* During his fellowship year, he will examine the relationship between ways of conceptualizing problems of justice – the paradigms of recognition and distribution – in the context of the interpretation and application of anti-discrimination legislation.

MARY CLAYTON COLEMAN is a Ph.D. candidate in philosophy. In her dissertation, she explores the relationship between reason and motivation and is developing an account of how having a good reason to act can motivate one to act. Her account draws heavily on Daniel Dennett's theory of propositional attitudes and has much in common with Kant's moral philosophy. Coleman received a B.A. in philosophy from Kenyon College in 1991 and an M.A. in philosophy from Tufts University in 1993. She has assisted in several philosophy courses (primarily in ethics) at Tufts and at Harvard and was twice awarded a Certificate of Distinction in teaching from Harvard's Derek Bok Center for Teaching and Learning. She has been awarded an Eliot Fellowship for Dissertation Completion.

PAMELA D. HIERONYMI has been named a **Eugene P. Beard Graduate Fellow in Ethics**. A Ph.D. candidate in philosophy, she is exploring issues of moral motivation. Her attention has been captured by the possibility of "imitation virtue" and its implications not only for moral theory but also for moral life and practice. In the two-year period between graduating *summa cum laude* from Princeton in 1992 and coming to Harvard as a Javits Fellow, she worked in Washington, D.C. at the Ethics Resource Center, a public interest organization that conducts corporate consulting in business ethics and develops a video-based curriculum for character education.

RICHARD B. KATSKEE has been named a **Eugene P. Beard Graduate Fellow in Ethics**. He is a Ph.D. candidate in government and is exploring the relationship between education and liberal citizenship. His degrees include an A.B. in political science from the University of Michigan, an A.M. in political science from Harvard, and a J.D. from Yale Law School. While at Harvard, Katskee was awarded a National Science Foundation Graduate Fellowship and taught courses in ethics, political theory, and American government. He has also served as judicial law clerk to Judge Stephen Reinhardt of the United States Court of Appeals for the Ninth Circuit, and to Judge Guido Calabresi of the United States Court of Appeals for the Second Circuit.

NANCY KOKAZ is a Ph.D. candidate in government studying political theory and international relations. In her dissertation, she explores alternative conceptions of sovereignty that would be compatible with the ethical understanding of foreign policy and international politics. Focusing on the works of Thucydides, Locke, and Rawls, she aims to conceptualize global legitimacy as it concerns inter-state interactions as well as relations involving non-sovereign actors. Kokaz earned a B.A. in management and political science from Bogaziçi University, Istanbul, and an M.A. in international relations from Yale University. At Yale and Harvard, she has been a teaching fellow for courses in political philosophy, international relations, and ethics and international relations. During her fellowship year, she hopes to further explore the practical implications of the theories of sovereignty and legitimacy for concrete problems in international relations, as well as the teaching of political philosophy as it relates to contemporary political debates.

NICHOLAS PAPASPYROU is an S.J.D. candidate at Harvard Law School. He is exploring the normative foundations of the allocation of interpretive authority in American public law, including examining the accountability of institutional theory to political conceptions of justice and its implications to judicial review of legislative acts and administrative rules. Papaspyrou has an LL.M. from Harvard Law School, an M.Iur. from Balliol College, Oxford, an LL.B. from the University of Athens, and has been an Erasmus scholar at the University of Copenhagen. As a graduate student, he received a British Academy studentship, and scholarships from the Aristotle Onassis Foundation and the Basil & Elise Goulandris Museum of Modern Art. He has done legislative research for members of the Greek Parliament and was associated with Healy and Bailie, LL.P., New York. His articles have appeared in Greek law reviews and in the *Journal of International Banking Law*.

APPENDIX III

Reports of the Faculty Fellows
1997-98

HARVARD UNIVERSITY

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From: Peter de Marneffe
Subject: Report on Fellowship year 1997-98

I came here with the aim of writing a short book on rights and paternalism, and I believe I will have a completed draft of the manuscript by the time I leave in July. The time this fellowship year gave me to work on this manuscript has been essential to the progress I made, and the discussions of the work in progress in the Fellows Seminar, as well as more informal discussions with other Fellows outside the Seminar, have been very helpful in forcing me to refine what I have to say.

This year I was also able to write a paper, "Liberalism and Perfectionism," which I was invited to present at a conference, "Moral Truth and Common Good of Political Society," at Notre Dame Law School in April, which is forthcoming in The American Journal of Jurisprudence. Discussion with other Fellows was also very helpful to me in preparing this paper.

The most valuable aspect of this fellowship year, aside from the time to write, was the Fellows Seminar. Many of the sessions were on topics I had not thought much about before, so the readings and discussion advanced my education in contemporary moral and political philosophy. By making presentations on some of these topics—such as moral dilemmas and political representation—and by defending my views against objections, my understanding of the issues was developed, and exposure to the different ways in which members of the seminar view things helped me to a better sense of the deeper philosophical issues that divide contemporary political philosophers. The sessions were fun and collegial and what I learned in the Seminar should also help me in my teaching of political philosophy and applied ethics in the future.

Finally, I benefited from the Workshop in Moral and Political Philosophy in the Philosophy Department, which I attended regularly. Responses to the paper I presented to the Worship in the Fall helped me to refine my thinking on paternalism, and I learned much from the discussion of the graduate students' papers throughout the year.

This has been an intellectually productive, enjoyable, and rewarding year for me, and I thank the Program for inviting me here.

Peter de Marneffe

May 14, 1998

Fellowship Report on The Program in Ethics and the Professions
1997-1998
Lisa Lehmann

As I reflect on this past year, I feel grateful for having had the privilege of being in an engaging and intellectually challenging milieu. The opportunity to think about ethical issues which span the fields of medicine, law, religion, philosophy, education, and even hunting and spying, has deepened my understanding of the complexities of professional ethics. Our Program seminars modeled a cross disciplinary mode of ethical discourse that was characterized by rigor and passion. These conversations have generated a new framework for my own thinking and writing about ethical dilemmas in medicine.

I began the year with the task of defining a dissertation topic for my Ph.D. in philosophy. After much reading and thinking I decided to focus on the place of religious reasons in medical decision making. I started with the question of what should be the attitude of physicians toward patients who give religious reasons for refusing life saving medical interventions. What is both exciting and challenging about this topic is its breadth. I hope to deal with fundamental questions in moral philosophy, political philosophy, religion and medicine. I have begun to disentangle the notion of autonomy and distinguish it from the concept of respect for persons, to understand the role of public reasons in medical decision making, to illuminate what is special about religious reasons, and to comment on the role of physicians when there is a tension between the values of the profession and the values of patients.

I presented a paper that begins to deal with some these issues at the Program in Ethics and the Professions seminar and also at a gathering of the Austinian Society of Boston. The comments that I received from both of these presentations have been tremendously helpful in charting my future work in this area.

In addition to making progress toward the completion of my doctorate in philosophy, I have written two papers for publication in medical journals. The first paper deals with the privacy of genetic information. In it I argue that legislative attempts to accord genetic information a special standard of privacy are misguided because genetic information is not, from the perspective of an insurer or employer, different from any other type of medical information. Concerns about insurance and employment discrimination based on genetic information are real and are bound to increase as our ability to obtain genetic information expands. I suggest that these concerns should be an impetus for rethinking the need for a national health insurance system. The second paper deals with the confidentiality of genetic information within families. I argue for an alternative conception of confidentiality in which genetic information that has significant benefit to family members be shared within families. The basis of this argument is the idea that genetic information is not exclusively the information of the

individual who obtains it. I presented both of these papers at the Program in Ethics and the Professions seminar and I am in the process of revising these papers for publication.

During the fall of this year I participated in the Seminar in Moral and Political Philosophy of the Harvard Philosophy Department. The opportunity to be integrated into a philosophical community has been beneficial in enabling me to make a smooth transition from medicine back to philosophy.

In the fall I had the privilege of teaching a section of the Harvard Medical School course in Medical Ethics. This experience inspired collaborative ethics projects initiated by medical students which I look forward to continuing. I also had the opportunity to give a lecture at the Harvard School of Public Health on ethical issues in genetic screening.

Throughout the year I participated in the Faculty Seminar Series in Medical Ethics sponsored by the Division of Medical Ethics at Harvard Medical School. These gave me the opportunity to interact with other faculty members interested in ethics and to exchange ideas on contemporary debates in medical ethics with leading thinkers such as Daniel Callahan and Timothy Quill.

I enjoyed the Program in Ethics lectures and dinners which were always stimulating and thought provoking. It was especially nice to be able to meet and informally converse with faculty throughout the university who had a shared interest in ethics.

Although most of my energies during this past year were devoted to theoretical work in medical ethics, I did complete a survey on the attitudes of Jewish women toward genetic testing for breast cancer. This survey will answer fundamental questions about how concerned Jewish women are about the potential for group discrimination as a result of genetic testing and it will also give insight into what individuals think about the confidentiality of genetic information. I view this type of empirical research as a necessary and informative complement to my theoretical work in ethics. In the spring I presented this research to a clinical epidemiology group at the Harvard School of Public Health.

I wish to express my thanks to Dennis Thompson for facilitating our seminars, reading my work and providing me with encouragement and constructive criticism. Most importantly, I thank the Program for creating an ideal intellectual environment in which to think about ethical issues. Medical ethics necessarily spans the fields of medicine, philosophy, religion and law. The Program in Ethics has broadened my exposure to these disciplines and has been the catalyst for on going conversations which have enriched my own work in medical ethics. I hope to give back to Harvard some of what it gave to me during this year through my mentoring of medical students interested in research in medical ethics and through my continued teaching of medical ethics at Harvard Medical School.

May 1998

Report on the Fellowship Year

Sebastiano Maffettone

For me this year has been a particularly happy year. I say that because of course I enjoyed the resources of this splendid and huge University, the opportunity to read and write a lot, the human and the scientific partnership of my colleagues, the kindness and the efficiency of the staff, the pleasant office in a beautiful building, and so on. But -in my mind- I was particularly happy also because these things do not exist in my country, even if they are so intrinsically rare to be considered unique in the U.S. too. For the same reason, I am very sad in writing these notes, also if I hope that -in the near future- I could imitate in a more modest way this exceptional setting in Italy. From this point of view, I think that the courage and the ability of Dennis Thompson have been really extraordinary: the way in which the seminars, the lectures and the special occasions mix in the PEP to render it so excellent is very difficult not only to realize but even to imagine.

As far as my intellectual projects are concerned, my academic year in this Program has been very productive. I managed to write three papers in English, to revise the text and the structure of a book in Italian (whose English edition should come out next year), to prepare a new bilingual book, to improve my general competence in applied ethics in a way that is already influencing my concrete work in this area. Moreover, I would say that the imprinting of the PEP is evident in all my current production.

(i) the first paper, entitled "Toward a More Philosophical Liberalism", concerns Rawls's notion of public reason and its impact in applied ethics. It's the paper presented in the PEP seminar, and has been heavily influenced by our collective discussions. In particular, Peter de Marneffe and Richard B.Miller were extremely helpful in the whole development of the argument. Angela Smith and Alec Walen revised my paper in detail, and Thomas Scanlon gave to me extraordinary generous advice. The paper was presented also in a seminar at Columbia University (Political Science Dept.) coordinated by Nadia Urbinati in January 1998, and the rich discussion there surely improved my knowledge of the problems involved in my thesis.

(ii) My second paper, entitled, "Liberalism and its Critiques: is the Therapy Worse than the Disease?" has been previously presented in a much shorter version in a lecture given at Columbia University (November 19, 1997), where I had the privilege to have Jurgen Habermas, Philip Pettit, Jeremy Waldron and Michael Walzer as my discussants. I thank them and the organizers of the meeting -among which Giancarlo Bosetti and Riccardo Dottori discussed the paper during its preparation- for the useful comments. In particular, Habermas and Pettit, whose work is critically discussed in my own paper, were significantly helpful. A second version -much more similar to the present one- has been presented to David Rasmussen's Seminar at the Boston College (April 22, 1998). Also there the discussion was very rich, and I received many precious comments, for which I thank among the others David Rasmussen, Debra Matteson, Massimo Rosati and Ingrid Salvatore. The paper was also read and commented on in Italy -through e-mail- by Giampaolo Ferranti and Alessandro Ferrara, two familiar companions of my research, that made helpful objections, which I have tried to take in account as far as I can. The paper has been presented for the third time in the less formal but not less rigorous section of the Austinian Society in Boston (USA), after an invitation of Kenneth Winston (May 13, 1998): I thank all the participants of this meeting for their useful comments. Finally, the paper has been worked out in the marvelous atmosphere of the PEP, and so directly and indirectly influenced by it.

(iii) My third paper is an inaugural address at an International conference about theories of justice, to be held in Milan (Italy), beginning from June 16 1998. It concerns the nature of Rawslian political liberalism.

(iv) The book I revised and submitted to the Italian publisher (Mondadori) and to the translator for the English version (Praeger) is a book about the value of life, in which general philosophy marries bioethics to maintain what I see as an original thesis concerning the metaphysical and moral interpretation of the value of life. The book is written in the simplest form, so when it comes out in a popular paperback collection it will be more likely to reach a wider audience.The book will be in the bookshop in Italy by October 1998.

(v) The book I am trying to prepare both in Italian and English is a short Introduction to Rawls's thought, to be used both as an academic textbook and as a tool for university readers outside the discipline. The book will be published by Laterza, and should be available by Spring 1999.

(vi) The research projects in applied ethics I mentioned are concerned with business ethics and environmental ethics. The business ethics project is sponsored by the Olivetti Foundation and the Ernst Young Foundation Italy, whereas the environmental project is sponsored by the ENEA (which is a National Agency for the environment). I will coordinate both projects, which will involve several scholars. In Cambridge, I wrote the initial directives, to be collectively completed and realized in the following year. I began to prepare a lecture for the Psychoanalytical Italian Society as a part of a larger project about the relationships between the new techniques of artificial reproduction and psychoanalysis.

(vii) I also managed to write in this period several newspaper articles concerning the American life, and to help my collaborators in Italy to prepare the next issues of the journal *Filosofia e questioni pubbliche* (of which I am editor in chief).

I emphasize again that I am sure this academic year will have enduring influence on my future work and that it is really sad to leave the PEP in June. Here, I made sure objective progresses, because my blood pressure came down and I won a tennis tournement, but also possible subjective ones, as my research record shows. For all that, to Dennis, Jean, Judy, Jennifer and all the others my sincere and deep thanks for the privilege of spending this year as a Fellow, the pleasure of their company and the help given in these months.

To: Dennis Thompson

From: Richard B. Miller
Department of Religious Studies
Indiana University

Date: May 15, 1998

Re: PEP Fellowship Year, 1997-98

Many thanks for a terrific year. The fellowship has furnished the time to think, read, and write without the usual professional distractions; the chance to develop new colleagues; a stimulating weekly seminar and lecture series; and the vast resources and talent of Harvard. I've developed professional and personal contacts through the program; it give true meaning to the word fellowship. I've discovered lines of interest and research that I will work up for several years to come, and I'm grateful for all that you and the staff have made possible.

I came to Harvard with the main intention of developing work in medical ethics, focusing largely on the care of children. Upon entering the year, my aim was to read widely in medical ethics and then return to Indiana to carry out ethnographic fieldwork in a pediatric setting. As it turns out, the fellowship year has enabled me to immerse myself in a rich and interesting clinical setting here. At the invitation of PEP alum Christine Mitchell, hospital ethicist at Children's Hospital, I joined the regular meetings of the hospital's ethics committee and, more formally, the Ethics Advisory Committee. That work involved, among other things, participation in a case consult along with regular discussions about hospital policy, institutional politics, research prospects, and case reviews.

In January I deepened my clinical immersion at Children's by attending medical rounds each morning in the multidisciplinary intensive care unit (MICU), directed by PEP alum Robert Truog. I have maintained that regimen for the past four and one-half months. One goal has been to ascertain what counts as an "ethical issue" in the practice of pediatrics and to critically assess how pediatric healthcare providers address the best interests of the child. I have also observed family and team meetings surrounding life-and-death decisions, interviewed families about the challenges of acute or chronic illness to their child's and family's identity, interviewed nurses and physicians to capture a sense of their moral and professional motivations, and examined the place of religious convictions in the practical decision-making of parents and healthcare providers. As someone interested in the place of religion in practical and professional ethics, I have found a rich site. I have observed and/or discussed a Jehovah's Witness who refused potentially life-saving blood products, evangelicals wishing for divine intervention to save their child from futile treatment, an attempted exorcism, Protestants who pray to Catholic saints, a modern-day Job, and theological justifications for withholding uncertain therapy.

I have profited immensely from the opportunity to immerse myself in the hospital's life-world. It will enable me to speak about medicine, ethics, and children with a

keen understanding of the institutional, professional, political, and interpersonal parameters in which medical treatment is carried out. I now have a rich collection of cases. My research has instructed me on some key differences between pediatric and adult care, especially regarding issues of patient benefit and autonomy (or proxy consent) in everyday ethical decision-making. With good fortune and my research-leave next year, I will be able to write a book that draws from my ethnographic research to develop and resolve problems in pediatric medical ethics. I have gained great insight from extended conversations with Bob Truog, Christine Mitchell, Jeff Burns, and Walter Robinson, among others at Children's. I count them as important colleagues and friends. They have passed along an enormous collection of materials on pediatric ethics to work through once I return to Bloomington. Immersion in the MICU setting--with all of its triumphs, uncertainties, and tragedies--has been an unforgettable opportunity, the largest intellectual and psychological challenge of my career.

So far, I've developed two essays from my ongoing participation. A case consult is the subject of a paper I drafted in the fall and presented at Boston College and Brown University this spring, "(Properly) Marginalized Altruism: Screening Kidney Donations from Strangers." (At Brown I had the good fortune of meeting Rosiland Ladd, who passed along her enormous course reader on pediatric medical ethics.) Participation on the ethics committee provides material for a paper I presented at a plenary session for a regional meeting of the Society for Health and Human Values in April: "The Politics and Ethics of Hospital Ethics Committees." (In that essay, Dennis, I draw on your work and Michael Walzer's January lecture on deliberative democracy to evaluate the deliberative and nondeliberative practices of the ethics committee at Children's.)

In addition to this research and writing, I devoted considerable time and energy to several other projects, which stand at various stages of completion. The first two are works that I began writing before the fellowship; I revised and expanded them considerably over the year. The next four derive from interests that were sparked by the PEP seminar.

I substantially revised "Humanitarian Intervention, Altruism, and the Limits of Casuistry" during the fellowship year after presenting the essay at Western Michigan University in October. I submitted it for review and possible publication this spring.

I completed and revised "Christian Attitudes toward Boundaries: Metaphysical and Geographical," as part of a conference in September on comparative philosophical and religious political ethics, sponsored by the Carnegie Council on Ethics and International Affairs and the Ethikon Institute. This essay has been accepted for a volume to be published by Princeton University Press, edited by David Miller and Sohail Shashmi.

"Multicultural Justice: Political not Hermeneutical" is an essay that grows out of my PEP presentation in the fall. In March, I submitted a proposal of this paper for

competitive screening by the Society of Christian Ethics; it was accepted and I will present it at next year's annual meeting.

"Profuse Poaching: On Critical Ethnography" examines the methodological challenges of research that combines ethics with ethnography. I presented this essay in February at Stanford University.

I began drafts of two essays I hope to complete over the next year or two: "Religion, Ironism, and Public Reason," growing out of my spring PEP presentation and our autumn seminar with John Rawls, and "Killing, Letting Die, and Allowing Physician Assisted Suicide," also prompted by our PEP discussions.

In addition to this work, I participated in a luncheon series sponsored by the Center for the Study of Values and Public Life. In that series various Harvard faculty members presented work in progress on religion, democracy, and welfare reform. I served as the formal respondent to Francis Schüssler Fiorenza's paper, and engaged Bryan Hehir at some length on his contribution. I was fortunate to be able to join Bryan for another lunch to touch base on current work and our common lines of interest.

I greatly enjoyed the various symposia and presentations sponsored by the Division of Medical Ethics, which included stimulating lectures by John Robertson, Ruth Macklin, Tom Shannon, Daniel Callahan, and Timothy Quill, among others. I also benefitted from the symposium on medical ethics and anthropology, which included Renee Fox, Charles Bosk, Alex Capron, Barbara Koenig, and Arthur Kleinman, among others; their concerns touch directly on the methodological issues I will address in my work in pediatric medical ethics and ethnography.

The seminar fellows and program associates were tremendous. In the fall Ken Winston brought together a small group to discuss my book on casuistry; I appreciated the feedback and critical attention. I also valued the seminar's weekend excursion to New Hampshire; it set the stage for what would become a regular set of formal and informal conversations. This year's fellows were a rigorous, humane, and intelligent group of colleagues. I am honored to have been among them.

All in all, a rewarding year: several completed writing projects, several more to complete, six public presentations, new and promising lines of research. But most important, a general note: The program has made me a better ethicist. Not only have I learned a great deal, I've been made sharper by the exchanges, conversations, presentations, and research that the program affords. It's been an immensely enriching year, and I'm grateful for the many opportunities that the Program has made available. Many thanks to you and the program's excellent staff: Jean McVeigh, Judy Kendall, Jennifer Sekelsky, and to Werner Ahlers for his valuable research assistance.

Report on the Fellowship Year

Herlinde Pauer-Studer

My year in the Program in Ethics and the Professions was very rewarding. I want to thank the complete staff of the Program for providing a wonderful environment for research and writing.

Most of my time I was working on a project on liberalism which should eventually develop into a book. Current accounts of liberalism are mostly egalitarian-based, the outstanding example is Ronald Dworkin's version of liberalism. I defend instead a freedom-based conception of liberalism, in which freedom is the fundamental value and equality has only instrumental status in regard to the value of freedom. The main reason for this approach to the notions of freedom and equality is that starting from the concept of freedom we are led to equality (mainly via the notion of equal freedom) but that there is no way of arguing from equality to freedom.

During this year I have written drafts of several chapters of this project. I have written a chapter on Kant's political philosophy, as in Kant we find the first exposition of a freedom-based liberalism. In a following chapter I compare Kant's conception with Rawls's and Dworkin's version of liberalism. While Dworkin postulates equality as the central value Ralws in his later work comes close to a freedom-based liberalism.

I have also written a chapter on liberalism and feminist political theory. Feminist political philosophy has somehow neglected the concept of political freedom. The question of equality has always been central. I try to show instead that an emphasis ot the concept of freedom is fruitful for feminist theory and that it can thereby avoid some pitfalls. I argue that the notion of equal freedom offers a way out of the "equality versus difference" dilemma and I try to show that the concept of equal freedom also is important in dealing with the problem of a fair distribution of work within the family.

During my year in the Program I have also written two other papers. The first paper which I presented in January at the University of Fribourg (Switzerland) is called "Human rights from a feminist perspective". It will be published in a volume on human rights published by the University of Fribourg. The second paper is on "Citizenship and feminist criticism". It will be published in a handbook on minority rights that will appear in German.

I enjoyed the weekly seminar and I learned a lot from the discussions with the other fellows. Thanks to Dennis Thompson for the humour, generosity and high standards with which he led the seminar.

I had the opportunity to discuss a part of my project in the seminar and I want to thank all participants of the seminar for their helpful comments. A special thanks goes to Peter de Marneffe for many illuminating discussions.

And I want to thank Jean, Judy, Jennifer and Werner for all their help and patience. It has been a great year.

Report on 1997-98 Fellowship Year
Program in Ethics and the Professions
Richard H. Pildes
May 15, 1998

As I suggested in my application, I have used this year to complete several projects whose unifying structure is the application of democratic theory to specific problems in contemporary law and policy. The formal seminar discussions as well as ongoing informal exchange with the other fellows proved enormously valuable in deepening and enriching this work. I am at a stage at which I tend to tack back and forth between the more theoretical dimensions of these issues and immersion in their empirical and doctrinal aspects, and while I do not believe in any rigid separation between these approaches, one cannot do everything at once. In recent years, I had concentrated more on developing sophistication about the policy consequences of different ways of structuring democratic processes in areas such as voting rights. The program enabled me -- indeed, required me -- to situate these specific issues in the underlying questions of democratic theory that they inevitably raise.

Having completed these various projects, I hope to build on them to complete a book that provides critical perspective on the ways in which the democratic politics we experience is shaped by -- and I would argue, impoverished by -- the legal and institutional frameworks that currently structure American democracy. While academic thought today in several disciplines focuses on the cultural and social aspects of democracy, I believe there is too little appreciation of the power institutions and legal regulation have to structure democratic life. Our imaginative capacities are constrained partly by a lack of historical and comparative perspective, but also by the taken-for-grantedness of background laws and institutions -- the single-member geographical election district, the power of the state to regulate access to the ballot, the ways in which conventional individual-rights approaches to constitutional oversight of politics fail to take into account the structural concerns at stake in cases involving the regulation of politics. The seminar readings and discussions, along with the benefits of presenting one piece of this work in the seminar, have encouraged the kind of systematic engagement with issues of democratic theory that I had hoped to develop during the year.

Enclosed is a list of work from the year. During the January Term, I also taught a course at Harvard Law School entitled "The

Law of Democracy."

Casebook

Early in the fall I completed work on a co-authored casebook that has since been published entitled **The Law of Democracy: Legal Structure of the Political Process**. This casebook, designed for law schools but also being used to teach undergraduate courses, is the first of its kind. It brings together a series of constitutional and statutory issues in the legal regulation of democratic processes to encourage systematic exploration of democratic theory in the context of specific issues of law and policy.

Articles

Campaign Finance, Democracy, and the First Amendment, forthcoming in Twentieth Century Fund book and University of Texas Law Review. This article argues that regulation of campaign financing should be viewed as a subset of regulation of democratic elections more generally, and that courts should be more accepting of regulations generated through voter initiatives than those generated through ordinary legislative processes.

Why Rights are not Trumps: Social Meanings, Expressive Harms, and Constitutionalism, forthcoming Journal of Legal Studies (1998). This article argues that in practice, rather than in much of constitutional and political theory, American constitutional rights focus less to protect atomistic interests in autonomy, liberty, and the like than they do to create various common goods by policing the distinct kinds of reasons upon which government can act in different spheres, such as politics, education, or religion.

Technocrats and Democrats, forthcoming in French and English in Journess d'etudes juridiques Jean Dabin (1998) (with Cass Sunstein). This article explores the conflicts between expert and lay conceptions of rational choice in the context of public-policy decisions involving risk regulation, and the article argues for greater incorporation of lay valuations through more participatory decisionmaking structures in the fields of environmental, health, and safety regulation.

Politics as Markets: Partisan Lockups of the Democratic Process, 50 Stanford L. Rev. 643 (1998) (with Samuel Issacharoff). For judicial oversight of laws regulating democratic processes, this article

proposes a new conceptual framework that focuses on the presence or absence of adequate partisan competition, rather than the traditional focus on defining individual rights to political participation.

Paper Presentations

University of Southern California School of Law Faculty Workshop, Feb., 1998.

Harvard Law School Faculty Workshop, Feb., 1998.

University of Chicago Law School Faculty Workshop, Feb. 1998.

University of Texas School of Law Faculty Workshop, Nov. 1997.

Stanford University School of Law, Symposium on Law and the Political Process, Nov. 1997.

Catholic University of Louvain (Belgium) Conference on The Proceduralization of Law: Transformation of Democratic Regulation, Oct. 1997.

Litigation

In late spring, the United States District Court for the Eastern District of Michigan (Judge Avern Cohn) appointed me as a court-appointed independent expert. My role is to prepare a written report recommending to the Court whether it should send to trial or dismiss on summary judgment a major voting-rights challenge that has been brought to the re-organization of the criminal courts in Michigan, the judges of which are elected. I worked on this report during the last month of the program.

APPENDIX IV

Reports of the Graduate Fellows
1997-98

Peter F. Cannavò
Graduate Fellow in Ethics
Program in Ethics and the Professions

Report on Fellowship Year: 1997-1998

There are two old sayings about time: that it flies when you're having fun, and that it flies when you're busy and productive. Rarely, however, does it fly on both counts. Sitting down to write this year-end report, I realize that this year has been one of those rare occasions. It is truly hard to believe that the fellowship year has ended, and I look back on it as a wonderful and productive time.

My initial interview with Arthur Applbaum, at which he made me really stop and think about the premises of my dissertation project, made it clear to me that this would be an exciting year. Arthur led a terrific weekly seminar. The reading materials offered a challenging, sometimes daunting introduction to the rigors of analytical philosophy, an experience from which I greatly benefited in honing my own thinking. In addition, the Graduate Fellows got the chance to introduce the group to their own particular interests, including dilemmas of international intervention, debate over moral responsibility for mental states, foundations of environmental politics, philosophical critiques of economics, and challenges facing political liberalism. The Graduate Fellows were talkative, argumentative, and unrelentingly inquisitive. After presenting one of my chapters to the group the day before a professional conference, I felt ready for even the most skeptical audience. Throughout it all, though, we maintained our good humor and became ever-more friendly and relaxed, poking good fun at each other's intellectual pet peeves, sharing a steadily increasing number of inside jokes, and enjoying regular updates on Arthur's new twins. For all this, I credit my fellow Fellows: Evan Charney, Nien-hê Hsieh, Samantha Power, and Angie Smith for this atmosphere, but most of all I credit Arthur, our seminar leader.

Arthur brought a rare combination of affability, warmth, and academic rigor to our meetings. As a leader, he invited energetic participation while taking our contributions seriously enough to subject them to exacting challenge. He also put together a comprehensive but focused syllabus, which he designed around our particular interests and finalized only after consultation with us at the beginning of the year. On top of all that, he and his wife had us over for an evening seminar, where he treated us to his considerable culinary talents. *A Theory of Justice* was richly complemented by antipasto, salmon, and port.

Outside the Graduate Seminar, the Ethics Program made for a wonderful academic community. The Program lectures and dinners were delightful. And, as engaging as the lectures and after-dinner discussions were, I learned as much from my various tablemates over the course of the year.

The weekly readings and seminars, along with the lectures and dinners, made for a busy nine months, but they also provided the inspiration for my most productive and professionally satisfying year in graduate school. I produced two chapters on my dissertation, which explores our conceptions of nature in environmental politics, and roughed out a third. Like that first interview, the reading material and the vigorous debate encouraged me to clarify my own thinking on key premises in my own work. By the end of the year, I was actually contemplating the approaching prospect of a first draft.

With Program Director Dennis Thompson's encouragement, I also organized two panels on ecology and political theory for academic conferences. At the first panel, organized for the annual meeting of the New England Political Science Association, I delivered a paper, based on one of my dissertation chapters, on the connections between resource work, ecological responsibility, and democratic citizenship. The second panel will be held this September at the annual meeting of the American Political Science Association. Here, I will present a paper also based on my dissertation, this time on the role of place in the ancient forest politics of the Pacific Northwest. I also 'delivered' a paper at a more unusual forum, a 'virtual' conference conducted entirely over electronic mail. Entitled from "Centre to Territory," the workshop explored the desirability, content, and feasibility of a unified theoretical framework drawing together ecological, economic, and political concerns. My paper dealt with political theory as a tool for analyzing ecological problems. Conference participants will be submitting chapter outlines for a book to be edited by the workshop organizers.

My work in organizing the two conference panels was part of a broader project I have undertaken to increase the visibility and importance of ecological concerns in the field of political theory. To this end, I also prepared a bibliography of books and articles on ecological political theory for the World Wide Web site of the Harvard Seminar on Environmental Values and also began work on a database of scholars in this emerging branch of political thought.

Finally, I would like to offer thanks to the stellar people who have made, and continue to make, this Program a wonderful experience. I want to thank Arthur and the Graduate Fellows for our weekly seminar and their invaluable comments on my work. I want to thank Dennis, who I also have the pleasure of having on my dissertation committee, for his overall direction, his professional advice and encouragement, and his own challenging but invaluable comments on my chapters. And, I want to thank the Program staff, Jean Dombrowski, Judy Kendall, Jean McVeigh, and Jennifer Sekelsky for all the work they did in putting this year together, for their patience in helping a somewhat technophobe Fellow with computers, voice mail, and the copying machine, and for encouraging me, after the Program dinners, to take the centerpiece flowers home to my wife.

Evan Charney Graduate Fellow in the Program in Ethics and the Professions, 1997-8

The fellowship year as a Graduate Fellow in the Program in Ethics and the Professions was an invaluable experience for five primary reasons. First, the financial support of the scholarship, including an office, afforded me an excellent opportunity to make progress on my own work in political philosophy. Second, the weekly seminars enabled me to expand my intellectual horizons in the general areas of ethics and politics through exposure to a variety of works and perspectives, and to receive invaluable criticism of my own work. Third, the monthly guest lectures gave me the opportunity to hear, meet, and debate with a number of distinguished scholars in a variety of fields. Fourth, I felt that for the year I was part of a supportive and engaging intellectual community - a welcome change from the isolation that often characterizes graduate student life. And finally, I have formed what I believe will be lasting friendships with Arthur Applbaum and my four fellow Fellows: Peter Cannavo, Nien-He Hsieh, Samantha Power, and Angela Smith.

The primary project I was working on for the fellowship year is my Ph.D. thesis in political theory in the Department of Government. My dissertation is an analysis and defense of a conception of political liberalism. In the course of the year I wrote approximately one hundred and fifty pages - or roughly three chapters - of what will be a five chapter dissertation (and am currently revising and readying for submission what I have written thus far). I also engaged in a good deal of research for the dissertation: Reading of numerous books, articles, court cases, and copious note taking. My research and writing were enhanced in a number of ways by the weekly seminar meetings. First, many of the topics covered in the meetings were relevant to my work (all were relevant to my interests). Second, I was able to present my own work on several occasions. Early in the year I presented an article I wrote the previous spring which dealt with a topic (the public-private distinction in liberal theory) central to my dissertation. In the spring, I presented a chapter of my dissertation. On both occasions I received valuable and

constructive criticism and suggestions from Arthur Applebaum and all of the Fellows, and I feel that my work has been greatly enhanced as a result. In both my article and thesis I raised some objections to the recent work of John Rawls, and had the opportunity to discuss these objections with Professor Rawls at one of the Fellowship's luncheon seminars.

In general, the weekly meetings provided the perfect setting in which to engage in intense intellectual debate on a variety of topic in ethics and political philosophy. Arthur Applbaum was an excellent group leader. His knowledge of the wide range of subjects dealt with throughout the year was truly impressive. For the most part, he acted as a fellow discussant, vigorously challenging the views of others and himself being vigorously challenged by others (often, by me). While the tenor of the discussions was always friendly, the debate was frequently heated and intense. In sum, the meetings provided a forum for intellectual debate at its best. They showed, I believe, what intellectual life as a whole in the academy should be, but sadly, often is not: A venue for vigorous and ongoing intellectual debate between students and faculty; for the constructive criticism of, and support for, works in progress; and in general, for the free and open exchange of ideas. Also, the mix of students from various departments and graduate schools (government, economics, philosophy, and law) helped to break down the rigid departmental barriers that often impede interdisciplinary dialogue and prevent students of different fields from learning from one another. As stated above, I found exposure to the differing approaches and expertise of the Fellows from other departments an intellectually enriching experience. By creating an engaging intellectual community, I believe that the Fellowship stands as a model for what the academy as a whole should strive to become.

PROGRAM IN ETHICS AND THE PROFESSIONS
GRADUATE FELLOW REPORT

Nien-hê Hsieh
15 May 1998

Given my interest in pursuing joint work in economic theory and political philosophy, I greatly appreciated being a graduate fellow at the Program in Ethics and the Professions this past year. The Program's interdisciplinary nature provided a stimulating and friendly environment which contributed to my research, teaching activities, and broader education, and I am grateful to have had this opportunity.

I was able to devote the fall semester to revising for publication an article in which I argue that the Great Irish Famine did not have as significant a role in the development of nineteenth-century Irish political economy as is claimed by some authors. The article, which is titled, "The Conspicuous Absence of Examination Questions Concerning the Great Irish Famine: Political Economy as Science and Ideology," is forthcoming in the *European Journal of the History of Economic Thought* in the summer of 1999. In the article, I analyze the Famine's impact on a previously unstudied, yet uniquely authoritative, element of the discipline: the questions given to candidates for the Whately Professorship of Political Economy at Trinity College, Dublin from 1832 to 1882. Noting the Famine's lack of impact on the examinations, I question previously held judgments that the Famine had a significant influence on the discipline's development.

In addition, this past year I began work on two papers which I intend to submit as part of my dissertation. The first paper is titled, "Can the Concept of Desert Justify Unequal Market Outcomes?" and in it I evaluate the claim advanced by some political philosophers that people deserve what they earn in the market. I challenge this claim by showing that the market is not understood to function in the ways necessary to justify their claim. As such, the paper is an attempt to demonstrate how debates in political philosophy can be advanced by the study of economic theory.

As a counterpoint to the first paper, the second paper is partly an attempt to demonstrate how debates in economic theory can be advanced by introducing philosophical concerns. Titled, "Distributive Justice and Bargaining Theory: the Role of Monotonicity Axioms," the second paper has two interrelated aims. The first is to study the behavior of a particular class of axioms in bargaining theory as a way to understand better how to characterize just allocations. The second is to provide a philosophical justification for the content of these axioms in order to ensure that there is greater consistency between the axioms that characterize a bargaining solution and the moral intuitions which make that bargaining solution a plausible description of a just allocation.

The Program provided a supportive environment not only for my own research, but also for my teaching. This year, I developed and taught an undergraduate tutorial in ethics and economics titled, "Fairness, Efficiency, and Freedom: the Allocation of Scarce Resources." Aimed at sophomores who concentrate in economics, the tutorial provided them with the opportunity to consider in some detail the values which underlie a justification of the market system, and to understand more broadly how the study of ethics relates to economic analysis.

As well as aiding my research and teaching, the fellowship year served to enrich my overall education. I especially enjoyed and benefited from the weekly seminars with Professor Arthur Applbaum and the other graduate fellows. The seminars helped to fill the gaps in my study of moral and political philosophy and allowed me to present my work to the careful criticism of an astute and supportive audience. I learned a great deal from the other graduate fellows in what were challenging, yet often entertaining, discussions. The regular lectures exposed me to the work of scholars which I otherwise would not have readily engaged, and the accompanying dinners were a welcome way to close the evenings.

Most importantly, working here in the Program on a day to day basis has been a congenial and enjoyable experience. For his direction of the Program, I would like to thank Professor Dennis Thompson. I would also like to thank Jean Dombrowski, Judy Kendall, Jean McVeigh, and Jen Sekelsky for their support and help. Finally, I would like to acknowledge the camaraderie and friendliness of Professor Applbaum and my fellow graduate fellows, Peter Cannavò, Evan Charney, Samantha Power, and Angie Smith.

Samantha Power
Eugene P. Beard Graduate Fellow PEP, 1997-8

It was a great honor to serve as the 1997-8 Eugene P. Beard Graduate Fellow in Ethics. The Beard fellowship supplied funds that enabled me to conduct extensive research over the last nine months; and it placed me in an edifying and challenging environment that expedited the writing and enhanced the vision of my project. I am immensely grateful.

I was a somewhat unusual candidate for a graduate fellowship in the Program in Ethics and the Professions. My "training" for the weekly discussions had come not in the class-room, but in the field, where I had worked as a foreign correspondent for several years before becoming a fellow. Entering the program, I was not – and was not en route to becoming – a full-time student of philosophy, political theory, or legal theory. But I chose to apply to the program because, since enrolling in the J.D. program at Harvard Law School in 1995, I had acquired a deep interest in these fields and thought that a weekly seminar with four individuals (and one indefatigable professor) schooled in these disciplines would offer rapid immersion. More specifically, since I had just embarked upon writing a book (entitled *Again and Again*) that examined American responses to genocide since the Holocaust, I was looking to develop and refine the moral argument at the heart of my project.