

Harvard University



CENTER FOR

**ETHICS**

AND THE PROFESSIONS

ANNUAL REPORT 2003-2004

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ETHICS AND THE PROFESSIONS**

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# Report of the Director

Dennis F. Thompson

AT A PRESS CONFERENCE RECENTLY, a reporter, who sounded as if he had audited one of our seminars, addressed George W. Bush: "Mr. President, I wanted to return to the question of torture... When you say that you want the U.S. to adhere to international and U.S. laws, that's not very comforting. This is a moral question: Is torture ever justified?" The President, who has not yet audited any of our seminars, replied: "The instructions went out to our people to adhere to law. That ought to comfort you." Twelve days later, after one of our colleagues in the Ethics Center emailed the White House, the President added: "We do not condone torture... The values of this country are such that torture is not a part of our soul and our being."

No one needs an ethics seminar to see the difference between what the law allows and what ethics requires. And no one in an ethics center presumes that emails to politicians make the difference between good and bad decisions of state. But the general relationships between law and morality—as well as specific questions such as what is wrong with torture and when, if ever, is it justified—are more complex than often assumed. And the capacity of an ethics center to clarify this complexity and focus the attention of students, scholars and thoughtful professionals, if not politicians, on these questions is greater than sometimes appreciated.

The influence of the Center manifests itself in the work of our fellows, multiplied exponentially through their students, their writings and in some cases the centers they initiate and lead. They raise moral questions relentlessly; and they write about values rigorously. The six faculty and five graduate fellows of this year's class now join 180 former fellows who have carried the mission of the Center to dozens of other colleges and universities in the U.S. and 17 other countries. Nearly all are teaching and writing about practical and professional ethics. The world may not

yet be a more ethical place, but the place of ethics is more prominent than it was, thanks to the missionary work of our former fellows.

As a result of an extraordinary gift we received during the year, this work will continue to have effect at least for as long as Harvard continues to exist. In May, the Edmond J. Safra Foundation presented the Center with an unrestricted gift in the amount of ten million dollars. Together with previous contributions (from the Foundation and also from the bequest of Lester Kissel), this gift creates a substantial endowment that will support the Center's mission in perpetuity. Initiated by Lily Safra, chair of the Edmond J. Safra Foundation, the new gift will fund the core activities of the Center, including faculty and graduate student fellowships, faculty and curricular development, and interfaculty collaboration. After July 1st, in recognition of the gift, the Center will be renamed the Edmond J. Safra Foundation Center for Ethics.

The Foundation's generosity is especially gratifying because it expresses a vote of confidence in the contributions that our fellows and faculty have been making to teaching and research in practical and professional ethics in this country and abroad. The Foundation is asking us, not to undertake some special project of its choosing, but to continue doing what we have been doing and to do more of it. And, of course, with our future secured, we hope to be able to do it even better. The gift is also significant because the donor is well acquainted with our work. Mrs. Safra, whose encouragement was essential in securing the gift, has participated in the Center's seminars and public programs, and has been a member of the Center's Advisory Council for several years.

At the dedication ceremony on June 9th, Provost Steven Hyman, who oversees all of Harvard's interfaculty initiatives, thanked Mrs. Safra and the Foundation on behalf of Harvard. He remarked that the gift will ensure that moral

reflection about public issues and professional life will always have a place in scholarship and teaching at Harvard and beyond. Mrs. Safra spoke about her continuing interest in the work of the fellows, and the importance of synthesizing theoretical ethics and practical experience.

Mrs. Safra established the Foundation in 1999. It supports medical research, arts, culture, education, health care, and historic preservation. Among the many institutions to which the Foundation has given named gifts are the Family Lodge at the National Institutes of Health, a professorship at the National Gallery of Art, the Lecture Theater at Oxford University, a campus at the Hebrew University in Jerusalem, and the Fountain Court at Somerset House in London.

There were other remarkable developments in ethics at Harvard this year. At last we now have a full-time senior faculty member specializing in ethics in our Medical School. Dan Brock, one of the world's leading bioethicists and a former faculty fellow in the Ethics Center, arrived this spring from the National Institutes of Health to take up his appointment as the Charles Burgess McGrath Professor in Medical Ethics. Brock will oversee ethics education in the MD program, and lead efforts to strengthen research in ethics in the School. To lend a hand on the clinical side, the Dean of the School appointed Robert Truog, a member of the Center's Faculty Committee and erstwhile head of the ICU at Children's Hospital, to the newly created position of Director of Clinical Ethics at the Medical School. Truog will also serve as Chair of the University-wide Harvard Human Subjects Research Committee.

In the process of recruiting Brock, the Dean and the Provost came to appreciate the need for more University-wide activity in ethics and health. With the encouragement of the Ethics Center they seized the opportunity provided by a proposal drafted by the leaders of the distinguished group of faculty Harvard now has working in this area. In addition to Brock and Truog, Dan Wikler and Norm Daniels in the School of Public Health, Frances Kamm in the Kennedy School and Philosophy Department, and Allan Brandt in History of Science and Social Medicine constitute the executive committee of the new program in Ethics and Health. Formally part of our Ethics Center, the program will function independently. Next year it will sponsor a major conference and appoint postdoctoral fellows.



Celebrating the Edmond J. Safra Foundation gift are L-R: Ian MacMullen, Lily Safra, Steve Hyman and Dennis Thompson

Another major step forward in ethics, also long in the making, was taken by the Business School. Led by Faculty Associates Lynn Paine and Joe Badaracco (and two of their colleagues), the School established, for the first time, a full semester required ethics course on "Leadership and Accountability." The course was highly rated by the students and enthusiastically embraced by the ten faculty who shared the teaching responsibilities. By involving some faculty members who are not specialists in ethics, the course serves the further purpose of raising awareness of ethics issues in other areas of the curriculum. The School's pedagogical strategy in this way combines two familiar approaches—the intensive and pervasive—which are often seen as alternatives. With this strategy, we expect to learn from the Business School's experience, which could prove useful in other schools.

Our faculty roster continues to grow as you can see from the list of our faculty associates on our website. Two former colleagues, no doubt missing their Ethics Center experience, have returned to the fold: Amartya Sen, Lamont University Professor and one of the founding senior fellows in the Center; and Father J. Bryan Hehir, who joins the Kennedy School as the Montgomery Professor of the Practice of Religion and Public Life. Drawing one of the largest audiences of the year, Father Hehir spoke on "Just War Theory" in our public lecture series. Although he was not able to prevent the Iraq war—perhaps because he spoke after the coalition had entered Baghdad—he was able to prevent most of the audience from accepting confused arguments for and against it.

Our faculty did not go to Baghdad but they did take ethics to Europe. Some 450 Harvard graduates and their guests gathered in London for the University's most ambitious effort to date to bring together its European alumni with faculty in discussions about pressing intellectual issues. They also heard directly from the President, Provost and deans about developments at the University. We were pleased that ethics, one of only three topics on the agenda, was selected for the conference, and we were glad to help organize that section of the program. According to all reports, our ethics faculty distinguished themselves by leading discussions on provocative cases that raised ethical issues about corporate leadership (Joe Badaracco), human rights (Michael Ignatieff) and world health (Dan Wikler).

Our fellows and faculty continue to produce books and articles for scholarly audiences and, occasionally, for general audiences. No one this year won a Pulitzer Prize, as did former graduate fellow Samantha Power last year. But the writings of some of our former fellows attracted national attention and in some cases national controversy. A notable example is Larry Lessig's book *Free Culture: How Big Media Uses Technology and the Law to Lock Down Culture and Control Creativity*. The free culture he favors in the internet world would loosen copyright restrictions and encourage sharing of creative works. Some copyright holders are not as eager to share as Lessig is, and his proposals have not met with universal acceptance. But whatever one thinks of the specific proposals, his plea for a more open sharing of ideas is very much in the spirit of the work of the Ethics Center. Other important books and articles by Faculty Associates are listed on our website.

This introductory section mentions only a few of the highlights of the year. These and other important activities are described more fully in the rest of the report. As always, the impressive achievements of the graduate and faculty fellows constitute the core of the work of the Center. Their reports, attached as appendices, should not be missed.

### The Current Faculty Fellows

What was most distinctive about the class of 2004? Some would cite the Turducken Party. The philosophical value of this event should not be dismissed: a turkey stuffed with a duck stuffed with a chicken vividly illustrates the logic of

nested propositions. Others would point to the (not unrelated) discussion of the ethics of cannibalism. Here too the intellectual contributions were impressive—considering that the discussion took place over lunch.

No doubt the list of such memorable moments could be extended, but it is the composition of the class that a more sober observer would be most likely to notice. For the first time in the history of the Center, there were more women than men in the class: a ratio of 4 to 2. The visiting professor for the year, Nancy Rosenblum, a leading political theorist who was recently appointed chair of the Government Department, brought the total to five.

The year at the Center has been the most intellectually inspiring, challenging and transforming one of my academic life.

— Eva Weiss, Faculty Fellow in Ethics

Our discussions, though guided by the principles of mutual respect the Center espouses, were not calm and dispassionate. Because of the sense that we were engaged in a common enterprise and shared a common commitment to advance practical ethics, the arguments could be unusually sharp and the disagreements persistently deep. The division between the more theoretical and the more practical was frequently and often vociferously displayed, and never finally overcome. But agreement could hardly be expected given the topics we covered: lawyers' ethics, doctors' obligations in managed care, privacy, hate speech, obligations to future generations, racial profiling, reparations, corporate responsibility, punishment, human rights, international duties, and of course, deliberative democracy.

Beyond the syllabus we followed together, each fellow presented work in progress. Ruth Chang, our philosopher-lawyer, carefully considered "All Things Considered"—not the radio program, the philosophical problem. In practical ethics and everyday life, we make all-things-considered judgments all the time; yet how such judgments (comparing, so to speak, apples and oranges) are possible is, as a result of Chang's work, less of a "mystery" than it was before.

Heather Gerken, fresh from her award winning teaching in our Law School, introduced us to her original and promising concept of “second-order diversity.” Instead of trying to diversify any particular institution (such as a jury, electoral district or school board), we should try to diversify the system of institutions of a particular type. It is less important, for example, that each jury should have a fair proportion of black members than that the jury system as a whole should have a fair number of predominantly black juries.

Erin Kelly, whose ultimate aim is to show how morality can dispense with desert (and not, we were relieved to confirm, how the seminar lunches could dispense with chocolate chip cookies), tackled one of the most challenging aspects of the problem—the justification of punishment—and gave the retributivists the criticism they deserve. She is developing a more felicitous theory of her own, firmly grounded in democratic values.

Mathias Risse, a philosopher whom the Kennedy School recruited from Yale, undertook what for him was a new area of research—global justice—and provided what were for us (and even those in the field) some new insights into the subject. Most of the seminar members wanted to resist his mostly negative answer to the question posed in his first paper, “Does the Global Political and Economic Order Harm the Poor?” But his arguments left us less room for resistance than we expected. It was therefore reassuring to learn from his second paper that “What We Owe to the Global Poor” is quite substantial, though what we ought to provide takes the form of institution building rather than redistribution of resources.

Alex Tuckness, a political theorist with high ideals, is also a realist who cogently argues that we should pay more attention to non-ideal theory. Creatively drawing on the canon (Locke and natural law), and cleverly applying his own analysis to contemporary international politics (especially



Faculty Fellows Seminar Members Front row, L-R: Erin Kelly, Eva Weiss, Dennis Thompson, Alex Tuckness Back row, L-R: Nancy Rosenblum, Mathias Risse, Ruth Chang, Heather Gerken, Arthur Applbaum

interstate violence), he is developing a new approach to deal with the phenomena of non-compliance and misapplication of moral norms—common enough in practice but surprisingly neglected in theory.

Eva Weiss is the doctor in our ethics house. As one of a pioneering group of scholars, she is rethinking the principles of medical ethics for an age in which much of the practice of medicine takes place in large scale organizations, and where institutional policies are often as significant as individual relations between doctors and patients. Her work led her to the ethics of business and politics, exactly the kind of cross professional exploration the Center aims to encourage.

Weiss has been invited to stay at Harvard another year as a Whitman Memorial Fellow, conducting research and teaching a course on the ethics of palliative sedation in hospital settings. Two of the other fellows, already at Harvard—Gerken and Risse—will return to their respective schools, better prepared to rouse their colleagues from ethical slumber. Chang, Tuckness, and Kelly will carry the ethics mission, respectively, to their home institutions in New Jersey, Iowa, and Medford, Massachusetts. *(See Appendix I for their individual reports.)*



### The New Faculty Fellows

The applications for next year's fellowships came from 46 colleges and universities. We received applications not only from institutions in the U.S. but also in Canada, Germany, India, Israel, Singapore, South Africa and the United Kingdom. The applicants ranged in age from 24 to 62 years, with an average age of just under 40. As in previous years, more applicants came from philosophy (47 percent) than any other field. Among other fields represented were: law (15 percent), government including political science (11 percent), medicine (9 percent), education (7 percent), business (6 percent), and religion (5 percent). A substantial number of applicants declared other fields of specialization (sometimes in addition to their primary field), including architecture, art history, communication theory, cultural anthropology, economics, environmental ethics, ethics in sports, health policy, international relations, literature, and museums and public policy.

The group of Faculty Fellows we selected for the next academic year represent law, medicine, philosophy, and political science. One is an MD, one is a political scientist from Canada, two are philosophers, and two teach law (one of whom is from Harvard). Three are women (including a former Graduate Fellow in Ethics). Among the research topics they will explore are international ethics, the nature of well being, moral autonomy and practical reasoning, clinical research ethics, racial and gender discrimination, the ethics of civil rights lawyering, and end of life care. (*See Appendix VI for their biographies.*)

Arthur Applbaum, who will serve as acting director of the Center while I am on sabbatical leave next year, will lead the seminar. Fred Schauer, Frank Stanton Professor of the First Amendment at the Kennedy School and a Faculty Associate of the Center, returns from his own sabbatical just in time to accept our invitation to join the faculty fellows seminar as a visiting professor (though in his case visiting only from across the hall).

The Faculty Fellows were selected by our University-wide Faculty Committee, which I chair. The members of the Committee, who represent several of our professional schools and the Faculty of Arts and Sciences, are Martha Minow (Law School), Tim Scanlon (Philosophy), Bob

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

### The Edmond J. Safra Graduate Fellows

*Reported by Arthur Applbaum*

Can too much faculty attention be lavished on our graduate ethics fellows? We don't think so. This year, our five-fellow broth had three professorial cooks. Into the graduate fellows' pot went three political theorists (one also a law student) and two philosophers. Kennedy School professors Arthur Applbaum, Michael Blake, and Frances Kamm vied for the stirring spoon, and if the students were spoiled, the seminar experience was not. The curriculum ranged from sessions on role morality and the ethics of particular professions to constitutionalism and judicial review to just war theory and political legitimacy, all spiced with lunchtime discussions of normative issues in current events. (*See Appendix V for the syllabus.*) Out came one completed dissertation, a post as assistant dean of students at Washington University, an appointment as assistant professor of legal studies at the Wharton School of Business, and substantial intellectual simmering of the remaining half-cooked dissertations. (Q: What do you get when you cross a word processor with a food processor? A: Mixed metaphors.)

The Center was my intellectual home for my last year as a graduate student at Harvard; it provided a unique opportunity for me to work with a group of remarkably gifted people on a wide range of questions about which I care deeply. — **Ian MacMullen, Graduate Fellow in Ethics**





Graduate Fellows Seminar Members Front row, L-R: Ian MacMullen, Sandra Badin, Michael Blake Back row, L-R: Waheed Hussain, Noah Dauber, Frances Kamm, Kyla Ebels Duggan, Arthur Applbaum

Lily Safra, one of the Center's most generous benefactors, took an early interest in our graduate fellows, attended seminar sessions in past years, and has been their ardent supporter. All of the fellows this year are named Edmond J. Safra Graduate Fellows in Ethics. (*See Appendix II for their individual reports.*)

Sandra Badin, a JD candidate at Harvard Law School and a PhD candidate in political theory at Columbia University, pushed forward her views about multicultural rights in pluralistic societies, in particular the argument for such rights from self-respect. She also showed that, even if rights do not have universal appeal, Canadian cookies do.

Noah Dauber, a PhD candidate in government, spent most of his time in the Houghton rare book collection working on early modern conceptions of practical reason and political science; however he eagerly jumped into our discussions of both normative theory and contemporary politics, all the while finding connections in the history of political thought.

Kyla Ebels Duggan, a PhD candidate in philosophy, made substantial progress on a Kantian account of reconciling freedom with obligation. She also presented a paper on religious conviction and Rawlsian public reason that illuminated both the work of other fellows and several of our seminar sessions. On another fruitful front, she is expecting her first child in December.

Waheed Hussain, a PhD candidate in philosophy, advanced a social democratic conception of freedom that has sweeping implications for the organization of a market economy and the workplace. He begins teaching business ethics at the University of Pennsylvania's Wharton School in September (where he joins former graduate fellow Nien-hé Hsieh in mischief-making).

Ian MacMullen was awarded a PhD in government for a dissertation on the role of religious doctrine in educating for autonomy, and the conditions under which instruction in such doctrines is compatible with liberal public education. In the fall he takes up a position as assistant dean of students at Washington University in St. Louis, where his fiancée is a medical resident.

The incoming class of Edmond J. Safra Graduate Fellows promises to be every bit as interesting as the current class. We have a legal theorist developing an account of coherence in the law, one philosopher working on coercion and a second working on Rawlsian reflective equilibrium, one political theorist studying patriotic accounts of political legitimacy and a second writing on probability and risk in moral judgments. Four of the five are women, and the countries of Great Britain, France, and Spain are represented. (*See Appendix VII for their biographies.*)

### Joint Seminars

One of the attractions of life in the Center is the commingling of scholars at different stages of their careers—the experienced but slightly jaded senior faculty, the creative but slightly insubordinate rebellious junior faculty, and the promising but slightly anxious graduate students. Most of the interactions happen informally, but several times during the year we organize joint seminars, which bring together the Faculty Fellows and Graduate Fellows for discussions with Center faculty associates and other scholars who are exploring dimensions of ethics. This year the discussions provided the opportunity in an intimate seminar setting to hear and challenge the work in progress of three Harvard faculty and a distinguished visitor.

Two of the faculty were familiar faces (and minds) around the Center—founding members of our Faculty Committee Tim Scanlon and Martha Minow. Scanlon's paper had a more charitable purpose than the ominous

title “Blame” might suggest. He showed that we can hold a person responsible for a wrongful action in two quite different ways: by criticizing him or by letting him bear the consequences of the action. We can judge that he was responsible for the wrong without concluding that we do not need to help him because it was his fault. In a paper the title of which posed the choice between “Fragments or Ties,” Minow defended “difference” (ethnic and racial diversity) against those who see it as a growing threat to national unity. Marshalling examples from the U.S. and Canada, she argued that the usual cultural and legal responses are often more threatening than the threats to which they are responding.

We invited another Harvard faculty member not previously associated with the Center—Marc Hauser from our psychology department—to tell us about some of the empirical research he has been conducting on ethical questions. His most striking results centered on the much discussed (by philosophers) “Trolley Problem,” which raises in many different variations the question of whether it is permissible to bring about the death of one person in order to prevent a runaway trolley from killing five people. The responses Hauser has collected from all over the world via internet surveys provide remarkably similar results across

country of origin, gender, socioeconomic class, and age. Almost everyone says it is not permissible to push a large person in front of a runaway trolley to save five others. However, most think that it is permissible to throw a switch causing the trolley to go around a loop where it will kill that same large person rather than continuing on and hitting five persons. Most people evidently want to make a simple distinction between directly harming someone and performing an action where the harm is foreseen but not intended—a distinction most philosophers see as either too simple or simply wrong. But that, Hauser suggested, may mean only that most people think about morality differently than most philosophers do. Since several of those philosophers were in the seminar, the ensuing discussion was not always serene.

The visitor to our joint seminar series was Ronald Dworkin, who has been called the “leading public philosopher” of our time. He wanted to try out an early version of his timely lecture on rights and terrorism (subsequently published in the *New York Review of Books*). He criticized the conventional views evidently followed in current policy, which justified sacrificing rights of alleged terrorists in the interest of national security. He offered an alternative approach based on a principle of common humanity which, because it grants equal respect to all humans, implies that we must not sacrifice anyone’s life to obtain a smaller or more speculative gain. Although many of the seminar participants were sympathetic to Dworkin’s criticism, they challenged both his formulation of it and his own alternative. Along with faculty and graduate fellows, our faculty associates Tim Scanlon, Charles Fried and Michael Sandel joined in the lively discussion. Summaries of the Dworkin and Hauser discussions (prepared by Alex Tuckness) can be found on our website.



Ronald Dworkin (second from right) spoke on rights and terrorism in the joint seminar series. Also participating were (L-R) Dennis Thompson, Tim Scanlon and Michael Sandel.



Deborah Rhode discusses access to justice during an event cosponsored with the Law School.

### The Public Lectures

Our popular public lecture series, now in its 17th year, continues to attract faculty and students from across the University, as well as members of the wider Cambridge-Boston community. The events also serve as a kind of intellectual reunion, as former faculty fellows, graduate fellows and visiting professors return to participate in the dinner seminars that follow the lectures. One of our emeritus professors calls the events “intellectual feasts.” The dinner seminars have become well known for the lively discussions they typically produce, and other programs at Harvard and other universities have followed their example. This year, as part of our effort to extend our reach still further within the University, four of our lectures were cosponsored with other departments or programs.

Altogether we hosted seven public events, including one of the most popular lectures in the history of the Harvard Tanner Lectures on Human Values. Almost a thousand people came each evening to hear Richard Dawkins, the Charles Simonyi Professor of the Public Understanding of Science at Oxford, lecture on “The Science of Religion and the Religion of Science.” Harvard’s Stephen Pinker and Yale’s Keith de Rose served as the commentators.

*The other speakers in our series were:*

**Deborah Rhode**, Ernest W. McFarland Professor of Law; Director, Keck Center on Legal Ethics and the Legal Profession, Stanford University School of Law: “Access to Justice: How the American Legal System Fails Those Who

Need It Most” (cosponsored with the Program on the Legal Profession, Harvard Law School)

**Cass Sunstein**, Karl N. Llewellyn Distinguished Service Professor of Jurisprudence, Law School and Department of Political Science, University of Chicago: “Liberty, Paternalism, and Welfare”

**Joseph Carens**, Professor of Political Science, University of Toronto: “The Ethics of Immigration”

**Claus Offe**, Professor of Political Science, Institute for Social Sciences, Humboldt University, Berlin: “Trust and Transition: What Makes for Horizontal Trust in New Democracies?” (cosponsored with the Minda de Gunzburg Center for European Studies)

**Philippe van Parijs**, Professor, Faculty of Economic, Social and Political Sciences, Université Catholique de Louvain: “Cultural Diversity v. Economic Solidarity: Resolving the Tension”

**J. Bryan Hehir**, President, Catholic Charities Archdiocese of Boston and Montgomery Professor of the Practice of Religion and Public Life, Kennedy School of Government: “The Just War Ethic: Its Role in a Changing Strategic Context”

**Jeremy Waldron**, Maurice and Hilde Friedman Professor of Law, Columbia University: “Safety, Security, and Public Goods” (cosponsored with Harvard Law School)

### Ethics Beyond Harvard

Not only did we take part of the Ethics Center to London this year (facilitating the alumni conference described in the introduction to this report) but we also brought some of London to the Ethics Center. Faculty Fellow Mathias Risse collaborated with Jonathan Wolff of University College London to mount a three-day conference on “The Theory and Practice of Equality.” They invited scholars who had participated in an earlier conference in London, as well as others who came from several universities in the U.S. and Europe. The participants were a mix of theorists and empiricists, and the result was a genuinely interdisciplinary conversation that will, in published form, advance the scholarship on the problem of equality in modern democracies. One of the participants, a long-time conference goer who is not free with his praise, pronounced this event the most successful conference he had attended.

To honor our former Senior Faculty Associate, John Rawls (1921-2002), former Faculty Fellow James Fleming organized a conference at Fordham University in November on "Rawls and the Law." Although Rawls's work has been the subject of many conferences, none had focused specifically on the implications of his work for law. Among the participants who gave papers or comments, several were former fellows or faculty associates of the Center. They included (in addition to Fleming and me), Linda McClain, Steve Macedo, Marion Smiley, Tim Scanlon, Tommie Shelby, and Seana Shiffrin. The papers for the conference, revised for publication, appear in the current issue of the *Fordham Law Review*.

At the University of Montreal in May, I took part in a two-day conference on the Governance of Political Ethics, which brought together theorists and administrators of government ethics from the U.S., Australia, the United Kingdom, and Canada (including the newly appointed chief ethics officer of the Canadian government). Two of our former fellows, Andy Sabl and Andy Stark, gave presentations on a panel entitled, "Political Pluralism and Democratic Ethics." Alan Rosenthal, another former Faculty Fellow, discussed ethics, and the lack thereof, in the state legislatures of the U.S.

A late summer foray into the legislative chambers of Rhode Island reminded me that the cause of ethics is not always viewed with dispassion. At the invitation of Governor Donald Carcieri, a genuinely public spirited Republican in a largely Democratic state, I testified in favor of his proposal to establish a commission to investigate the entire set of practices for administering ethics rules in the state, and to make recommendations for improvements. The proposal (and my testimony) quickly became a casualty of the highly partisan battle between the Governor and the Democratic-controlled legislature. Despite my testimony (or because of it?), the legislature refused to appropriate the funds the Governor requested for the commission. However, the Governor has said that he intends to create the commission using his own discretionary funds. (I shall not comment on the implications of this experience for my theory of deliberative democracy.)

Two of our former Faculty Fellows this year carried the ethics mission forward in their home institutions—in one case developing a new college-wide course inspired in part

by our fellows seminar, and in the other establishing a new center for ethics modeled in many respects on our Center. Under the leadership of Alan Wertheimer, some 35 faculty at the University of Vermont will teach a new course in the fall entitled "Making Ethical Choices: Personal, Public and Professional." Among the questions the course addresses: "What constitutes a just war, if it does indeed exist?" "Is it considered 'consent' if your intoxicated date says 'yes' to sex?" "Do you have a moral obligation to obey the law and if so, should you abstain from alcohol until you are 21?"

At the University of Toronto, former Faculty Fellow Melissa Williams is leading the effort to establish a university-wide Centre for Ethics, which will include faculty and students from several of the faculties there. The Centre's activities will include the development of new courses, collaborative research, and postdoctoral and visiting fellows. The process for funding and approval, not yet complete, is highly competitive, but Williams's proposal is already the first choice of the faculty of arts and sciences.

We have been infiltrating the University of Pennsylvania for several years now, sending advance teams of special operations forces to prepare for a full scale ethical invasion. Two former Fellows (Eric Orts and Nien-hê Hsieh) have been on the ground now for a while, and another (Waheed Hussein) has just arrived under the cover of summer. By July all preparations should be in place for the arrival of the new commander in chief, Amy Gutmann, also a former Faculty Fellow of our Center. We expect that, in addition to her many other triumphs to come, she will have more success in revitalizing ethics at Penn than other commanders have had in rebuilding democracy in Iraq.

As in previous years, we happily responded to the many requests for consultation we received from universities and institutions throughout this country and abroad. Dozens of new ethics centers have been established in recent years, and the leaders of many of them have turned to us for advice. Often they will come for a site visit. Among this year's visitors was Dr. Laurie Harris who is leading the effort to institute a center for applied ethics at the University of California, Santa Barbara. We also consulted with Anthony Alfieri, Professor of Law and director of the Center for Ethics and Public Service at the University of Miami School of Law, about establishing a university-wide center there.

Our former fellows continue to spread the ethics word far and wide in this country and abroad. The list of countries to which our influence extends grows every year: Australia, Austria, Belgium, Canada, England, France, Germany, Greece, India, Israel, Italy, Norway, the Netherlands, Scotland, South Africa, and Switzerland. Through these contacts and other institutional collaborations, the Center is reaching increasingly large numbers of students, faculty and future leaders of society.

### Future Prospects

The extraordinary gift from the Edmond J. Safra Foundation, obtained, as described earlier, with the discerning assistance of Lily Safra, provides the Center with financial security for the future. We are both grateful and fortunate. But contrary to what some may assume, we are not affluent. Even with this generous and welcome gift, our endowment will support only our core activities and at about the same level of activity we have attained in the past. The reason is that a substantial portion of our support has come from the Office of the Provost, fulfilling a commitment that expires in 2009 and that is not renewable. The Safra Foundation gift, which will be fully realized by 2009, comes just in time. Given these circumstances, we cannot afford to suspend or slacken our efforts to raise more funds for ethics. To undertake major new projects, expand our fellowship programs, initiate outreach activities, and appoint new faculty, we must secure more funds for both current use and for our endowment.

Our highest priority is to endow the Faculty Fellowships. One of our earliest benefactors and a charter member of our Advisory Council, Eugene P. Beard, will continue to fund a Faculty Fellowship through 2006-2007. (Mr. Beard took a serious interest in the Center early in its history, and established our first named Graduate Fellowships.) As we look to the future, we see a need to increase the support for the Faculty Fellowships, which are essential to the mission of the Center.

Our other high priority is to secure support for the appointment of new faculty who specialize in ethics.

Part of the responsibility for raising the funds would lie with the individual schools in which the faculty members would be primarily appointed. But to encourage the schools to make ethics appointments and to enable the faculty thus appointed to devote some of their time to Center activities on a continuing basis, we need to help raise funds for endowed professorships in the field. The need is particularly important now that we have managed to recruit several promising younger scholars whose future at Harvard depends not only on their achievements but on the University's success in funding new positions in ethics.

We continue to work with all the schools that are seeking funds for ethics, whether for faculty positions or curricular initiatives. The health of the Center depends on maintaining strong ethics activities in the schools.

Our Advisory Council remains a valuable resource for advice on our fundraising, as well as many other matters of critical importance to our future. At their last meeting the members identified a number of institutions and individuals who may be interested in supporting ethics, and some strategies for reaching beyond our usual contacts to a broader community of potential friends. They also offered some helpful advice on recruiting fellows from fields where we would like to attract more applicants. Although the Council does not meet every year as a group, the members individually provide continuing counsel to me and others associated with the Center.

There is so much in our world that is changing and evolving, and as a result, there is a great need to synthesize theoretical ethical understanding and practical wisdom. I am fascinated by the issues the fellows examine, ranging from questions about social disadvantage, international security, religion in society, and privacy, to the nuances of the ways our societies should best be structured. In taking timeless concepts and applying them to present-day situations, the fellows will have a profound impact on society.

— Lily Safra, Chair of the



## ETHICS IN THE SCHOOLS

With the advent of the new course in the Business School this year, we can boast that for the first time all the schools at Harvard offer at least one regular course in ethics to all their students. And in all of the major schools, students are required to take an ethics course.

For an annual account of the ethics activities in the schools, I rely on some of the faculty and staff who are guiding the ethics movement throughout the University. They and their colleagues are providing the leadership that is making the study of ethics at Harvard even more rewarding and more exemplary than it has been in the past. The rest of this report describes the impressive achievements that have taken place in the various schools at Harvard during the past year.

### Arts and Sciences

(reported by Tim Scanlon)

#### Faculty

In January we were pleased to welcome back to Harvard Amartya Sen, the Lamont University Professor. Professor Sen, who most recently served as the Master of Trinity College, Cambridge University, holds appointments in the departments of Philosophy and Economics, and serves as faculty chair of the Project on Justice, Welfare and Economics. He was one of the original Senior Fellows of the Ethics Center.

Niko Kolodny completed his first year as Assistant Professor of Philosophy. His work in moral and political philosophy focuses on the nature and moral significance of our special reasons for concern with friends, family, and others with whom we stand in special relations. His recent publications include "Do Associative Duties Matter?" in the *Journal of Political Philosophy*, and (with R. Jay Wallace) "Promises and Practices Revisited" in *Philosophy & Public Affairs*.

Among other significant faculty changes, Melissa Barry accepted a position as Assistant Professor of Philosophy at Williams College. We will miss her and we wish her well. We look forward to welcoming Douglas Lavin as a new junior faculty member beginning in the fall. He will receive his PhD in August from the University of Pittsburgh. His dissertation is on practical reason, and his

main interests lie in ethics and the philosophy of action, but he has also written on Rousseau. Philippe van Parijs, Professor of Economic, Social and Political Sciences at the Catholic University of Louvain, will be a Visiting Professor in the Philosophy Department in the spring of 2005, the first of three planned visits. In addition to his undergraduate course in political philosophy, he and Amartya Sen will offer a joint seminar on Social Justice and Cultural Diversity.

Jeffrey Abramson, Louis Stulberg Professor of Law and Politics at Brandeis University, will be a Visiting Professor of Political Theory in the Department of Government in 2004-2005. Professor Abramson was a speaker in the Ethics Center's seminar series a few years ago on the topic "The Jury, the Press and Democracy."

Another auspicious development (for Harvard if not for her) is the appointment, beginning in the fall, of Nancy Rosenblum, Senator Joseph Clark Professor of Ethics in Politics and Government, as the new chair of the Department of Government. Professor Rosenblum was a member of the Ethics Center's faculty seminar this year.

#### Graduate Students

We take pleasure in reporting that our graduate students in FAS who are also Ethics Center alumni have secured appointments that will enable them to pursue their work effectively: Louis-Philippe Hodgson, Glendon College of York University (Canada); Waheed Hussain, Wharton School of Business, University of Pennsylvania; and Martin O'Neill, elected to a three-year Research Fellowship at St. John's College, Cambridge. Also, Ian MacMullen received his PhD in government, and has accepted a position as Assistant Dean, College of Arts and Sciences, Washington University, Missouri. We should also mention recent former Graduate Fellows of the Ethics Center: Sharon Street (who has been teaching at New York University for the past two years); Bryan Garsten, who will take up a position in political science at Yale; and Tamara Metz, who will be a lecturer on government at Harvard and who has a Cabot Postdoctoral Fellowship at the Derek Bok Center for Teaching and Learning in the 2004-2005 academic year. Her courses will include "Sex, Gender, and Political Theory," and "Liberalism and Its Critics."

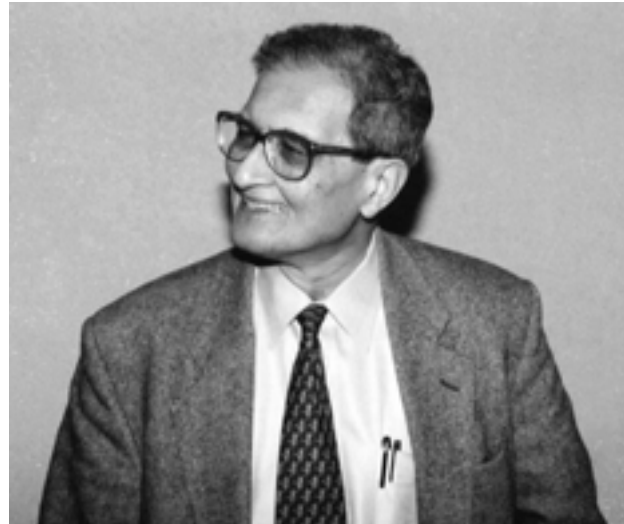
In the philosophy department, the Workshop in Moral and Political Philosophy continued to be active, meeting weekly to discuss graduate students' work in progress. The outside speakers for the Workshop this year were Michael Bratman and Stephen Darwall. Bratman is the Durfee Professor in the School of Humanities and Sciences and Professor of Philosophy at Stanford University. Darwall is the John Dewey Collegiate Professor of Philosophy at the University of Michigan.

#### **Project in Justice, Welfare, and Economics**

Anchored in the Faculty of Arts and Sciences, the Project on Justice, Welfare, and Economics also includes professors and students in the Kennedy School of Government, the Law School, and other professional schools of the University. In January Amartya Sen, Lamont University Professor, assumed the Project's faculty chair on his return to Harvard. The other members of the Faculty Committee are Jorge Domínguez, Benjamin Friedman, Michael Kremer, Jane Mansbridge, Frank Michelman, Martha Minow, Thomas Scanlon, Dennis Thompson, and Richard Tuck.

Established in June 2001, the Project seeks to foster scholarly research by faculty and graduate students on issues at the intersection of the social sciences and applied ethics. The main thrust of this initiative is to stimulate new research and teaching in this area and to support the work of younger scholars that encompasses ethical, political and economic dimensions of human development. The Project awards dissertation fellowships and research grants each year to graduate students whose research topics are relevant to questions of justice and human welfare. The Project also hosts a variety of formal and informal events to foster a community of scholars whose research and knowledge connects the study of freedom, justice, and economics to human welfare and development.

This year the Program awarded nine dissertation fellowships to graduate students in economics, government, philosophy and law and three research grants to graduate students in economics, law and health policy. The Project also cosponsored the interdisciplinary conference on The Theory and Practice of Equality (described earlier in this report).



Amartya Sen, Lamont University Professor, assumed the Faculty Chair of the Project in Justice, Welfare, and Economics

#### **Political Theory Colloquium**

Hosted by the Department of Government and organized by Ethics Center faculty associate Nancy Rosenblum, the colloquium is designed to bring leading scholars together for discussions in an intimate setting with graduate students and faculty colleagues. The format calls for a paper (usually a new work in progress) to be distributed in advance. A 30-minute presentation by the speaker, and commentaries by two graduate students, provide the basis for an open discussion with faculty from the government department and others with a particular interest in the topic. The event concludes with a reception and dinner. The audience draws faculty and graduate students from government, philosophy, history and classics, the Law School, and the Kennedy School of Government.

The commentaries by graduate students are designed to provide them an opportunity to critique the work of senior scholars. This year twenty-one graduate students commented on papers by faculty guests. The participation is voluntary and increasing numbers of graduate students, who attend these talks and ask questions, are now stepping up to take a more active part in the colloquium. Several sessions each semester are reserved for graduate student presentations of dissertation work and for presentations by visiting postdoctoral fellows.



*The Colloquium hosted the following speakers:*

**Thomas Pangle**, University of Toronto

**Heinrich Meier**, Ludwig-Maximilians-Universität, Munich

**William Galston**, University of Maryland

**Stephen White**, Virginia Tech

**Ian MacMullen** and **Karuna Mantena**,  
Harvard University

**Tracy Strong**, University of California at San Diego

**Jennifer Pitts**, Yale University

**Mark Philp**, Oxford University

**Joshua Foa Dienstag**, University of Virginia

**Loren Lomasky**, University of Virginia

**Meira Levinson**, Radcliffe Institute for Advanced Study

**Michael Sandel**, Harvard University

**Dan Herzog**, University of Michigan

The speaker for the Judith Shklar Memorial Lecture was **John Dunn**, Professor of Politics, King's College, Cambridge University.

#### **Seminar on Ethics and International Relations**

Now in its eleventh year, this Seminar continued to provide opportunities for discussion of pressing ethical issues in international politics. The series, hosted by the Weatherhead Center for International Affairs, explores a broad range of ethical issues relevant to international affairs. Several recent speakers have taken a philosophical perspective, seeking to apply moral theory to practical problems such as humanitarian intervention or global distributive justice. Others have adopted a more empirical approach, addressing current issues such as global poverty and the economics of AIDS drug provision in Africa.

Participants are drawn from the Weatherhead Center, the departments of government, philosophy, and history, the Kennedy School of Government, the Divinity School, and other universities in the area. All events are open to the public. Stanley Hoffmann, the Buttenwieser University Professor, chairs the seminars.

#### **Business**

*(reported by Joe Badaracco)*

During the last academic year, the ethics efforts at Harvard Business School fell into two categories: the well-established and the extraordinary.

All of the School's well-established activities continued apace. The core faculty held seminars and workshops, discussed research and teaching, gave talks and wrote papers. Two professors, Ashish Nanda and Joshua Margolis, continued significant research projects. Nanda has been studying, writing, and teaching about the ethical responsibilities of business professionals. Margolis's principal ethics-related project focuses on the "necessary evils" that managers must sometime perform. (Both Nanda and Margolis are former fellows of the Ethics Center.)

The extraordinary effort of the past year was the development and teaching of the first required, full-length ethics course in the history of Harvard Business School. The course, entitled "Leadership and Corporate Accountability," was taught in the winter term of the first year of the MBA Program. It consisted of 29 classes and was taught in sections by a group of ten faculty members.

The basic aim of the course is to help students understand the responsibilities they will take on when they become business managers. The course had three main parts, each focused on a recurrent set of managerial choices or dilemmas. The first part concentrated on dilemmas in dealing responsibly with a company's core constituencies—investors, customers, suppliers, employees, and the public. The second focused on dilemmas involving organizational design—the basic choices managers have to make about incentives, planning systems, and governance structures. The third part dealt with personal dilemmas—the choices that arise when a manager's personal values conflict with company values or professional responsibilities.

The course was by all accounts a strong success. Students rated it highly. The course organization and framework proved sound. The faculty enjoyed the year of intense work that preceded the course and they were deeply engaged in the teaching group meetings as well as in actually teaching the course. All have volunteered to teach it again next year. Detailed planning for next year's version has already begun.

The leaders of this initiative—Joe Badaracco, Nitin Nohria, Lynn Paine, and Tom Piper—will soon begin discussions with their colleagues about the best way to make the course sustainable over the long run. This means, specifically, deciding whether a new unit should be created to support the course, whether it should join an existing unit at the School, or whether some creative alternative should be tried.

## Design

*(reported by Carl Sapers)*

“Issues in the Practice of Architecture” marked its fourth year as a requirement for all students in the Master’s in Architecture program. This course, which raises ethics issues in the context of architectural practice, was first given as a seminar in 1996-97. Victoria Beach, a practicing architect and former Faculty Fellow in Ethics, helped develop and teach the course in its early years. This year Carl Sapers, adjunct professor, and Mack Scogin, former chair of Architecture, co-taught the course.

Students apply general theories of ethics and the professions to practical cases. Topics include the ethical limits on soliciting work; responsibilities to clients and colleagues; design quality in circumstances of diminished project control; the effects of professional specialization on fiduciary responsibilities; the cross-cultural dimensions of international work; and various conflicts among duties to clients, professional standards, and the community.

The separate sections of the course were eliminated in order to expose all the students to the divergent backgrounds and opinions of the instructors, and to the wide-ranging debates those differences provoked. The course was facilitated by an encyclopedic website, which enabled students and instructors to have access to all readings, visual materials from in-class lectures, links to related sites, as well as completed assignments from past years. A summary of the course may be found at [www.gsd.harvard.edu/courses/7212s2004](http://www.gsd.harvard.edu/courses/7212s2004).

Among the revisions we made in the course are four new exercises that relate directly to architectural practice and encourage the students to consider some fundamental principles that challenge conventional assumptions in the

profession. Each of these exercises takes the form of a developing narrative. The students are usually presented with handouts that tell only part of a story. They discuss what they would have done, are then given further information about the case, and are asked again whether they would take a different view.

The first exercise asks students to consider ethical issues from the perspective of another profession. It presents the story of a young doctor whose group employer requires, as a condition of employment, covenants restricting her activity on termination. This in turn forces her to examine the conflict between her employer’s interests and the interests of her patients. We also compare in this context the ethical rules of lawyers to those of physicians. And finally we discuss architects and their relationship to clients.

The second exercise recounts a recent litigated dispute in which a major architectural firm argued that it had no fiduciary obligations to its client (which would have included disclosure of questionable designs). The firm lost the case. The professional press was full of controversy about whether any fiduciary role was now obsolete in light of the new ways that architects must deliver projects. The students read the arguments on both sides of the issue and were encouraged to explore in some depth what fiduciary obligations entail.

The third exercise deals with a young architect offered the opportunity to enhance his income by specifying a particular product. Students read the case, along with some significant background material and the professional rules applicable to architects of the AIA and the state licensing boards. (The former allows conflicting interests if they are disclosed and agreed to by the client; the latter prohibits them categorically.) Comparisons are made to other design professions.

The fourth exercise presents the saga of an architect attempting to achieve a quality building in circumstances in which the client (a mayor) has directed the architect to accept the shabby work of the contractor (who is a major contributor to the mayor’s upcoming campaign for reelection). The case raises the question of how the architect should act when his commitment to his craft comes into conflict with the desires of his client.

## Divinity

(reported by Barbara Boles)

The Divinity School seeks to foster an awareness of personal ethical convictions, the historical and cultural roots of those convictions, and the challenges arising for individuals and particularly for religious leaders, whether training to serve in ordained ministry or other professional capacities, as they learn about, and learn to appreciate, other belief systems. Inquiry at the School emphasizes the development not only of ethical values and moral norms, but also processes of moral decision making and action that are humane and effective. This inquiry is implicit in the School's curricular offerings, public lectures, and faculty seminars, as well as in the programs described below.

### Courses

Some of the School's courses focus on ethical issues in international relations, economics, medical research, education, interpersonal relations including gender and race relations, and politics and public policy. David Little, drawing on his expertise on conflict resolution abroad, taught "Religion and Global Politics" and "Religion, Nationalism, and Peace." Preston Williams taught a seminar on human rights and "The Ethical and Religious Thought of Martin Luther King, Jr." Hille Haker taught "Bioethics" and "Sophocles' Antigone and Its Reception in Ethics." Elisabeth Schüssler Fiorenza taught "Feminist Biblical Interpretation," a womanist-ethical approach to theology. Kevin Madigan touched on historical roots of contemporary ethical questions in "History of Christianity: an Introduction to Interpretative Issues," as did Ellen Aitken in "Suffering, Pain and Death in the New Testament and Early Christianity." Ronald Thiemann taught several courses concerning individual responsibility in the public arena: "Religion and American Public Life," and the "Religion and Society Colloquium." Harvey Cox addressed this area as well with "Religious Values and Cultural Conflict" and "Fundamentalisms." Arthur Dyck taught both basic and advanced courses: "Introduction to Ethics" and "Colloquium on Ethics." Dr. Diane Moore, Director of the Program in Religion and Secondary Education, taught "Religion, Values, and Public Education: A Look at the First Amendment," required for PRSE (Program for Religion in Secondary Education) students but open to all. Several courses in the area of world religions addressed

ethical issues. Anne Monius offered "Comparative Religious Ethics." Pashington Obeng touched on ethical issues in "Cultures and Religion in Africa," as did Baruch Schwartz in "Israel's Prophets as Messengers of God" and Jocelyn Cesari in "Global Islam."

All of these courses not only drew from the School and the other institutions in the Boston Theological Institute consortium, but also attracted students from the wider Harvard community.

### Faculty

With the retirements of Preston Williams and Ralph Potter in the last two years and those of Arthur Dyck and David Little in the next two years, the senior ethics faculty is in the process of a complete turnover. The first of several projected new faculty members in ethics was hired a year ago: Hille Haker arrived in fall 2003 from the University of Tübingen, as a new Associate Professor of Ethics specializing in bioethics. She participated in several forums in the U.S. and in Europe, including "Reproductive Rights in the 21st Century" at the European Network for Women's Rights Conference, San Sebastian, Spain, and a panel discussion for Alumni Day in June, entitled "The Ethical Complexities of Embryonic Stem Cell Research." Additionally, the School appointed, jointly with the Faculty of Arts and Sciences, Thomas A. Lewis, Assistant Professor of Christian Studies, who specializes in modern Western religious thought and ethics. His work includes post-colonial Latin American thought and recent attempts to relate Christianity to other traditions through comparative study. With a particular interest in theological and philosophical anthropology, his research examines conceptions of tradition, reason and authority and their significance for ethical and political thought.

In a continuing effort to rebuild the ethics faculty, the School has been considering models from other divinity schools. Jeffrey Stout of Princeton University discussed various models for ethics departments (theological, ecumenical, value-free, and pluralist) and their historical developments in this country, as well as possible implications and consequences. Robin Lovin, the Cary M. Maguire University Professor of Ethics at The Perkins School, Southern Methodist University, also visited the School to speak about the future of ethics here.

A variety of approaches—normative and philosophical, historical, and political—were explored along with their implications for training religious leaders, and their relevance for the future of ethics teaching at the School.

### **Women's Studies in Religion**

This program encourages critical scholarship on the interaction between religion and gender in the world religions. This year's Research Scholars and their projects were: Kecia Ali (Brandeis University): "Marriage in Early Muslim Law: the Consolidation of Male Authority"; Ana Maria Bidegain (National University of Colombia): "Recovering Historical Memory: Latin American Women and Religious Life"; Kelly Chong (University of Chicago): "Agone and Prosperity: Evangelicalism, Women and the Politics of Gender in South Korea"; Sharon Gillerman (Hebrew Union College): "Narratives of Motherhood: Nation, Religion, and the Modern Jewish Woman"; and Hanna Herzog (Tel Aviv University): "Gender, State and Religion." Each of the associates taught a course and during the spring term delivered a public lecture based on her research. Ann Braude, Director of the Program, is now engaged with other faculty and administrators in planning to mark the 50th anniversary of Women at the School in the fall of 2005.

### **Center for the Study of World Religions**

The Center supports the study of religious life in communities throughout the world and in human history; seeks to understand the meaning of religion with sympathetic insight; and analyzes with scholarly integrity the role of religion in a global perspective. Through fellowships, public lectures, research, and publications, the Center encourages multidisciplinary approaches to religious expression. In regard to ethics, the Center is completing the "Religion, Health, and Healing" Initiative. Led by Dr. Susan Sered, it works to expand cross-cultural studies at the intersection of healing and religion. Dr. Sered offered a year-long course on Fieldwork Research Methods in the Study of Religion; a symposium, and "Reports From the Field," highlighted research conducted by students in the course.

### **Education**

*(reported by Catherine Elgin)*

Concern with ethics pervades the Graduate School of Education, for it is impossible to venture far into the study of education without encountering issues pertaining to equality, respect for individual differences, and the distribution of scarce resources. Over the past few years, the number of courses and programs addressing such issues has increased dramatically. Courses on policy and practice address the tradeoffs between equity and excellence as well as discrimination based on ethnicity, gender, class, and sexual orientation. Courses on assessment address the effects of different modes of assessment in alleviating or exacerbating such discrimination. Courses on development address the cognitive and moral bases of moral development. Courses on the philosophy of education address the ways in which education is both a right and a good.

The Risk and Prevention Program is concerned with equipping children with the psychological and social resources to lead a good life, something that cannot be done without at least implicitly answering the Socratic question, "What sort of life is worth living?" The program focuses on the personal, institutional and societal underpinnings of ethical and social development. Among its courses are Michael Nakula's "Alternatives to Violence" and Robert Selman's "The Promotion of Social Awareness and Ethical Action in Schools." The program draws on courses in moral development such as Mary Casey's "Social and Moral Development" and Paul Harris's "Children and Emotion."

The Communities and Schools Program seeks to understand the connections between education and its social context. Students study the role of race, class, and gender in student achievement, and look at how the existence and enforcement (or lack of enforcement) of civil rights legislation affects educational opportunity and outcomes. Mark Warren's "Social Capital, Schools and Democracy" concerns the ways norms of trust, cooperation, and reciprocity contribute to and derive from democratic community and good schooling. Julie Reuben's "The Elusive Quest for Equality" considers how conceptions of equality have evolved in the United States, and how those changes affect education.

The International Education Program considers how education can foster justice and equality, and improve people's well-being across the world. Fernando Riemers' courses, "Education, Poverty, and Inequality in Latin America" and "Implementing Educational Change for Social Justice in Marginalized Settings" look at issues of equality and education cross-culturally.

Ethics has become a central theme in courses on methodology. The ethical requirements regarding research on human subjects, particularly children and other vulnerable populations, is a dominant concern in all qualitative and quantitative methodology courses at the school. Courses in qualitative research devote attention to the ethics of field research, the morally ambiguous position of the participant observer, and the ethically troubling power differential inherent in the relationship between interviewers and their subjects. They consider ethical dilemmas inherent in the choice of an orientation, vocabulary and research method. Such problems have always been present in qualitative research. Only recently have our courses foregrounded their distinctively ethical dimensions.

Other courses also address ethical issues. Howard Gardner's "Good Work: When Excellence and Ethics Meet" concerns the connection between professional and ethical excellence. Jocelyn Chadwick's course "Free Speech in the English Classroom" confronts censorship, freedom of thought, and the moral obligations of educators and schools. Gary Orfield regularly teaches courses on civil rights. Catherine Elgin's "Philosophy of Education" considers both the ethical obligations of educators and the possibility of moral education. The central text for her 'John Dewey: Philosopher of Education' is democracy and education. Tami Kazir's "Introduction to Psychoeducational Assessment" devotes considerable attention to the ethical issues in psychoeducational assessment. David Perkins's course on how to develop programs for distance learning this year took "War, Peace, and Human Nature" as its topic. Mica Pollock's "American Dilemmas: Race, Inequality and the Unfulfilled Promise of Public Education" confronts the ethical gap between what public education promises and what it delivers to members of racial minorities.

The Askwith Education Forum sponsored several public lectures dealing with ethics and education. Robert Putnam discussed his book, *Better Together: Restoring American*

*Community*. Jane Katch discussed issues pertaining to moral development among preschoolers. Like several other schools at Harvard, we held symposia marking the 50th anniversary of Brown v. Board of Education, and investigating the challenges that remain in assuring fair and equal access to educational opportunities. Howard Gardner, the John H. and Elizabeth A. Hobbes Professor of Cognition and Education at the school, gave the 2004 George W. Gay Lecture in Medical Ethics at Harvard Medical School. His topic was: "Good Work in Medicine."

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

## Law

*(Reported by David Wilkins and others)*

The Law School continues to give prominence to legal ethics teaching and scholarship. Faculty Associates of the Ethics Center who are contributing to these efforts are David Wilkins, Kirkland & Ellis Professor of Law and director of the Program on the Legal Profession, Martha Minow, Henry Bloomberg Professor of Law (and former Acting Director of the Ethics Center), Carol Steiker, Professor of Law, and Richard Fallon, Professor of Law.

The School (as mentioned earlier) cosponsored two intellectually exciting events with the Ethics Center—Deborah Rhode's lecture on access to legal justice and Jeremy Waldron's lecture on the concept of security. Both were followed by lively discussions involving faculty and students from several schools.

In February, Wilkins announced a major new initiative designed to understand how lawyers are responding to the tremendous changes in the market for legal services. The aim is to help the next generation develop innovative and effective responses to these changing conditions while preserving the profession's core values. Known as the Program on Lawyers and the Professional Service Industry, the initiative has three primary objectives: empirical research on the central structural, normative, and regulatory questions facing the legal profession; training the next generation of teachers and scholars in law schools, business



schools and related graduate programs; and fostering closer ties between academic researchers and professionals in the field. The program's first project will explore the manner in which corporations purchase legal services. Wilkins and a team of researchers from the Law School, Business School, and the American Bar Foundation will explore questions such as whether corporations consider a law firm's "ethical infrastructure" when making purchasing decisions, and how recent corporate scandals are redefining the relationship between lawyers working in in-house legal departments and those in outside firms.

In addition to launching the new initiative, Wilkins continued to teach, write, and speak about ethics related issues. He taught two survey ethics classes and a seminar on "The Future of the Large Law Firm," in which several students wrote papers on ethics related topics. His scholarship on ethics included his Frankel Lecture at the University of Houston Law Center entitled "Doing Well by Doing Good? The Role of Public Service in the Careers of Black Corporate Lawyers." The lecture was published as a symposium issue in that school's law review, with comments by Yale Law School Professor (and former Faculty Fellow in Ethics) Robert Gordon, and Bryant Garth, Director of the American Bar Foundation. Other writings include an article entitled "'From Separate as Inherently Unequal' to 'Diversity Is Good for Business': The Rise of Market-Based Diversity Arguments and the Fate of the Black Corporate Bar." This appeared in a symposium issue of the *Harvard Law Review*, organized by Wilkins to celebrate the 50th anniversary of the Supreme Court's decision in *Brown v. Board of Education*. In December, Wilkins helped organize a meeting of leading academics and practitioners to discuss what lawyers should learn from Enron and other related corporate scandals. He also delivered the Pope and John Lecture at Northwestern Law School and the Thurgood Marshall Lecture at Roger Williams Law School on his work on the development of the black corporate bar.

Martha Minow's ethics-related activities this year included several lectures, including one titled: "Surprising Legacies of *Brown v. Board of Education*," given at Washington University, St. Louis, and at the University of Maine. She published an article entitled "Just Education: An Essay

for Frank Michelman," which appeared in the *Tulsa Law Review*, and organized several panel discussions, including one on the topic "U.S. Courts and International Wrongs: A Discussion of the Alien Tort Claims Act."

Richard Fallon, a former Visiting Professor in the Ethics Center, taught courses in Constitutional Law, and The Federal Courts and the Federal System. Among other things, the Constitutional Law course explored a number of issues involving constitutional roles, role-based ethical obligations, political theory, and personal morality. Fallon is working on a book titled: *The Dynamic Constitution*, which is intended to introduce Constitutional Law to intelligent non-lawyers. Cambridge Press will publish the book this year.

Carol Steiker, former Faculty Fellow in Ethics, continued her research and teaching on Criminal Law, Criminal Procedure and Capital Punishment.

The Law School voted enthusiastically to offer an appointment to Richard Pildes, professor at New York University Law School, a leading scholar of public law, and a former Faculty Fellow in the Ethics Center. If he accepts the offer, he would make important contributions to University-wide activities related to ethics, democratic theory and the law.

### Government (Kennedy School)

(reported by Arthur Applbaum)

A string of appointments over the last three years has significantly expanded the School's faculty in both political ethics and the related field of human rights policy. Frances Kamm, Lucius Littauer Professor of Philosophy and Public Policy, has completed her second year on the faculty, as have Michael Blake and Mathias Risse, both assistant professors of public policy and philosophy. In human rights, we have recently been joined by Michael Ignatieff, Carr Professor of the Practice of Human Rights Policy and director of the Carr Center for Human Rights Policy, Samantha Power, lecturer and former executive director of the Carr Center and former Graduate Fellow in the Ethics Center, and Jacqueline Bhabha, adjunct lecturer and executive director of the University Committee on Human Rights. As a consequence, the required core Master in Public Policy course in political ethics is now well staffed



Frances Kamm helped lead the Graduate Fellows seminar

and, for the first time, the School has sufficient capacity to field a substantial array of electives in political ethics and human rights policy.

This year's core ethics teaching team was Arthur Applbaum, Michael Blake, and Frances Kamm. Next year, Archon Fung and Mathias Risse return from leave to rejoin the core course faculty while Applbaum and Kamm rotate out. Electives offered over the last two years are: "Ethics in Government" (Ken Winston), "Justice and Equality" (Risse), "Topics in Bioethics" (Kamm), "Nonconsequentialist Ethical Theory" (Kamm), "Democracy in Theory and Practice" (Jane Mansbridge), "Alternatives to Liberal Democratic Forms of Legitimacy" (Mansbridge), "Designing Democratic Innovation" (Fung), "Human Rights and U.S. Foreign Policy" (Power), "Human Rights and International Politics" (Ignatieff), "Human Rights, State Sovereignty, and Intervention" (Ignatieff), and "Citizens, Aliens, Refugees" (Bhabha). Fred Schauer teaches the required core course in legal institutions in the Master of Public Administration in International Development program.

Faculty associates of the Center have made their research quite visible at the School. At the School's weekly faculty seminar, they gave an array of lively presentations this year: "Judicial Supremacy and the Authority to Interpret a Constitution" (Schauer), "Racial Profiling: The Moral Issues" (Risse), "Everyday Feminism, Or Could Dewey, Habermas, and Foucault all be Wrong?" (Mansbridge), and "Forcing a People to Be Free" (Applbaum).

As mentioned above, Risse organized an interdisciplinary conference, partly funded by the Ethics Center, on "The Theory and Practice of Equality." The conference brought together twelve speakers and twelve commentators from philosophy, economics, sociology, and political science, both from Harvard and elsewhere. Many of the leading scholars in the field were attracted to the conference, as were a substantial number of Center Faculty Associates. The conference was striking both for its unusual blend of normative and empirical contributions and for the high quality of the presentations and discussions.

Kamm hosted a lecture series in medical ethics that featured an impressive line-up of speakers: Jeff McMahan, "Infanticide: Moral Issues," Heidi Malm, "Ethical Issues in Public Health and Preventive Medicine," and Gopal Sreenivasan, "Health and Justice in Our Non-Ideal World."

The Professions in Asia Seminar, under the leadership of Ken Winston, continued meeting this year, and will culminate with a conference and a collected volume of articles in 2005. Winston also taught in several international executive programs: the Lee Kuan Yew Fellowship Program for East Asian officials, a workshop on corruption control for UN and World Bank staffers, and the China's Leaders in Development Program for mid-level government officials.

This report focuses on the School-wide and collective activities of the Center's Kennedy School affiliates, so a complete listing of individual publications and achievements is not included, but mention should be made of new books and major awards. Archon Fung's *Empowered Participation: Reinventing Urban Democracy* was published by Princeton University Press, Fred Schauer's *Profiles, Probabilities, and Stereotypes* was published by Harvard-Belknap, and Michael Ignatieff's Gifford Lectures, *The Lesser Evil: Political Ethics in an Age of Terror*, appeared from Princeton. Jane Mansbridge won a Radcliffe Fellowship to continue her work on democratic representation.

Meanwhile, the Carr Center, directed by Ignatieff, continues to be a major magnet for students and scholars concerned with human rights. Highlights of the year's activities have been the continuation of a seminar series on American exceptionalism, the launching of a seminar series on terrorism and human rights, and the publication of a collection of reports and working papers resulting from the



Project on the Means of Intervention. Samantha Power's Pulitzer Prize winning book, *A Problem from Hell: America and the Age of Genocide*, continues to bring a great deal of much-deserved attention to the Carr Center's ongoing project on policy responses to mass atrocity. The Carr Center also sponsored a half dozen residential fellows for the year, including the Bangladeshi poet and novelist Taslima Nasrin. For a complete list of the Carr Center's extensive activities, visit their website at [www.ksg.harvard.edu/lcchrl/](http://www.ksg.harvard.edu/lcchrl/).

## Medicine

(reported by Eric D. Kupferberg & Allan M. Brandt)

During the past year, Harvard Medical School successfully recruited Dan Brock to become the first Charles Burgess McGrath Professor of Medical Ethics. Brock is among the most distinguished scholars working today in bioethics and the ethics of health policy. He founded the Brown University Center for Bioethics and directed it for many years before taking a position as Senior Scientist at the National Institutes of Health Department of Clinical Bioethics in 2001. During the past spring, Brock assumed the position of Director of the Division of Medical Ethics. He has been joined by Dr. Robert Truog, who will lead efforts to enhance teaching and research across the Harvard teaching hospitals. These outstanding appointments will substantially augment the ongoing activities at the School and in the hospitals.

In addition, Brock will head up a major new University-wide initiative, the Program in Ethics and Health, which will be affiliated with the Center for Ethics and the Professions. It will bring together, from across the University, faculty and students interested in the intersection of health, ethics, and policy. In the fall of 2005, the initiative will begin a major new postdoctoral training program focused on population health issues. A steering committee for the program has recently been established; it includes Allan Brandt, Norman Daniels, Frances Kamm, Robert Truog, and Daniel Wikler.

These new developments and activities are but one indication of a genuine intensification of the School's interest and commitment to the investigation of ethics issues associated with health and health care. As plans move forward

to revise the medical curriculum in the coming year, we anticipate even more significant teaching and research in the area of ethics for medical students.

## Undergraduate Medical Education

The Division seeks to educate Medical School students on a wide range of issues in ethics and values in medicine by introducing them to the complex social issues confronting medical professionals today and laying the groundwork that will prepare students to address the ethical challenges they will encounter throughout their medical careers. Through a broad range of course offerings and a very active program of extra-curricular events, students are exposed to a wide variety of issues and provided with skills to systematically address moral and ethical dilemmas.

Ethics education for undergraduates at the School continues to be a multi-faceted program, with three courses focusing on ethical issues in medical practice. Walter Robinson, Faculty Associate in Ethics, teaches a first semester "selective" course entitled "Medical Ethics in Clinical Practice." This course uses actual clinical cases from Dr. Robinson's work at Children's Hospital and cases presented at the Harvard Clinical Ethics Consortium to introduce students to critical issues and develop analytical skills. Initiated three years ago, this course has attracted an impressive following. This year, Dr. Robinson received the School's Faculty Prize for Excellence in Teaching.

Additionally, Martha Montello offered a one-month intensive course, "Narrative Ethics: Literary Texts and Moral Issues in Medicine." Drs. Robinson, Edward Lowenstein and Eric Krakauer are Scholars in The Academy at the School, working to integrate medical ethics more fully into the curriculum during all four years of undergraduate medical education.

Several active initiatives continue to expand our educational efforts beyond the classroom. As part of the new Social Medicine Commons, a year-long program that introduces first-year students to topics in social medicine, the Division presented two seminars in the series: Dr. Robinson on ethics and end-of-life decision making, and Allan Brandt and Julius Richmond on smoking and public health. Under the direction of Lisa Lehmann, a Faculty Associate in Ethics, the Division offers a longitudinal Medical Ethics Track that makes available to interested students a variety

of courses, clinical experiences, and research opportunities to pursue throughout their four years at the School.

Recognizing that the formal curriculum provides limited time to address ethical issues, the Division has developed an extensive program of events in the “informal curriculum.” Taking advantage of the Division’s flexibility to create innovative programs, activities are geared toward students at different stages in their education while addressing issues of professional, clinical, personal, and moral growth, and are planned to coincide with and enhance students’ educational tracks and development. This approach strives to more fully integrate ethics into students’ overall educational experience.

In addition to creating programs, the Division provides support, both advisory and financial, to student groups and individuals interested in mounting ethics-related programs. Responding to student concerns about gifts to students from pharmaceutical companies, Jeremy Greene, MD/PhD candidate, organized “The Anatomy of Pharmaceutical Promotion,” a forum cosponsored by the Division and the Castle Society.

The Division’s Ethics in the Clerkships program provides opportunities for first and second year students to hear the first-hand experiences around ethics issues of their third and fourth year counterparts. The biweekly seminar, “ER: Ethics Rounds” had a successful fourth season of promoting student discussion of the ethical issues raised in the popular television series ER. In fall 2003, the Division hosted a screening of the one-hour documentary, *Bloodlines*, which examined the ethical dilemmas behind several rapidly advancing biomedical technologies. Following the film, nationally syndicated health and science writer, Judy Forman, joined director and producer Noel Schwerin in an open discussion of how emerging biomedical technologies are presented in public arenas.

This year, the endowed Henry K. Beecher Prize in Medical Ethics was awarded to third-year student Jeremy Greene for his paper, “An Embarrassment of Riches: The Gift in Physician-Pharmaceutical Relations.” Honorable mentions were also given to first-year student Joshua Nassiri for his paper “Advance Directives and Personal Identity,” and first-year student Tiffany McNair for her paper, “Reconstructing Difference: The Ethical Implications of Facial Surgery in Children with Down Syndrome.”

### Public Programs

To provide ethics education to the wider medical community, the Division mounts an active program of public discussions on contemporary ethical problems in medicine. Through its public lectures, forums and community outreach programs, the Division promotes discussion and debate on the major critical healthcare issues of our time.

The Division’s lectures create opportunities for audiences to hear from leaders in the fields of ethics, social medicine, law, politics, medical practice and research. Howard Gardner, the John H. and Elisabeth A. Hobbs Professor of Cognition and Education, delivered this year’s George W. Gay Lecture in Medical Ethics. His topic, “Good Work in Medicine,” explored the implications of the notion of “multiple-intelligences” for medical training and practice. Gardner further challenged the audience to reconsider the relationship between cutting-edge work and a sense of social responsibility. Dr. Carolyn Westhoff of Columbia University’s College of Physicians and Surgeons delivered the Lawrence Lader Lecture on Family Planning and Reproductive Rights. Her talk, “RU486, Plan B, and the Pharmacological Revolution in Reproductive Rights,” outlined the medical, political, and social debates surrounding the new pharmaceutical alternatives to surgical abortion.

As part of our effort to collaborate with other programs and departments within the University and affiliated hospitals, the Division cosponsored several important lectures and events this past year. Working with the Ethics Service at the Brigham and Women’s Hospital, the Division hosted a lecture by philosopher and bioethicist Noam Zohar of Bar Ilan University, Israel, entitled “Should Doctors and Nurses Compromise Their Morality?” The Division collaborated with the Department of Social Medicine to bring Charles Bosk, Professor of Sociology at the University of Pennsylvania, to speak on “Ethics and the Social Sciences.”

The Medical Ethics Forums provide a platform for addressing emerging healthcare issues. This year’s forums featured topics of local, national and international interest, including domestic and international research ethics, and issues in managed care. In response to the controversy involving charges that President Bush’s administration has subjected science to unwarranted political interference, the Division presented “Politics, Social Priorities, and Biomedical Research.” The forum enlisted four speakers from a range

of backgrounds and political persuasions to explore the ideological dimensions of scientific funding, publishing and legislative advice.

Following a series of well-publicized instances of fraud and misconduct in biomedicine, the Division hosted David Callahan, the author of a recent widely reviewed book on cheating, to discuss “The Culture of Cheating” and its implications for biomedicine. The Division also devoted a forum to “Ending Dialysis: New Perspectives on End-of-Life Considerations,” which featured Lewis M. Cohen, Psychiatrist and Medical Director of the Renal Palliative Care Initiative at Bayside Medical Center, and Theodore I. Steinman, Staff Physician in the Nephrology Division at Beth Israel Deaconess Medical Center. Along with moderator Walter Robinson, the panelists considered the possibility that many end-stage-renal-disorder patients might benefit from voluntarily withdrawing treatment, or refusing it in the first place. The forum also explored the definitions of a “good death.”

The Division’s commitment to community education is demonstrated by several programs and initiatives, most notably the Harvard-Fox Hill Village Medical Ethics Series, which brings ethics lecturers to a local assisted-living facility. This year, the program was expanded to include a seminar series run by Joel Roselin, former Director of Public Programs at the Division. Faculty, including Edward Lowenstein and Marcia Angell, delivered talks on such topics as the Oregon Death with Dignity Act, and the Medicare Drug Benefit.

Beginning in spring 2003, the *Lahey Clinic Medical Ethics Journal* published the edited transcripts of selected Division forums. Recent quarterly issues have featured forums on “Why Oregon Matters: Death, Assisted Suicide and the Principle of Double Effect,” “Organs for Sale? The Economics of Altruism,” “The Misuse of Antibiotics,” and “Ending Dialysis: New Perspectives on End-of-Life Considerations.” This collaborative effort offers the unique opportunity of reaching an audience beyond those attending our regular forums. At the same time, the editors of the Journal have welcomed contributions from a wide variety of disciplines (including law, sociology, philosophy, anthropology, and business). Publication is made possible by a generous grant from the Pettus-Crowe Foundation.

### **Ackerman Symposium on Medicine and Culture**

In the spring, the Division hosted the first annual Ackerman Symposium on Medicine and Culture. The topic, “Professional Values in the Age of Consumer Medicine,” provided an opportunity to explore a series of related developments in medicine and society. Few trends in recent medicine are as significant as the new “consumer orientation” to healthcare. Signs of consumer medicine are everywhere. They can be seen in advertisements for pharmaceuticals directed at consumers, in “concierge practices,” in the myriad promotions and informational web pages on the Internet, and in health plans that enable individuals to select among “personal benefits packages.” These innovations, among others, profoundly alter the nature of interactions between physicians and patients, the financial considerations of hospitals and managed-care health providers, and the core elements of medical training and professional identity. The two-day symposium closely examined the several salient features of this new consumer culture, with an eye towards charting the significance of these changes for the practice of medicine in the 21st century.

The Symposium featured an impressive range of distinguished physicians, social scientists, and humanists as participants. Among those presenting formal papers or prepared commentaries were sociologist David Mechanic, legal scholar Rebecca Dresser, economist Meredith Rosenthal, medical activist Sidney Wolfe, family physician advocate Richard Roberts, columnist Ellen Goodman, Blue Cross/Blue Shield of Massachusetts executive John Fallon, and philosophers Margaret Little and Carl Elliot. The Symposium was made possible by a generous grant by A. Bernard Ackerman.

### **Graduate and Professional Education**

To support the ethical development of professionals throughout the course of their careers, the Division provides several programs tailored for students and practitioners at various stages.

#### *Fellowships in Medical Ethics*

The Division’s Fellowships in Medical Ethics, under the leadership of Mildred Z. Solomon, broadens the scope of education and research in medical ethics to include not only the normative insights of philosophy but also the descriptive power of the social sciences and humanities.

The Fellowship program brings together physicians, nurses, lawyers, social scientists, and academics from such diverse fields as religion and literature to examine the moral, social, and historical forces that shape contemporary medical practice. The structure of the program, with time commitments that can be adjusted to the needs of both full-time clinicians and academics on sabbatical, reflects the Division's view that education and research in medical ethics should build upon previous academic and clinical work.

The Fellowship seminars reflect a commitment to engaging Fellows in a broad range of topics. Recent seminar topics have included the historical contexts of brain death and organ transplantation, physician assisted suicide, research ethics, public health ethics, healthcare resource allocation, and financial conflicts of interest within academic medicine. In addition to these topics, Fellows are challenged to deepen their analytic skills, drawing on a range of ethical theories and analytic approaches, as they confront challenging tensions within the field. In addition, the Fellows typically enlist experts in clinical ethics from the surrounding Harvard-affiliated hospitals as advisors and mentors, and each Fellow develops a specific research project for which a manuscript is completed by the end of the year. In recent years, Fellows have published papers based upon their research projects in such journals as *The New England Journal of Medicine*, *The Journal of the American Medical Association*, *Nature Medicine*, *The Journal of Clinical Ethics*, *The Journal of Law and Medicine*, *Perspectives in Biology and Medicine*, *Ethics and Disability*, and *The Medical Journal of Australia*.

Graduates of the Fellowship program have taken leadership roles in developing ethics programs at the Harvard-affiliated hospitals and other clinical centers, thus furthering the Division's reach and influence. In addition to the Fellows who are working in the School's departments, affiliated hospitals, and the School of Public Health, former Fellows now staff the medical ethics sections of the University of Connecticut School of Medicine, Gadjah Mada University School of Medicine in Yogyakarta, Indonesia, University of Illinois, and Médecins Sans Frontières, as well as the philosophy departments at Amherst College, Drew University, University of Massachusetts/Boston, and The Free University in Amsterdam.

#### *Medical Ethics Faculty Seminar*

The Division remains keen on fostering communication and collaboration in medical ethics among faculty at the affiliated hospitals, members of the faculties of other Harvard Schools, as well as other universities and institutions. Several programs contribute to that effort, including the Faculty Seminar and the Clinical Ethics Consortium.

The Medical Ethics Faculty Seminar, under the direction of Marcia Angell, continues to serve a vital function in bringing together area physicians, nurses, chaplains, hospital and medical school administrators and others involved in medical ethics. Each month of the academic calendar the Division invites interested members of the community to engage with national figures for discussion and debate of controversial topics in medicine and ethics. This year's seminar focused on "How We Die," and included such speakers and topics as Daniel Callahan on "The American View of Death," Muriel Gillick on "Old Age," Walter Robinson on "Is Every Childhood Death Premature?" Lowell Schnipper on "The Role of Families of Dying Patients," Margaret Battin on "Physician-Assisted Dying," Linda Emanuel on "Advance Directives," Marcia Angell and Millie Solomon on "Reforms," and Sherwin Nuland on "Further Thoughts on How We Die."

#### *Harvard Clinical Ethics Consortium*

Now in its sixth year, the Harvard Clinical Ethics Consortium, under the leadership of Robert Truog, provides opportunities for discussion and collaboration among members of the clinical ethics programs in Harvard-affiliated hospitals. At monthly meetings, participants come together to critique recent ethics consultations by examining the details and larger considerations of one case study. During the past year, the discussions ranged widely over the landscape of ethical dilemmas in clinical medicine. Early in the year the Consortium reviewed the case of a six-month-old child who was suffering from multi-system organ failure. Given the multiple clinical services involved, and their conflicting recommendations for treatment, Consortium participants revisited the difficult criteria of determining when treatment is futile, as well as the role of ethics consultations in mediating differences between clinicians and family members. Another session focused on the problems that arise in interpreting the previously stated wishes of a severe head trauma patient



regarding life support measures. The Consortium also addressed administrative and procedural issues, including two sessions examining the obligations of physicians and nurses to treat abusive, non-compliant, or self-destructive patients.

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

#### *Program in the Practice of Scientific Investigation*

This Program provides ethics training to postdoctoral research fellows concentrating on ethical issues that arise in the context of “wet bench” medical and biological research. The Program offers monthly sessions on topics such as authorship of scientific papers, peer review, data interpretation and management, mentorship, inter- and intra-lab relationships, and conflicts of interest. These sessions fulfill the federal mandates for training in the responsible conduct of science.

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

#### *PhD in Health Policy*

Under the direction of Norman Daniels and Allan Brandt, students in the Health Policy PhD Program (directed by Joseph Newhouse) can elect to concentrate in ethics. The ethics concentration integrates quantitative and qualitative approaches to the analysis of normative ethical issues in health policy and clinical practice. Students focus on developing skills in a range of disciplines, with the goal of evaluating, through empirically based research, how moral, ethical, and socio-cultural values shape health policies as well as clinical practices.

## **Public Health**

*(reported by Alix Mullin)*

Ethics is a core aspect of research and teaching at the School of Public Health. During the academic year, we continued to broaden our activities as well as extend collaboration at the School and the University, and with colleagues around the globe.

## **Courses and Fellowships**

The core ethics courses, required for all students, focus on ethics in public health practice and ethics in the delivery of health care services. Dan Wikler has joined Marc Roberts in teaching the former, and Michelle Mello and David Studdert have joined Troy Brennan in teaching the latter.

Norman Daniels and Dan Wikler successfully petitioned the School to broaden its ethics requirement to include more specialized offerings in the choice of ethics courses. The first of two—“Personal and Social Responsibility for Health,” and “Justice and Resource Allocation”—were offered on an elective basis this spring.

Dan Wikler and Richard Cash teach an introductory course on “Ethical Issues in International Health Research” at the School. The course is designed to expose students to the key ethical issues that may be encountered in the course of conducting international health research. Using case presentations and discussion-based class sessions, students have the opportunity to begin developing their own tools for dealing with these important issues in an applied context. A number of new cases have been developed.

In the spring, the Human Subjects Committee sponsored its yearly Research Ethics Seminar for the Responsible Conduct of Research.

Norm Daniels and Dan Wikler held a biweekly seminar on theoretical issues in ethics and health for the students in the ethics track of the PhD Program in Health Policy.

Norm Daniels lectured in the Health Policy Core Seminar for first year students in the Health Policy PhD program. He was named the course director for the Health Policy PhD/Ethics track.

Dan Wikler and Richard Cash taught a weekly seminar throughout the year for four Fellows in the Program on Ethical Issues in International Health Research. Two of the

Fellows are Chinese, one is Pakistani, and one is Cambodian. They will return to their countries with individual research projects designed during the year. In addition, all four joined Wikler and Cash, along with other colleagues in Europe and the United States, in preparing and submitting two further National Institutes of Health (NIH) grant applications for comparative research on these issues. (Updated information about the Program can be found on an ongoing basis on its website at <http://www.hsph.harvard.edu/bioethics/>.)

### External Training and Workshops

During the past year the Program on Ethical Issues in International Health Research has conducted five workshops. Richard Cash and Dan Wikler conducted one workshop for the World Health Organization (WHO) in Geneva, one in Ibadan, Nigeria, for the School's APIN project, and two in Boston. Richard Cash also conducted a workshop in Nepal in July 2003.

Richard Cash and Dan Wikler were awarded an NIH grant to work with the WHO, the PRC Ministry of Health, and colleagues in China to build China's capacity for ethical review of health research. The first training course will be held in Shanghai in August 2004. Participants will receive all materials and powerpoint presentations in Chinese on CD-ROMs (along with a text co-authored by our colleague Prof. Qiu Ren-Zong) for their use in teaching this material. Our Chinese colleagues have successfully bid to host the biannual World Congress of the International Association of Bioethics, to be held in Beijing in 2006, and have enlisted our assistance in planning for the event.

### Human Subjects Research Committee

The Human Subjects Committee, the institutional review board for the School, continued in its third year of quality improvements, focusing on increased outreach and capacity-building of human subjects protections in developing countries. Significant achievements include participation in a second NIH grant (with Provost Steve Hyman as the Principal Investigator) for the enhancement of the Harvard Ethics Training in Human Research online module; and consent monitoring, site visits and training initiatives by the Committee's representatives to the School's collaborative research projects in Kuwait, Nigeria and Tanzania.

This year, the Committee took its training sessions into innovative intellectual territory. In the fall, it sponsored a lecture by Professor Paul Mijksenaar of the University of Delft, on the use of visual images to communicate complex concepts, which is relevant to the need to communicate scientific information to prospective research subjects with low literacy skills. In March, the Committee, the Office of Academic Affairs, and the Department of Environmental Health co-hosted a special presentation by Xiao-Rong Chen, JD, leader of the three-person Chinese team who conducted exhaustive quality control and consent monitoring of new School of Public Health studies in Anhui, China. Their efforts were coordinated by the Internal Review Board of the Anhui Medical University and the Human Subjects Committee.

The Human Subjects Committee hosted another special educational session in March—a panel and case discussion on the problem of self-experimentation by investigators. Dr. Greg Koski, former Director of the U.S. Office for Human Research Protections, moderated the session. The special guest was Dr. Lawrence K. Altman, medical correspondent for the *New York Times* and author of *Who Goes First?* Distinguished panelists and guests from the School, Partners Healthcare Systems, the greater Boston area and Connecticut attended. This event resulted in a ground-breaking discussion of all sides of the issues surrounding safety and propriety of investigators at senior and junior levels subjecting themselves to research protocols. The Human Subjects Committee plans to host a second conference to develop a set of guidelines during the academic year 2004-2005.

### Collaborative Activities

Norm Daniels and Dan Wikler served on the Medical School's search committee to recruit a bioethicist. The search (as mentioned earlier) resulted in the appointment of Dan Brock, one of the most eminent bioethicists not already at Harvard. Professor Brock left his position as senior scientist at the National Institutes of Health to assume the Medical School chair.

The Provost approved a proposal for the creation of a University-wide Program in Ethics and Health, to be initiated in the fall of 2004 (also described earlier). Daniels and Wikler serve on the core committee, along

with Robert Truog (HMS), Allan Brandt (FAS and HMS), Frances Kamm (KSG and FAS), and Dan Brock (HMS), who will chair the program. Among other activities, the Program will offer two-year postdoctoral fellowships, oversee the ethics track of the Harvard PhD in Health Policy, sponsor faculty working groups, and work closely with existing programs in ethics and health within the Division of Medical Ethics at the Medical School, Program in Ethical Issues in International Health Research at the School of Public Health, and the University's Ethics Center.

Daniels, Wikler, Sofia Gruskin, Jennifer Leaning, and Stephen Marks have been meeting as an informal task force to review cooperation between ethics and human rights faculty in the Department of Population and International Health at the School, and to discuss the prospects for creating a doctorate in ethics and human rights. This has been reported to the department chair, David Bloom, along with a proposal for minors in each of these fields.

#### **Conferences**

Wikler and Marks participated in a symposium at the University of Virginia on "Health, Human Rights and Ethics" at which Marks presented a paper on "Human Rights and Reproductive Cloning."

Gruskin presented on "Health and Human Rights: From Concepts to Action" as part of a special session on "Ethics and Human Rights: Public Health in Action—Domestically and Abroad" at the 131st Annual Meeting of the American Public Health Association.

The François-Xavier Bagnoud Center and the School's Program in Ethics and Health are organizing, with the cosponsorship of the World Health Organization, an international project on the relationship of ethics and human rights, with special reference to health and bioethics. The project will take the form of a major international conference in May 2005 and a publication will appear in 2006. The project will seek to identify creative synergies between the fields of ethics and human rights and explore their application through bioethics and right-to-health frameworks, with particular reference to health disparities.



# APPENDIX I

Reports of the Faculty Fellows 2003-2004



**Ruth E. Chang***Faculty Fellow in Ethics*

I cannot remember a more enjoyable and stimulating time in my academic career than these past nine months spent at the Harvard Center for Ethics and the Professions. Thanks go to Jean, Mandy, Jaime, Kim, and Alyssa for making the Center such an inviting and fun place to be, to Arthur Applbaum and Nancy Rosenblum for their thought-provoking and valuable contributions at the weekly Faculty Fellows seminars, and especially to my fellow Fellows—Heather, Erin, Mathias, Alex, and Eva—without whom the year would not have been as personally or intellectually rewarding as it was. The friendships developed in the course of our wide-ranging discussions of medical ethics, desert, diversity, duties to the poor, non-ideal theory, cannibalism, and same-sex marriage—to name just a few topics—will, I hope, survive the end of our geographical proximity.

I am also deeply grateful to Dennis Thompson, whose superb direction of our weekly seminars and Center events always made them something to look forward to. I have never before encountered someone so capable of traversing the fields of law, medicine, business, political theory, and hard core philosophy with such expertise and grace—and always with an eye to what really matters. His intellectual seriousness, integrity, and acumen—combined with great wit, warmth, and humor—set the tone for the year and made clear from the outset that the Center was an ideal environment in which to develop one's ideas and experiment with new ones.

Work on my own projects led to two articles, written from start to finish, drafts of two others, and, most importantly, some clarity in several key ideas of a book I have been working on, tentatively entitled *The Reach of Reason*. The progress made on this book, though not yet evidenced in dead trees, would not have been possible without the large chunks of time for sustained thought that only a respite from one's usual duties can provide.

The first article, "Parity, Intervals, and Choice," explores a mathematical model of a value- and choice-theoretic relation 'parity' which, I believe, is of critical importance in understanding the phenomena that usually go under the label of 'incommensurability.' The paper is a reply to a

discussion piece of an article of mine in *Ethics* that mooted the possibility of such a relation. I present a proof that, under certain plausible assumptions, interval representation of 'parity'—or indeed of 'incommensurability'—cannot be sustained. This result, although negative, is I think an important one. It tells us that if we find the typical economist's representation of value by a single real number implausibly precise, we cannot 'rough up' that representation by representing value in terms of an interval of reals while at the same time satisfying certain plausible conditions. The article ends with a discussion of some of the practical differences between 'parity' and 'incommensurability.' This paper is currently under review.

The second article, "All Things Considered," examines the question of how all-things-considered judgments are possible. When we ask which of two government policies (or deserts or philosophical theories) is better, we might answer that one policy is better in some relevant respects, the other policy is better in other relevant respects, but that one policy is better 'all things considered.' When the 'things considered' are very different—such as utility and maximum (or cost and taste or simplicity and explanatory power) there is a mystery as to how such different criteria can come together to yield an all-things-considered judgment. This paper argues that implicit orthodoxy on this question is problematic and proposes a solution that provides a unified account of all all-things-considered judgments. The paper will appear in a commissioned volume of *Philosophical Perspectives*.

A third article, currently in draft form, examines the nature of whims and their normativity. Whims are often cast either as urges or as desires for something one believes to be good in some way; for example, as providing pleasure. Understood in the first way, whims, like a kleptomaniac's compulsions, cannot provide reasons; and understood in the second way, what provides the reason is, strictly speaking, not the whim itself but the associated belief that the object of one's whim is good in some way. I argue that both accounts of whims are incorrect and that whims per se are normative. This paper is promised to a forthcoming issue of *Philosophical Issues*.

The final article I worked on is still in its early stages. It examines the relation between practical rationality and

a certain kind of normative identity. Harvard is probably the best place in the world to develop and hone the ideas of this paper; alas, the year is coming to a close all too quickly and my ideas are still too ill-formed. Or perhaps I just work too slowly!

The year was punctuated with talks I gave (or will give) in the philosophy departments at MIT, Brown, UC Davis, Harvard, Oxford, St. Andrew's, Edinburgh, Dundee, and the Research Center at the Australian National University. This summer, I will be presenting a paper at the Reasons and Rationality Conference at the ANU and at the AAP meetings in South Molle Island. I also was engaged throughout the year in miscellaneous activities including refereeing and commenting on articles, participating in an almost-monthly philosophy discussion group, and attending various events and colloquia in the Boston area and a workshop on value theory at Columbia University. I also continued my role as a member of the New Jersey Advisory Committee to the U.S. Commission on Civil Rights, drafting the bulk of a document the U.S. Commission will be publishing this year entitled *New Jersey Citizens' Guide to Civil Rights*.

Thanks to everyone at the Center for what has been a truly wonderful year.

### Heather K. Gerken

*Eugene P. Beard Faculty Fellow in Ethics*

This year has been an immensely productive and rewarding one for me, and I owe that fact to the Center, its wonderful staff, the five other Faculty Fellows, and Eugene Beard, who generously funded my fellowship. I am grateful to all of them for the opportunities I have had this year.

The primary focus of my research has been a paper entitled "Second-Order Diversity and Democracy," which was recently accepted for publication by the *Harvard Law Review*. The project focuses on questions of institutional design as they relate to diversity, especially demographic diversity. When most scholars use the term *diversity*, they usually mean that something—a class, an institution, a decision making body—should roughly mirror the composition of the relevant population. The term is often invoked in opposition to the term *segregation*, as if the

conceptual landscape were binary: our choice is segregation or statistical integration.

My article is intended to complicate the conceptual landscape by offering a competing normative vision, one centered on a common yet underanalyzed alternative to segregation. It claims that there are at least *two* types of diversity—first order and second order—and argues that we do not pay enough attention to the latter in thinking about democratic design. The theory I term *first-order diversity* fits the conventional understanding; it is the normative vision associated with statistical integration, the hope that democratic bodies will someday mirror the polity. The theory of *second-order diversity* posits that democracy sometimes benefits from having decisionmaking bodies that do not mirror the underlying population but instead encompass a wide range of compositions. Second-order diversity seeks variation among decisionmaking bodies, not within them. It favors *interorganizational* diversity, not *intraorganizational* diversity. Second-order diversity is neither segregation nor integration; it fosters diversity without mandating uniformity.

Legal scholars have never systematically examined these two competing design strategies in the context of small, disaggregated bodies—institutions where the governance system is divided into a number of equal subparts—despite their prevalence in our legal system. Examples include juries, electoral districts, appellate panels, school committees, schools, and legislative committees. Perhaps as a result, scholars often extend theories about diversity derived from unitary institutions to disaggregated ones without giving adequate thought to that choice. We thus lack a transsubstantive vocabulary for evaluating diversity in this important part of the democratic infrastructure.

The paper begins to build such a vocabulary by considering why we might value the presence of second-order diversity within a political system. In doing so, it begins to construct a set of subsidiary terms—"turning the tables," "democratic visibility," "cycling"—that connect to a wide range of debates about institutional design and identity. The paper thus represents an initial step toward thinking more systematically about the connections between seemingly disparate strands of legal scholarship. The second-order diversity article has generated a number of subsidiary

writing projects for me this year. I have drafted an article exploring how the theory relates to a recent controversy over majority-minority districting and a short essay that examines how we should think of the question of dissent within a democratic system. I am also well on the way to producing a book on second-order diversity, as I have written sketches of a number of chapters for that book.

The Center has not only enriched my intellectual life by providing me time to work on my research agenda, but has exposed me to scholarship and ideas from a wide variety of fields through the weekly seminars. Dennis Thompson did a wonderful job crafting topics for our discussion, choosing readings, and facilitating our conversations. Perhaps most importantly, Dennis served as the “translator” when the Fellows lapsed into their own disciplinary languages (law, medicine, philosophy, and political theory). He speaks each language fluently and thus always had something interesting to say about our projects and our contributions to the seminar. The critical comments he offered on my article, for example, were among the most challenging—and thus most helpful—that I have received. The seminar was, in short, a genuine success, and I can therefore offer Dennis the highest praise from someone with my intellectual precommitments: he made me believe in deliberative democracy (at least as long as Dennis does the deliberating!).

Nancy Rosenblum and Arthur Applbaum were also crucial participants in the seminars. Each raised the level of the discussion a notch while helping provoke a lively discussion. Although the two could not be more different in terms of their scholarly perspective, they were both fiercely critical and warmly supportive of our scholarship, an ideal combination in my view.

I also learned a great deal from the Fellows themselves. For instance, I had had relatively little exposure to philosophy prior to my time at the seminar, and the Fellows well versed in the field were unfailingly generous in helping me connect to their intellectual projects. Moreover, no matter what our disciplinary bent, everyone came to the seminar with an open mind and an interesting idea. Even something as simple as watching how each Fellow worked through one of the questions before us taught me a great deal about the differences in our analytic frames. Because of the seminars, I leave the Center with a greater apprecia-

tion for the strengths and weaknesses of my own disciplinary perspective and a much better sense of the type of intellectual work being done in other fields.

One cannot conclude a description of one’s time at the Center without acknowledging its staff. Mandy Osborne, Kim Tseko, Jaime Muehl, and the incomparable Jean McVeigh were wonderful—thoroughly professional, unfailingly helpful, and extremely gracious. They not only made my transition to the Center an easy one, but also made the year a lot of fun.

Looking back on the year, which went far too quickly, it is hard to figure out how to say thank you properly. The time to engage in sustained writing and analysis, the intellectual excitement generated by the seminar and visiting speakers—I am grateful for all of it. I just wish that another such year lay before me.

### Erin Kelly

*Faculty Fellow in Ethics*

I would like to commend the faculty and staff at the Center for Ethics and the Professions—Dennis Thompson, Arthur Applbaum, Nancy Rosenblum, Jean McVeigh, Mandy Osborne, Kim Tseko, Jaime Muehl and Alyssa Bella—for fostering a remarkably stimulating and positive environment for the Faculty Fellows. The Center is engaging, supportive and impeccably smooth and efficient in its daily operations. I feel privileged and honored to have had the opportunity to participate as a Faculty Fellow, and I am especially grateful for several ways in which participation at the Center has contributed to my intellectual experience and growth.

### Research

My current research project concerns philosophical justifications of punishment. This topic attracts me because it is philosophically rich and socially important. It raises fascinating philosophical questions about the nature of free will, agency, our rights and liberties and the public good, and crucial policy questions that concern the fates and welfare of many people—both criminals and the victims of crime, as well as their families and communities.

The part of the project I have completed at CEP is a paper entitled, "Punishment and Democracy." The paper criticizes the idea that punishment can be justified on grounds of retribution, and it develops a non-retributivist account of punishment that supports and is supported by a system of democratic rights. On the account I develop, when criminal wrongdoers have had a fair chance to avoid wrongdoing, they can be punished, but only insofar as their punishment furthers the causes of deterrence, incapacitation, rehabilitation, and the like. The work I have done provides a basis from which to evaluate and criticize some of our existing punishment practices and to think about alternative arrangements that might better serve our democratic rights and liberties and more effectively guide us in utilizing shared resources for the public good.

The paper forms a key part of my manuscript-in-progress entitled, *Morality without Desert*. With the Center's valuable support, including its research budget for the purchase of books and other materials, I have completed a good part of the basic research for the book. In addition to the topic of punishment, the book will include discussions of collective responsibility and reparations for injustice.

The other part of the research that I have carried out this year lies more squarely within ethical theory. While at the Center, I have written two papers that are critical of naturalistic approaches to ethics. Naturalistic accounts stress the primacy of psychological, sociological, or biological considerations in accounting for the normative force of ethical judgments. I argue that attempts to analyze the nature and content of ethics in these terms neglect important questions of normativity. The first paper I wrote, completed in the fall, is entitled "Stability and Justification in Hume's Moral Philosophy: A Response to Louis Loeb." It is forthcoming in *Hume Studies*. The second, completed this spring, is entitled, "Anti-Naturalism in Ethics." It will appear in a collection on naturalism to be published by Columbia University Press.

Finally, I began work on an essay entitled, "A Dog Eat Dog World? Retribution and the Limits of Legitimate Government," to be published in a volume entitled, *Hip Hop and Philosophy*, edited by Tommie Shelby and Derrick Darby. This book will be part of a philosophy and popular culture series by Open Court Publishing.

### Intellectual Community

The fellows seminar, the joint seminars, the lecture series, and the lunches and dinners hosted by CEP combine to provide a very stimulating and enjoyable environment in which to think about ethical questions. The connections I made with the other fellows and with some faculty at Harvard will last well beyond this year. The seminar addressed a range of interesting topics, some of which I had thought quite a lot about already and others that were relatively new to me. The readings and discussions advanced my thinking on many of the issues and the feedback I received on my own work enabled me to revise and improve the paper I presented. Overall, I would say that my experience at the Center has increased my intellectual range and confidence as a scholar.

### Professional Travel, Conferences and Projects

In May 2004 I traveled to Rome, Italy, where I was Visiting Professor at Libera Università Internazionale degli Studi Sociali (LUISS), by invitation of former CEP fellow, Sebastiano Maffettone. At LUISS I did some teaching on the topic of international justice and presented a colloquium for faculty associated with a number of Italian universities. The colloquium was a presentation of "Punishment and Democracy," one of the papers written this year at CEP. I also attended an international conference entitled, "Questions about Naturalism," at University of Roma Tre, where I presented my paper "Anti-Naturalism in Ethics."

Other professional work included refereeing articles for *Social Theory and Practice* and the *Journal of Moral Philosophy*, organizing a special collection of books from the personal library of John Rawls for the Tufts University Library, and planning a collection provisionally entitled *The Essential Rawls*, to be co-edited with Joshua Cohen and published by Paradigm Publishers.

### Teaching

My participation in the Center and the Faculty Fellows Seminar has provided me with a valuable model for teaching. Together with former CEP fellow Lionel McPherson, I will be introducing a new certificate program at Tufts University, entitled, "Ethics, Law and Society." The program is a course of study for undergraduates that will take up the sort of themes and questions to which CEP is devoted. Through coursework and an individual research



project, students will learn about how moral and political philosophy relate to questions of public importance. The goal of the certificate program is to use philosophy to prepare students to be active citizens in leadership positions in government, NGOs and the private sector. We look forward to launching the certificate program and to co-teaching its capstone seminar in the fall of 2004.

### Mathias Risse

*Faculty Fellow in Ethics*

I have pursued a number of different research projects during my fellowship year. On the one hand, I have finished up or continued to work on a number of papers that were in advanced stages of completion prior to my fellowship year, but still needed some substantial work. On the other hand, I have started work on a new research area, the field of global justice.

Let me begin with a brief sketch of the papers on which I have worked outside the area of global justice. First of all, I finished a project on left-libertarianism, called “Does Left-Libertarianism Have Coherent Foundations?” (which argues that it does not), which is now forthcoming in *Politics, Philosophy, and Economics*. Left-libertarianism is an attempt to combine egalitarian ideas of world ownership with libertarian ideas of ownership of self, an attempt that, as my paper argues, cannot be coherently defended. Second, I completed a paper called “Why the Count de Borda Cannot Beat the Marquis de Condorcet,” which continues my debate with the mathematician Donald Saari about some questions of group rationality. Saari argues that the Borda count should be the favored method of preference aggregation, whereas I argue that neither the Borda count nor the Condorcet method can obtain a decisive advantage over the other, and that in particular Saari’s arguments to that effect fail. This paper is forthcoming in *Social Choice and Welfare*, and will be published along with a reply by Saari. Third, I completed a joint paper with Richard Zeckhauser on “Racial Profiling,” exploring the ethical issues surrounding that topic, which recently appeared in *Philosophy and Public Affairs*. In addition, I also worked on two Rawls-related projects, one with Robert Hockett of Yale Law School, and one with Michael Blake of the Kennedy School. The former, called “Primary Goods Reconsidered,” offers a defense of primary goods as

the proper *distribuendum* of distributive justice, including responses to a number of prominent objections. This paper is currently under review. The latter is called “Two Models of Equality and Responsibility” and explores two systematically different ways of thinking about the value of distributive equality, which throws light on a range of questions that arise within egalitarian justice. Finally, I have continued to work (but have yet to finish) a paper on Nietzsche, “Nietzschean ‘Animal Psychology’ and Kantian Ethics,” to be included in a volume edited by Brian Leiter, and have written a brief response to a critical discussion of an earlier article of mine on the second treatise in Nietzsche’s *Genealogy of Morality*.

Primarily, however, I have worked on a (for me) new research area, the area of global justice. Especially I have been thinking about what societies owe to each other and whether the global political and economic order is just. I have been fortunate to be able to present two papers on this subject to the Faculty Fellows seminar (and also have benefited from additional conversations outside the seminar). One of my papers on this subject, “What We Owe to the Global Poor” is forthcoming in the *Journal of Ethics*, and I am currently revising another, “Does the Global Political and Economic Order Harm the Poor?” The former defends a view according to which what is owed to developing societies is support in building institutions, and explores some implications of that view (in a manner that ends up agreeing on some substantial points with Rawls’s *Law of Peoples*). The latter explores some ways in which the global political and economic order may be said to harm the poor, and finds that we do not have much reason to think that indeed it does. A couple of other papers (on reparations and fairness of international organizations) exist at a planning stage. My approach to these questions has borrowed heavily from development economics, since I think that the area of global justice is one in which normative and empirical concerns are intimately intertwined. Not only has the Faculty Fellows seminar been a wonderful place for me to receive feedback on this ongoing work (while considerably advancing and changing my thinking about several issues), but the Kennedy School has also been a terrific place for me to work on these matters. I have also been fortunate to have had invitations to various colloquia and conferences at which to present my work on these questions.

Also, in collaboration with Jonathan Wolff of University College London, I organized an interdisciplinary conference on “The Theory and Practice of Equality,” held at Harvard, April 1-3, 2004. The conference brought together, from Harvard and elsewhere, 12 speakers and 12 commentators from philosophy, economics, sociology, and political science who are interested in questions of equality. I believe participants generally considered the experience to be rewarding. The University Center for Ethics contributed a substantial amount of money to the conference. What is equally important, Dennis Thompson offered most valuable and equally needed advice throughout the process, and the Center staff provided administrative support much beyond what they were obligated to do. I am most grateful to all of them for their support *sine qua non*.

### Alex Tuckness

*Faculty Fellow in Ethics*

My year at the Harvard University Center for Ethics was an outstanding experience. The Center provided a very stimulating intellectual environment and has influenced both the quality and the trajectory of my research for the better. My research proposal was to work on issues at the intersection of non-ideal theory and international justice, and my actual research followed that model quite closely. My original plan had been to draft a book manuscript, but as I continued working on the project I realized that it would be more effective as a group of articles on a common theme. During the year I wrote two articles which I have already submitted for publication, and I have three others in progress and plan to have two of them finished by the end of the summer.

One of the most obvious ways my time at the Center affected my research interests was by emphasizing to me the importance of writing for practitioners as well as theorists. This is obviously one of the central goals of the Center, and it is one that, at least in my case, it effectively achieved. I wrote a paper titled, “Administrative Discretion and International Justice,” that grew, in part, out of the faculty seminar discussions of role morality. In the paper I address the question whether and to what extent public administrators should allow considerations of international justice to influence the way they use their discretionary power. I wrote the paper in such a way that it would be

accessible to non-theorists and submitted it to the top public administration journal, *Public Administration Review*, where it is most likely to influence practitioners. My hope is that the paper will challenge the prevailing paradigm in public administration where the “public good” means something like “good of one’s nation or local constituency” and may not account for the tremendous environmental and economic effects that administrative decisions can have globally, effects that must be considered if moral deliberation is to be defensible.

A second way in which the center facilitated my research was through the feedback I received on my work through the weekly seminar. Based on the very helpful comments on my presentation, “Non-compliance, misapplication, and justice,” I realized that it would be better to treat the problems of non-compliance and misapplication separately, and that the point I was making would be clearer if I used an analogy to natural law theory. I quickly rewrote the paper, focusing on misapplication and setting non-compliance to the side, under the new title “Filling the Shoes of Natural Law: An Early Modern Approach to Interstate Violence.” I argue that justifications of interstate violence normally rest on claims analogous to the claims natural law theory used to make, and that even if one rejects a substantive natural law theory there are still important formal requirements, drawn from early modern writers, which should affect which ethical principles we choose today in regulating such violence. The “early modern” portion of the paper was also improved by my time at Harvard, in that I followed up an excellent suggestion from Dennis Thompson that I think about how David Hume might fit into the project. This paper is also under review and preliminary feedback from the editors has been very positive.

In addition to these works that have already been sent out for review, the remaining works in progress have all benefited in important ways from my time at the Center. One paper, “International Law and the Legitimacy of Moral Reproach” has been influenced by conversations with Arthur Applbaum about the concept of international legitimacy. In its current version the paper looks at the paradox that we often blame states for breaches of international law, even though it is quite difficult to show that there is a *prima facie* moral obligation for states to obey



international law. The paper suggests that if one reframes the question in terms of legitimacy rather than obligation, one gets a more satisfactory account of our ethical intuitions. It continues my interest in “non-ideal theory” because it raises questions about moral obligations under a very imperfect international legal system. A second paper, “What is non-ideal theory?” grew out of having this question raised more than once in seminars where we discussed my work. The paper argues that “non-ideal theory” as a label is so broad and protean that it is not very helpful. The paper then develops a clearer alternative categorical framework. A third paper, “International Justice and Non-compliance” is the companion piece to the first article, “Filling the Shoes of Natural Law,” focusing on how our ethical obligations change as a result of non-compliance on the part of others. A fourth paper, “Disagreement about International Justice” asks what ethical significance we should assign to good faith disagreements about justice in international contexts. This paper developed in part from the two faculty seminars on public reason, in the Fall semester, and from discussions with two of the other faculty fellows, Ruth Chang and Erin Kelly.

Finally, my year at the center has affected the way I teach ethics. I will be teaching Ethics and Public Policy for the second time this fall, and I am completely restructuring the syllabus in order to cover topics, and even use some of the same readings, that we used in the Faculty Ethics Seminar. The class will place more emphasis on the idea of “role morality” and how those charged with the administration of policy should act if their actions are to be ethically defensible.

In addition to these benefits for my teaching and research, the Center provided excellent facilities. The offices were good and the staff was absolutely superb. Another outstanding feature of my year at the center was the opportunities to meet with people around Harvard interested in ethics. The sponsored lectures and accompanying dinners were truly outstanding both because of the quality of the speakers (including Ronald Dworkin, Cass Sunstein, and Jeremy Waldron) and because so many distinguished scholars from across the University were regularly involved. I was also able to discuss research over lunch with each of the other faculty fellows at least once, and the tone of all my interactions with them was very collegial. As a whole,

my year at the Center was the most intellectually stimulating year I have had as a faculty member and I am grateful for having had this opportunity.

### **Eva Weiss Winkler**

*Edmond J. Safra Faculty Fellow in Ethics*

The year at the Center has been intellectually the most inspiring, challenging and transforming one of my academic life. At the outset, I want to thank the Faculty Committee and especially Mrs. Lily Safra for offering me this unique opportunity.

I came to the Center “representing” the medical profession with one year of ethics training through a Fellowship in Medical Ethics at Harvard Medical School. The world of political ethics was new to me, and Dennis Thompson’s sequencing of topics for our weekly seminars was a wonderful invitation to enter this new world. I was picked up where I stood at “doctor’s role morality,” introduced to “public reason,” and drawn into the debate about “dissent” and “distributive justice” on a local and global scale—to name but a few of the wide range of topics we covered.

The seminar readings and vigorous discussions, as well as the awe-inspiring experience of auditing Michael Blake’s class on “The Responsibilities of Public Action” not only helped me to think more like an philosopher, to learn philosophers’ language and practice how to construct an argument, but most importantly introduced me to a new approach to ethical questions that I found most fruitful when applied to the field of medical ethics. The debate in political philosophy about “dissent and concealment,” for example, seems to be most useful in understanding not only the political realm, but also for our understanding of how to think about institutional obligations in disclosure of medical errors, quality improvement, and the patient safety movement.

In my project “Ethics in Healthcare Organizations” I investigate the specific ethical questions that arise in medicine as practiced in large Healthcare Organizations (HCOs) rather than in the doctor’s office. In my paper “Beyond the doctor-patient dyad: How the HCO should deal with moral disagreement,” I transfer insights from organization theory, business ethics and political ethics to

the healthcare organization and suggest a process and substantive criteria for policy writing on ethically controversial questions. I received very helpful feedback not only from the Faculty Fellows, but also from Graduate Fellows Sandra Badin and Waheed Hussein, most valuable critics, clear thinkers and always dear discussion partners while having coffee or meeting at the water fountain.

I presented another paper “Should clinical ethics committees take on organizational ethics?” at the annual conference of the Academy for Ethics in Medicine in Germany last fall. It was very positively received and the continued discussions about this topic lead to an ongoing cooperation with Prof. Helmut Baitsch, founder of the Institute for Medical and Organizational Ethics in Ulm, Germany. A revised version of the paper is now ready for submission to the German ethics journal *Ethik in der Medizin*.

A further project emerging from this conference was a book chapter titled “Organizational models and purposes of hospital ethics committees: Experiences from the United States” that Prof. Mathias Kettner asked me to contribute to the book *Clinical Ethics Committees: Theory and Practice of a New Moral Institution* (ed M. Kettner). For this chapter I interviewed chairs and members of several clinical ethics committees of Harvard Teaching Hospitals. These included former Faculty Fellows Lachlan Forrow, Christine Mitchell and Walter Robinson, who made themselves available for interviewing and who were very supportive of the project. Based on their ample experience with ethics consultation in the hospital over the last 15-20 years, I portrayed the variability, pros and cons of different ethics committee models and discussed what we can learn from the experience in the U.S. for the emerging clinical ethics movement in Germany.

Another book chapter—“The Role of Ethics Committees in End of Life Care”—also reports on the U.S. experience with healthcare ethics committees, and is part of a larger project that compares approaches to end-of-life care in Germany and the U.S. (*End-of-Life Care in Germany and the United States*, eds D. Koch-Weser, W. Hiddemann, B. Jennings and M. Solomon, Springer NY).

I revised a paper that I started writing last summer together with Russell Gruen, a fellow of the Medical Ethics Fellowship program. It has been submitted to a

journal in healthcare management. In this paper, titled “First principles: Substantive Ethics for Healthcare Organizations” we propose substantive principles for organizational ethics in healthcare and anticipate that these principles will aid discussion and resolution of complex organizational ethical issues, and help to promote institutional values in HCOs. I am very grateful for Jean McVeigh’s patient help in editing and transforming my German-English into English-English.

The sixth and latest project—again with the help and support of two former fellows of the Center, Steven Pearson and Jim Sabin—is tentatively titled “How far do we get with procedural justice?” and investigates the way resource allocation decisions are made by Harvard Pilgrim Health Care. Analyzing the most pressing ethical challenges facing the Ethics Advisory Group of this large healthcare organization, we will focus on questions of distributive justice: What values were at stake? What kinds of reasons bore weight in the discussion? Were they predominantly procedural (transparency, publicity, timely adjudication) or substantive (consistency, scientific rationality)? What was the final recommendation? An abstract of this study has been accepted for presentation in the fall at the annual conference of the Academy for Ethics in Medicine in Muenster, Germany.

I was very honored to have been awarded the Whitman Memorial Fellowship of the Harvard Medical School subsequent to this fellowship. This will enable me to conduct a study on the ethics of palliative sedation in cooperation with Mass General Hospital and the Division of Medical Ethics. I will also codirect an intensive course next semester for fourth year medical students on “Pain, Palliative Care and Ethics” at the Harvard Medical School.

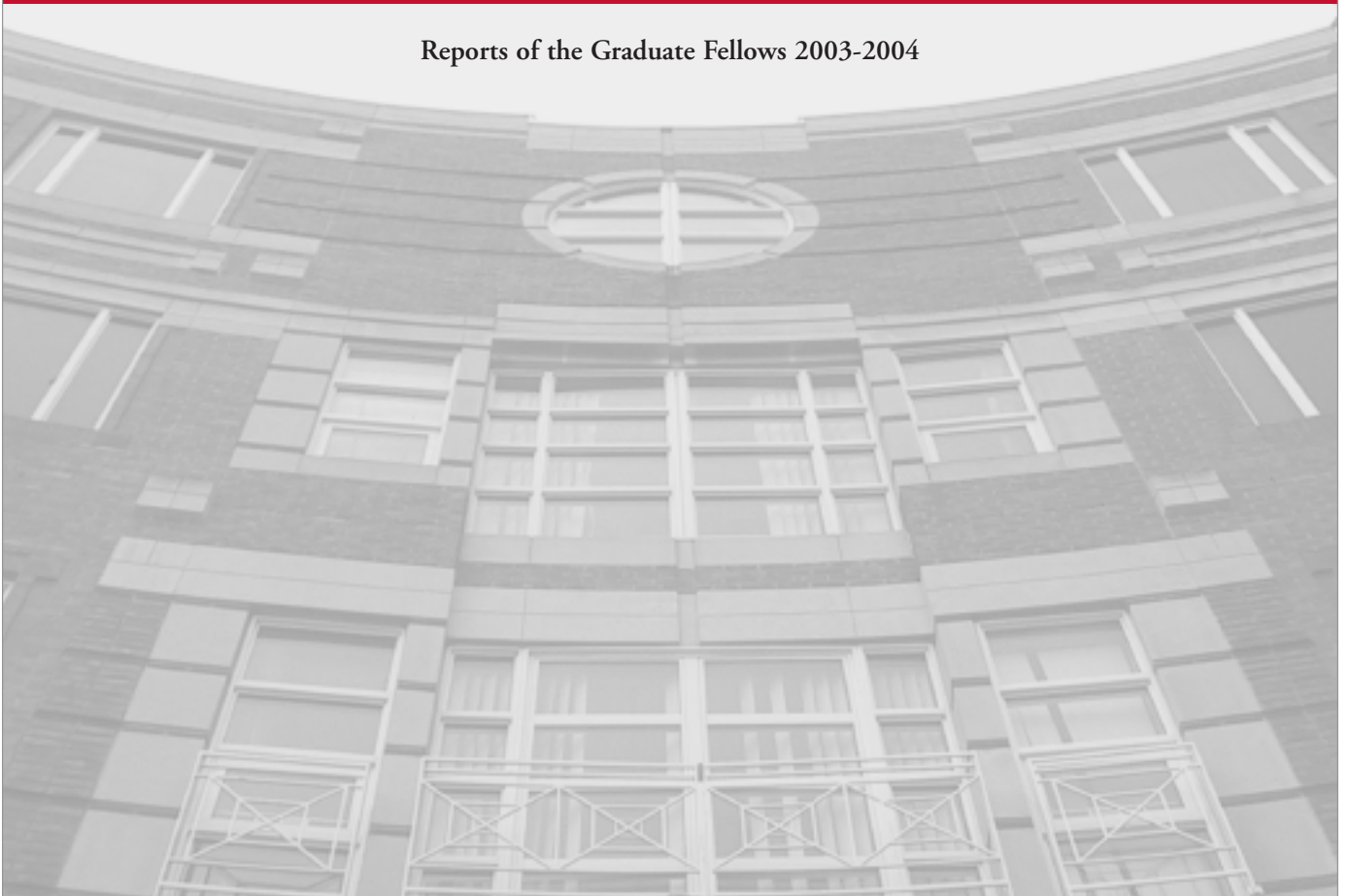
Throughout all my work this year I was indebted to Dennis Thompson in many important ways. Through his own work and his advice he taught me how to take institutions seriously and influenced my thinking about organizational ethics. He has played an exemplary role in guiding our seminar discussions with intellectual rigor and good humor and, most importantly, he is a good example of the “service conception of authority” I am arguing for in my paper: intellectually challenging, serious, supportive, kind and very generous. I am also grateful for the support of

## APPENDIX I

the fellows, and of the professors in our seminar—Nancy Rosenblum and Arthur Applbaum—as well as the former fellows who took an interest in my work. I end with special thanks to the Center’s wonderful staff who contribute a lot to the friendly and inviting atmosphere that makes one really enjoy every day of the fellowship year as an invaluable and unique opportunity.

## APPENDIX II

Reports of the Graduate Fellows 2003-2004



**Sandra Badin***Edmond J. Safra Graduate Fellow in Ethics*

What did I accomplish this year? It's hard for me to answer this question, inclined as I am to focus on what I didn't accomplish rather than on what I managed to get done. I had hoped to be done with my dissertation by this time of the year, and sadly, I am not. But the graduate seminar of which I have been a part has made it possible for me to see the light at the end of the tunnel, and for this I am very grateful.

The graduate seminar's requirements included the presentation of two papers, one at the beginning of the spring semester, and one at the end. I have a great deal of trouble getting myself to sit down and write, and even more trouble showing my work to others, so having to present two papers provided me with a much needed push to get down to work.

The first paper I presented to the seminar was a critique of the work of Will Kymlicka, a contemporary political theorist who tries to articulate a liberal theory of the rights of minority cultures. Both the process of preparing the paper for presentation, and the discussion that followed were enormously helpful; I was able, after our discussion, to see how I could frame the paper so that it would work as the first substantive chapter of my dissertation.

In that paper, I argue that Kymlicka makes three distinct arguments in favor of the rights of cultural minorities: an argument from freedom, an argument from self-respect, and an argument from the normative significance of the fact that identities are culturally constituted. I criticize each of the arguments, but I also try to show the ways in which the second and third arguments warrant further consideration.

From our discussion of my paper in the seminar, it became clear to me that each of the second and third arguments Kymlicka makes could be the basis of its own chapter. So I set about to write the second chapter, in which I explore Kymlicka's argument from self-respect in greater depth; I presented a preliminary version of this chapter at the seminar early in May. The discussion was, again, extremely useful in helping me to clarify my thinking, both about the various arguments I made, and about the overall structure of the paper.

I only wish we had started presenting our work earlier in the year, and that we had had more opportunities to present our work. But I am indebted to the Center for having made it possible for me to get this far. I think it is not unreasonable for me to expect to be done with my dissertation by the end of the summer, and I have the Center, and particularly the other members of the graduate seminar, to thank for that.

**Noah Dauber***Edmond J. Safra Graduate Fellow in Ethics*

This past year at the Center for Ethics and Professions was an odd mix of quiet time in the library and our rambunctious Graduate Fellows seminar. I spent most of my time working on my dissertation in the rare book rooms of the University, reading more or less philosophical works from the 15th to the 17th century. The pace was slow, and the work was as much about translation and philology as about thinking through problems or puzzles. I am happy to report that, thanks to the support of the Center, I have made some real progress on this front. I have managed to make both philosophical and historical progress on the dissertation, a study of the first attempts to describe a science of politics in the 17th century, and, more generally, the relationship of theory and practice in ethics and politics.

Philosophically, I have come to appreciate much more deeply the possibility that practical knowledge may be of a different kind from theoretical knowledge. While we did not have a lengthy discussion of this topic in the Graduate Fellows seminar, there were several moments over the year that were extremely helpful: I was encouraged by Frances Kamm to read Anscombe's *Intention*, which has shown me how complicated the problem is and how one could begin thinking about it; Kyla Ebels Duggan presented some of Christine Korsgaard's work which bore on the practical and theoretical stances; and not least, I had the opportunity to discuss my dissertation at one of the Center's dinners with Jane Mansbridge, Glyn Morgan, Daniel Wikler, and David Wilkins.

While my historical work has mostly been independent of the Center's activities, I have to say that, even if I was skeptical at the time, several of the concepts that we discussed in the seminar have surfaced in the material I have



been reading for my dissertation. For the record: The discussions of the propriety of Machiavellianism in the late 16th and early 17th centuries are concerned among other things with what the seminar might call “non-ideal theory”; the notion of *paedia* in the 17th century has some affinities with “public reason” and the sort of propositions that can be introduced into ethical and political discussion; and finally, role ethics is important throughout the period.

The graduate seminar touched on all of these issues, but I learned as much from observing the way in which all of my fellow participants thought as by reading the seminar materials. After some hours of conversation, it became clear that we each had our own way of thinking. One of us was always concerned that we consider the perspective from which we were evaluating the ethical problem at hand. Were we viewing this problem from the first person perspective or the third person perspective? Some of us were concerned that there be practical consequences to the philosophical distinctions being made. Others insisted on the philosophical distinctions. And of course, there were the examples—some of us preferred real life examples, others, perfectly designed examples to motivate the precise distinction at hand. I think that it is fair to say that the seminar was as much a seminar—or debate—on how to do ethical and political philosophy as a discussion of the set curriculum.

I am grateful to the Edmond J. Safra Foundation for its support this year. It has been a stimulating and thought-provoking experience.

### **Kyla Ebels Duggan**

*Edmond J. Safra Graduate Fellow in Ethics*

This has been an extremely productive year for me academically, and the progress I have made is due in no small part to the intellectual and financial support so generously extended by the Center for Ethics and the Professions and the Edmund J. Safra Foundation. I am very grateful for the role that the Center and all who make it work played in enabling this success.

I am in the midst of writing a dissertation on how to understand the nature of our freedom and autonomy, given the claims that others legitimately make on us. I am

especially interested in working out this problem within Kantian moral theory, since Kant makes both autonomy and obligations to others central to his system. I was able to make significant progress on this project over the last year due to the time that freedom from teaching gave me. I spent the first part of the fall finishing a chapter comparing Kant’s attempt to reconcile freedom and obligation in the political context of the state with his lesser-known writings on the same themes as they apply to the moral community. After completing this I spent the latter half of the fall semester in exploratory mode, canvassing all of Kant’s writings on freedom and writing a paper that draws out both common themes in his many uses of the concept, as well as tracing the development of his thinking on the topic through the course of his work. In the spring I was able to draft two additional chapters. The first of these addressed Hobbes and neo-Hobbesian views of the nature of the reasons that others give us for acting. The second explicates and critiques one Kantian approach to the same issue. I had the valuable opportunity to present the first of these at our weekly seminar, receiving helpful feedback from the faculty and other students.

In addition, the extra time given to me by the fellowship and the stimulation and confidence that comes of interacting intellectually with a new group of people enabled me to make two successful conference presentations in the spring. One of these was a version of a chapter of the dissertation that I had written earlier on Kant’s view of required ends. The other, unrelated to my dissertation, was an additional paper written this past spring on Rawls’s view of public reason. This is a topic that I have worked on in the past, and discussions at the Center piqued my interest in it again. After the conference I led a session on public reason at our weekly seminar and found the discussion there very thought-provoking. After that discussion I was able to expand my short conference presentation into a much longer paper that I will present at the last meeting of our seminar. I anticipate the typical combination of encouragement and penetrating, thoughtful criticism from my colleagues and the faculty.

All this productivity would not have been possible without the time for writing that the fellowship gave me. But while isolating one’s self to write has its advantages, being alone with just one’s own thoughts can lead one to feel a little

crazy, and isn't often the surest way to quality writing. The weekly seminars led by Arthur Applbaum, Michael Blake, and Francis Kamm staved off a sense of monotony and kept me thinking about a wide range of topics beyond my own dissertation material. Our seminars opened with informal, though often intense, discussion of current events. These exchanges were an excellent opportunity to sort through the difficult task of determining how to respond to the current state of the world. More often than not, someone would offer an insight that was completely new to me. I continued to consider these points, and often found myself bringing them up with others later for further discussion and analysis. The more formal segment of the seminar gave us an opportunity to read and discuss some quality literature on a variety of topics in moral and especially political philosophy that I might otherwise have missed in my graduate education. In addition I gained new insight into several topics that I had already had exposure to within my department. I found it especially helpful and enlightening to get some distance from my own department and hear from others, including my colleagues from other disciplines, on these issues.

No matter what the topic, discussion was lively, interesting, and sometimes contentious. The faculty were not at all hesitant to share their views, and I learned a great deal from each of them. Hearing and reflecting on the views they put forth stimulated me to think more deeply, and in different ways, about a whole host of issues. My colleagues, the other Graduate Fellows, contributed enormously to the quality of these seminars. One of the great benefits of the year at the Center was the opportunity to get to know and learn from them. Sandra Badin, Noah Dauber, Waheed Hussain, and Ian MacMullen each contributed significantly to both my intellectual experience at the Center and my enjoyment of my time there through helpful and often entertaining discussions both in and out of the seminars.

Finally, though it's been said before, I want to add mine to the many voices who praise the Center staff. They exude competence and the confidence that any problem can be fixed, and I have not seen a problem defeat them yet. Going above and beyond the call of duty, they are a great source of emotional as well as intellectual support. Their presence at the Center not only makes it run smoothly, but

also makes it a pleasant place to be. Thanks much to Jean McVeigh, Alyssa Bella, Mandy Osborne, Kim Tseko, and Jaime Muehl.

### Waheed Hussain

*Edmond J. Safra Graduate Fellow in Ethics*

Thanks to the financial support, intellectual stimulation, and general camaraderie of the Center for Ethics and the Professions, I have had a wonderfully productive year.

For the most part, my time was spent working on my dissertation, *Respecting Freedom: Normative Foundations for a Democratic Economy*. The project takes off from current debates about globalization, the limits of mainstream economics, and the merits of the market system. I agree with many critics who argue that we cannot assess an economic system by appeal to narrowly economic criteria, such as a system's tendency to promote growth or reduce inflation—the economy's significance for social life is too wide-ranging for such a narrow perspective. To broaden our outlook, my dissertation focuses on a central value in political morality—freedom—and works out the implications of this value for economic life. The first five chapters develop what I call the “social democratic conception of freedom” and defend it against familiar alternatives, such as the libertarian view. Then in the final chapter, I show how the social democratic conception, coupled with the liberal egalitarian view of justice, would lead us to adopt a market system that is significantly more democratic than the one we see in the United States today.

Over the course of the year, I finished the final chapter of my dissertation, which required a substantial amount of research into comparative economics, then revised and polished two others. I also wrote a paper and gave a job talk based on this work. Most importantly, I learned how to use PowerPoint, and mastered it well enough to convince the Wharton Business School that I was a philosopher who could also speak a language that business school students would understand. Thanks to my computer training at CEP, I will be an Assistant Professor of Legal Studies at Wharton starting this fall.

Besides working on my dissertation and related projects, I spent the year interacting with people at the Center. The most rewarding interaction was, of course, the seminar for graduate fellows. Arthur Applbaum deserves a lot of credit for both bringing such interesting people together in one room and managing the fireworks so deftly. We covered a wide range of topics, from the ethics of the Academy to just war theory, and in every case the discussion was rigorous and thought provoking. The highlights for me were the week that we spent on the competing models of democracy formulated by Ronald Dworkin and Joshua Cohen, the week that we spent on the role that a constitution and judicial review play in a democracy, and the week that we spent on non-ideal theory. I want to thank Arthur, Michael Blake, Sandra Badin, Noah Dauber, Kyla Ebels Duggan, Ian MacMullen and especially Frances Kamm for being such stimulating lunch companions. I hope that we have the chance to have lunch again soon.

Of course, it would be unethical for me not to mention the crackerjack staff at CEP. Jean, Mandy, Kim, Jaime and Alyssa were all at the top of their game. No question went unanswered, no matter how dumb, and no one made fun of me for asking (except Mandy). The staff was efficient but lighthearted, and this made the Center a very enjoyable place to be.

I have not yet mentioned the invited speakers, the dinners, the joint-seminars, and the many other activities that made this year so memorable, but I don't have the space to do all of that. Suffice it to say that I am very grateful to Lily Safra and the Edmond J. Safra Foundation for having given me the opportunity to spend a year at the Center. I leave Harvard having had one of the best years of my graduate career.

### **Ian MacMullen**

*Edmond J. Safra Graduate Fellow in Ethics*

The Center was my intellectual home for my last year as a graduate student at Harvard; it provided a unique opportunity for me to work with a group of remarkably gifted people on a wide range of questions about which I care deeply. For this I am enormously grateful to the faculty, staff, and fellows of the Center, as well as to the Edmond J. Safra Foundation.

Both the lecture series and the occasional joint seminars with an invited speaker did much to enrich my year. Cass Sunstein's espousal of "libertarian paternalism" and the lengthy debate that ensued were a highlight; Marc Hauser's data on the development of moral psychology and perception convinced me that I am in urgent need of remedial therapy (or at least a pair of glasses). The thrust of Richard Dawkins' Tanner Lectures on "The Science of Religion and the Religion of Science" struck me as deeply misguided, but it was of great value to figure out exactly why I thought that.

Above all, it was truly a privilege to participate in the weekly graduate fellows' seminar (for all that it was often hard to get a word in edgeways). As I worked towards the completion of my dissertation on liberal education policy towards religious schools, there was an inevitable tendency for my thinking to become ever more narrow and specialized: the well-chosen topics and readings for our Thursday afternoon gathering restored much-needed balance to my intellectual life by exposing me to a broad range of important debates in contemporary political and moral theory. Just as interesting as our discussions of these readings were our informal conversations over lunch each week as we explored ethical issues in the news. I have always had a philosopher's approach to current affairs—wanting to get beyond disagreements about the factual situation, comparing the case at hand with a range of hypothetical cases to identify the morally important variables—but it is often hard to find a critical mass of like-minded persons with whom to indulge this peculiar appetite. Perhaps more than anything else, therefore, I shall miss our conversations about Iraq, gay marriage, primary elections, and the rest.

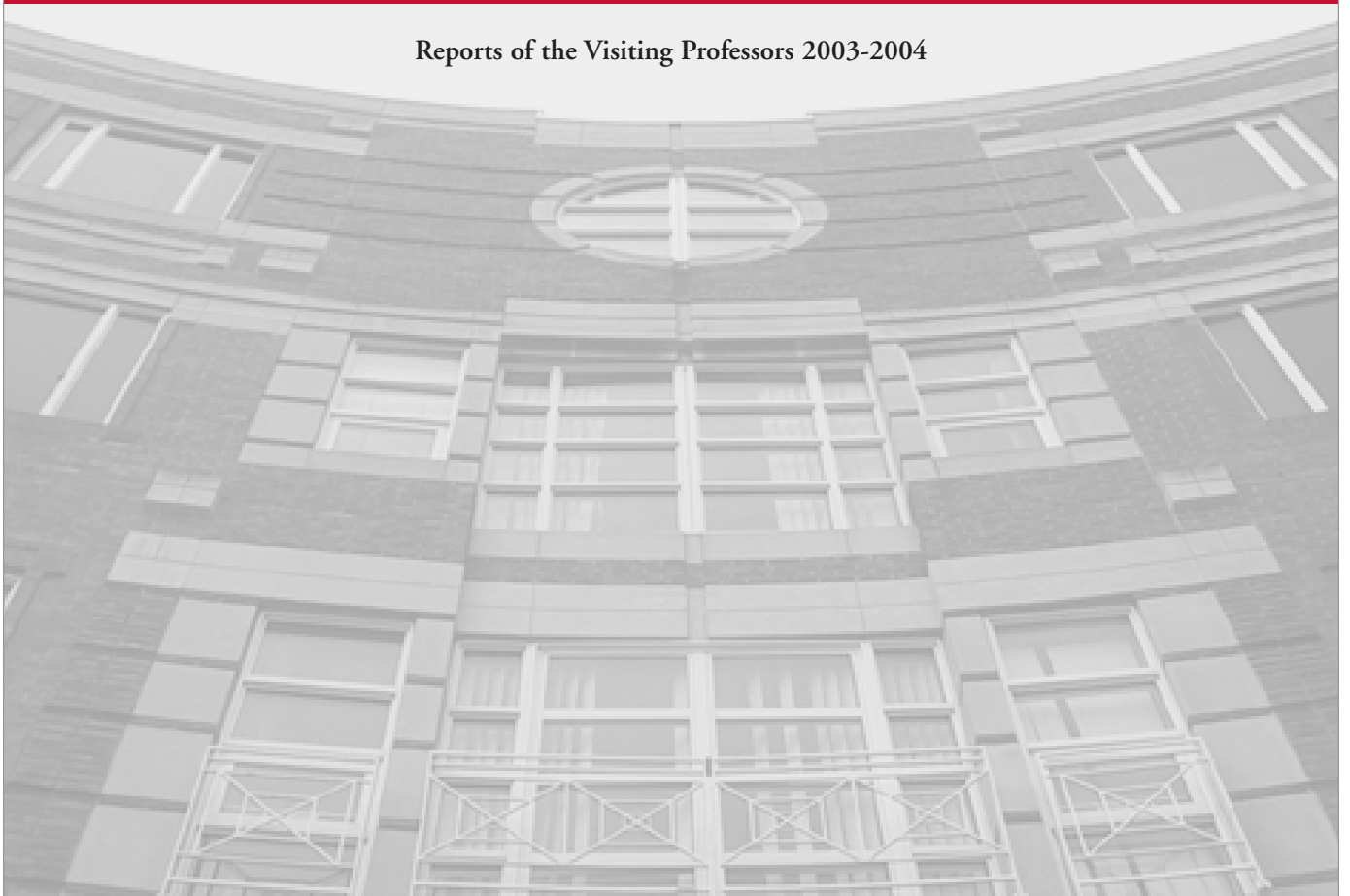
I can honestly say that I never regarded preparing for or attending our seminar as a burden. The readings were brief, rewarding, and provocative; I looked forward to hearing the other participants' views each week; sometimes I even enjoyed the fight for airtime to express my own position! I received penetrating and valuable comments on both of the papers I presented during the year, and it was interesting to see what other students outside of my immediate field and/or department were doing. The divide within political theory between Harvard's government and philosophy departments has long struck me as strange and

disappointing; my year at the Center gave me a chance to bridge that divide, in particular by getting to know Kyla and Waheed.

I always felt welcome and at home in the Center, thanks very largely to the extraordinary friendliness and energy of Jean, Mandy, Kim, Jamie, and Alyssa. Needless to say, without a staff there could be no Center. But these five people do far more than enable the Center's many activities; they make the Center into a community to which I was happy to belong and which I shall miss.

# APPENDIX III

Reports of the Visiting Professors 2003-2004





**Michael Blake***Visiting Professor in Ethics*

During the 2003-2004 academic year, I was privileged to act as a Visiting Professor in the graduate student seminar in the Center for Ethics. This seminar takes five graduate students from various disciplinary homes at Harvard and provides them with resources, readings, and a temporary home in the Center. The purpose of all this is to give these students a rigorous grounding in philosophical thinking about professional and political ethics. This past year saw students from law, government, and philosophy join the seminar. I asked to join the seminar myself because it provides such an exceptional environment for philosophical discussion; meeting once a week with these five students—along with Frances Kamm and Arthur Applbaum—was easily the high point of my academic week. I am grateful to these students, along with my fellow faculty members, for this opportunity.

The seminar began with selections from philosophical writings on professional responsibility, before proceeding to more specific topics in the intersection of philosophy, politics, and religious identity. What might have seemed a rather wide set of topics was unified by a single set of concerns: how impartial and general moral thinking can account for the specific ties, identities, and roles individuals occupy throughout their lives. The seminar concluded with students and faculty sharing their own writings on this subject. It was gratifying to see how much the general thread of discussion had begun to subtly affect the writing of both students and faculty; none of us, I think, had left this seminar unchanged.

The seminar, indeed, left its mark in a variety of ways. The group had more faculty members than usual, and few members of the seminar were in any way shy about expressing an opinion. These circumstances reminded us all that philosophy is an activity, not a subject; something that emerges from discussion, reflection, and argumentation. This activity is not without its risks. The risks, however, were justified by the rewards of philosophical engagement with such an intelligent and articulate group of thinkers. I would especially like to express my gratitude to the students who steered the faculty back on course, when—as frequently occurred—we began to simply argue amongst ourselves, or monopolize the “talking stick.”

Although we were not, perhaps, the best guardians of the spirit of the seminar, you were able to keep that spirit of collegial inquiry alive; and I am grateful to you for providing me with one of the most enjoyable academic experiences of my career.

**Frances Kamm***Visiting Professor in Ethics*

The Graduate Fellows ethics seminar was, for me, a very rewarding intellectual experience. The level of discussion was very high and interchanges were very open and free-wheeling. The reading list was interesting and pertinent to many concerns. Indeed, it was sometimes so challenging that I could have wished for more time to consider the arguments. Many of the readings focused on the important problem in political philosophy of what we should do when we cannot all agree on the solution to first order moral problems. I must say that I also enjoyed those sessions in which we tried to find solutions to first order moral problems, identify errors in proposed solutions, and also make sure that everyone had acquaintance with basic concepts in ethics.

The papers presented by students and the other faculty who attended were an important part of the seminar and the consideration they received was intense and probing. I greatly appreciated the feedback that I received on two of my own papers.

I think it would be a good thing if a woman professor was present in the graduate fellows seminar each year. I am very grateful that I had the opportunity to participate this year.

**Nancy L. Rosenblum***Visiting Professor in Ethics*

The Center for Ethics has been a wonderful introduction to the rich rewards of life on the Harvard Faculty. Within a great, roiling university, Dennis and the staff provide a zone of sobriety, good society, and real intellectual fellowship. I was not on leave, and this position coincided with my second full year of teaching in the Department of Government, where I also organize a political theory colloquium. I was concerned about the demands on my time, and that with all the seminars we faculty attend, this one would simply be too much of a good thing.

I was wrong. The faculty fellows seminar was the center of a welcome zone of focused discussion and fellowship. In contrast to the usual rounds of formal papers and presentations, the seminar was a genuine working group. We followed Dennis's curriculum in the fall and chose our own readings in the spring—some of them relevant to our research but just as often readings on fascinating subjects we had not had the time or company to carefully explore. Our conversations were free-flowing and constructive. The seminar was the epitome of collegiality: freedom to talk about profound themes without having to produce a commentary, review, or paper.

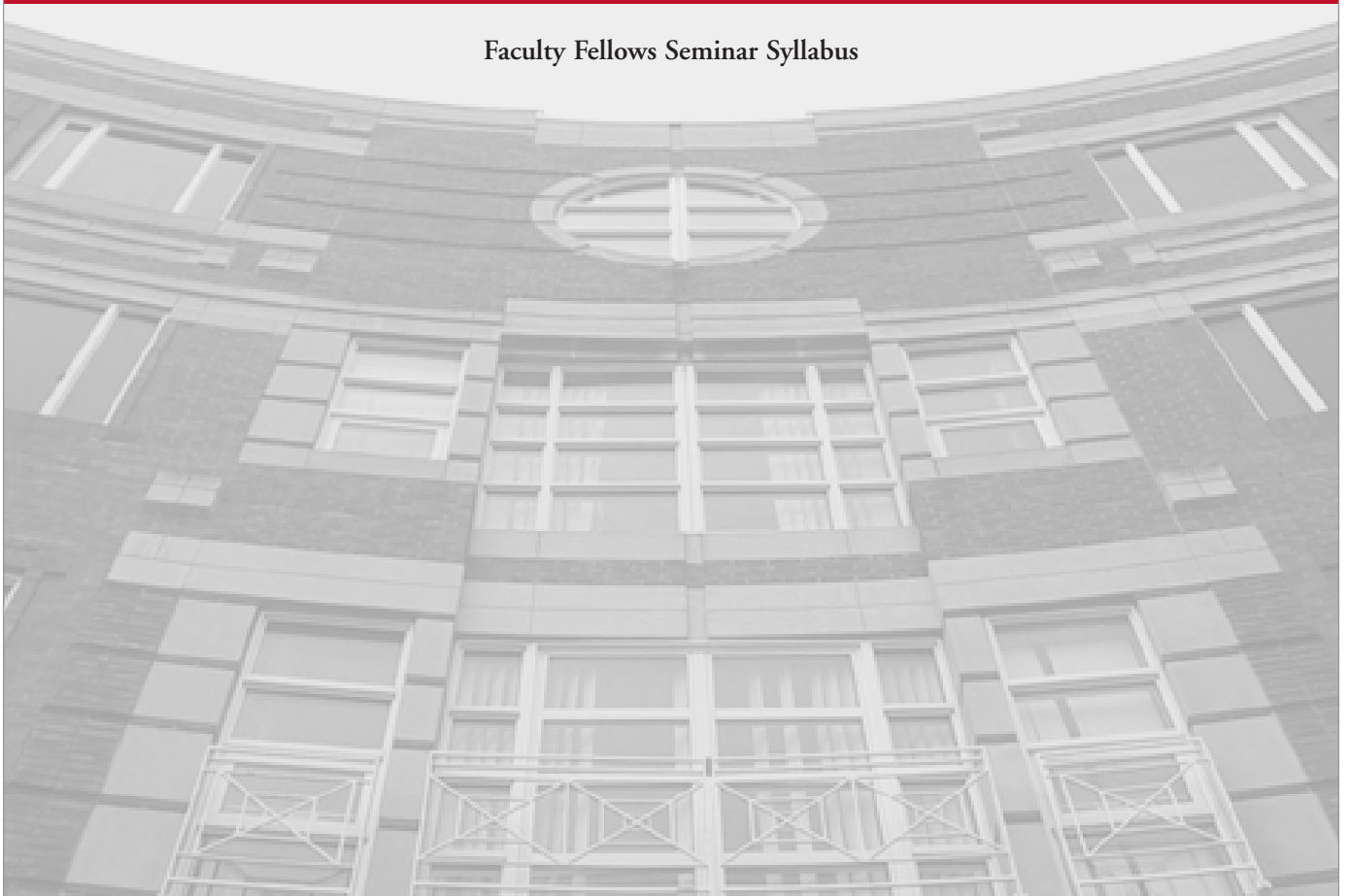
I benefited enormously from the fact that the group was predominantly made up of philosophers. Although political theory and philosophy are often intertwined, I came to the field via history and law. A strong dose of moral and political philosophy was a complement to my own work, teaching, and professional colloquia. I took the most from our sessions on global justice, desert, and Eva Weiss's session on medical ethics in an institutional setting. I am grateful to Ruth Chang, Erin Kelly, and Mathias Risse as well as Arthur Applbaum for demonstrating at close quarters the sometimes alien philosophical mind at work. Heather Gerken and Alex Tuckness came to our discussions with an institutional orientation closer to my own, and I was impressed by their analytic rigor and their ability to connect principle and practice. Dennis's opening summaries of the weekly readings were sharp and balanced; I don't often find myself taking notes, but I did at these sessions!

I accomplished several pieces of work that owe their existence to the Ethics Center. I reworked and published "Constitutional Reason of State: The Fear Factor," which originated as a commentary on Kathleen Sullivan's Tanner Lectures in 2001. I also wrote "Political Liberalism and the Great Game of Politics," an essay on the hospitality of Rawls's political liberalism to political parties and partisanship. I would not have ventured onto this terrain had it not been for the close examination of Rawls's later work in our seminar, and I would not have chosen to write it with a colleague had it not been for the camaraderie of the group.

There were in addition the great social pleasure of our group's gatherings at parties and Center events and at our weekly lunches, where we examined day to day ethical dilemmas from the news or, very often, from our personal trials. The spirit of fellowship that bathed us in the seminar spilled over into other areas of my university life, and buoyed by this experience I have taken on the job of Chair of the Department of Government. I look forward to visiting the Center during this tenure as a tonic, to recapture an academic atmosphere of intelligence, humor, and intellectual adventure.

# APPENDIX IV

Faculty Fellows Seminar Syllabus



## FALL 2003

**September 23****Cases in Practical Ethics**

*Spaulding v. Zimmerman* adapted version (photocopy)

"A Good Idea with Bad Press," *New York Times* (July 31, 2003)

"Ancient Art at Met Raises Old Ethical Questions," *New York Times* (August 2, 2003), p. A1

"InteliHealth and Harvard's Health" (photocopy)

Nadine Gordimer, "Crimes of Conscience" in *Crimes of Conscience* (1991), pp. 82-87

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

Plus: "Al Franken in Sorry State"

**September 30****The Ethics of Role**

David Luban, *Lawyers and Justice* (Princeton University Press, 1988), pp. 104-27, 144-47

Michael Hardimon, "Role Obligations," *Journal of Philosophy* 91 (1994), pp. 333-37, 342-63

Optional: Arthur Applbaum, "Professional Detachment: The Executioner of Paris," *Harvard Law Review* (1995), pp. 458-86

**October 7****Legal Ethics**

Presentation: Gerken

David Luban, *Lawyers and Justice* (Princeton University Press, 1988), pp. 67-68, 74-78, 81-87, 92-103

Bill Simon, *The Practice of Justice* (Harvard University Press, 1998), pp. 138-56

David Wilkins, "Race, Ethics and the First Amendment: Should a Black Lawyer Represent the Ku Klux Klan?" *George Washington Law Review* (1995), pp. 1030-33, 1067-70

**October 14****Medical Ethics: The Dilemmas of Managed Care**

Presentation: Weiss

Charles Fried, *Medical Experimentation* (1974), "Two Models..." and "The Antinomy..." pp. 116-99, 132-40

Marcia Angell, "The Doctor as Double Agent," *Kennedy School of Ethics Journal* (1993), pp. 279-86

Peter Ubel and Robert Arnold, "The Unbearable Rightness of Bedside Rationing: Physician Duties in a Climate of Cost Containment," *Archives of Internal Medicine* (1995) pp. 1837-42

Norman Daniels and Jim Sabin, "Limits to Health Care: Fair Procedures, Democratic Deliberation, and the Legitimacy Problem for Insurers," *Philosophy & Public Affairs* (Autumn, 1997), pp. 310-13, 321-33, 340-43

Norman G. Levinsky, "The Doctor's Master," (photocopy)

Case Report: "The Role of the Physician in Bedside Rationing" (photocopy)

**October 21****Public Reason I**

Presentation: Kelly

John Rawls, "The Idea of Public Reason," in *Collected Papers*, pp. 573-94

Erin Kelly and Lionel McPherson, "On Tolerating the Unreasonable," Introduction, II and V, pp. 38-40, 43-46, 51-54

Amy Gutmann and Dennis Thompson, *Democracy and Disagreement* (Harvard University Press, 1996), pp. 52-57, 63-69

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

Michael Sandel, "Political Liberalism," *Harvard Law Review* (May 1994), pp. 1777-82, 1789-94

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

**October 28****Public Reason II**

Presentation: Chang

Michael Sandel, "The Ethical Implications of Human Cloning" (photocopy)

Robert George, "Human Cloning and Human Dignity," (photocopy); Also comments on Sandel

Joseph Raz, "Disagreement in Politics," *American Journal of Jurisprudence* (1998), excerpts

**November 4****Respecting Sovereign Nations**

Presentation: Risse

Mathias Risse, "Do We Live in an Unjust World?"

In addition, please listen to the interview with Thomas Pogge on Hugh Lafolette's "Ideas and Issues"  
<http://www.etsu.edu/philos/RealAudi.htm>

Optional: interview with Cecile Fabre and Gerald Gauss on Pogge's book

**November 18****Concealment**

Presentation: Tuckness

Thomas Nagel, "Concealment and Exposure," from *Concealment and Exposure* (Oxford 2002), pp. 15-30

Frederick Schauer, "Can Public Figures Have Private Lives?" *Social Philosophy and Policy* (2000), pp. 293-309

Dennis Thompson, "Democratic Secrecy," *Political Science Quarterly* (Summer 1999), pp. 181-93

**December 2****Dissent**

Presentation: Rosenblum

Cass Sunstein, *Why Societies Need More Dissent* (Harvard University Press, 2003) pp. 14-31, 54-62, 111-24, (135-37 optional)

Mari Matsuda [et al.], eds., *Words that Wound: Critical Race Theory, Assaultive Speech, and the First Amendment* (1993), pp. 24-26, 35-51, 96-110

Optional: Chi Steve Kwok, "A Study in Contradiction: A Look at the Conflicting Assumptions Underlying Standard Arguments for Speech Codes and the Diversity Rationale," *University of Pennsylvania Journal of Constitutional Law* (2002), pp. 493-513, 529-32



**December 9****Generality**

Presentation: Applbaum

Excerpts from a paper on police profiling, readers' comments, and email exchange (photocopy)

Frederick Schauer, *Profiles, Probabilities and Stereotypes* (Harvard University Press, 2003), pp. 55-72, 79-107, 266-77

**December 15****Discounting Future Generations**

Presentation: Thompson

John Rawls, *Justice as Fairness: A Restatement*, Section 49.2-49.3, pp. 159-60

Brian Barry, "Justice Between Generations," in *Democracy, Power and Justice* (1998), pp. 494-510

Derek Parfit, "The Further Future: The Identity Problem," in Douglas MacLean and Peter G. Brown, eds., *Energy and the Future* (1983), pp. 166-72, 175-6

Michael J. Klarman, "Majoritarian Judicial Review: The Entrenchment Problem," *Georgetown Law Review* (February 1997), pp. 502-509

Dennis Thompson, "Popular Sovereignty and Representation: Democracy in Time" (photocopy), pp. 1-19

Optional: John Rawls, *A Theory of Justice*, 2nd Ed. Section 44, pp. 251-58

**SPRING 2004****February 10****Fellows' Work in Progress**

Presentation: Gerken

Heather Gerken, "Second-Order Diversity"

**February 17****Fellows' Work in Progress**

Presentation: Tuckness

Alex Tuckness, "Misapplication, Non-compliance, and Justice"

**February 24****Reparations**

Presentation: Risse

Jeremy Waldron, "Superseding Historic Injustice," pp. 4-28

Janna Thompson, "Historical Injustice and Reparation: Justifying Claims of Descendants," pp. 114-35

Mathias Risse, "Some Thoughts on Reparations for Past Injustices" (photocopy)

**March 2****Corporate Responsibility**

Presentation: Weiss

Milton Friedman, "The Social Responsibility of Business," pp. 81-83

Thomas Donaldson and Thomas W. Dunfee, "Ties That Bind," pp. 25-28, 36-47

Patricia H. Werhane, "Business Ethics, Stakeholder Theory, and the Ethics of Healthcare Organizations," pp. 169-77, (178-81 optional)

Christopher McMahon, "Authority and Democracy," pp. 10-19, (20-22 optional)

John J. McCall, "Employee Voice in Corporate Governance: A Defense of Strong Participation Rights," pp. 195-211

### March 9

#### **Desert**

Presentation: Kelly

Galen Strawson, "The Impossibility of Moral Responsibility" (photocopy)

Arthur Ripstein, "Equality, Responsibility, and the Law," pp. 190-201, 264-95

### March 16

#### **Fellows' Work in Progress**

Presentation: Kelly

Erin Kelly, "Punishment and Democracy" (photocopy)

Optional: Arthur Ripstein, *Equality, Responsibility and the Law*, pp. 140-60

### March 23

#### **Fellows' Work in Progress**

Presentation: Weiss, Risse

Mathias Risse, "What Do We Know about What Makes Societies Rich or Poor, and Does It Matter for Global Justice: Rawls, Institutions, and Our Duties to the Global Poor" (photocopy)

Eva Weiss, "Institutional Ethics for Health Care Organizations" (photocopy)

### April 6

#### **Deliberative Democracy**

Presentation: Gerken

Jürgen Habermas, "Three Normative Models of Democracy," in *Democracy and Difference* (ed. Seyla Benhabib), pp. 21-30

Amy Gutmann and Dennis Thompson, *Why Deliberative Democracy* (Princeton University Press, 2004), pp. 1-7, 13-21, 40-48

Frederick Schauer, "Talking as a Decision Procedure," in *Deliberative Politics* (ed. Stephen Macedo), pp. 17-26

Ian Shapiro, "Enough of Deliberation: Politics Is about Interests and Power," in *Deliberative Politics* (ed. Stephen Macedo), pp. 28-31

David Charny, "The Fate of the Public Realm: An Essay on Contemporary Legal Thought" (Draft/photocopy)

### April 13

#### **International Duties**

Presentation: Tuckness

Charles Beitz, "Human Rights as a Common Concern," *American Political Science Review* 95, pp. 269-82

Allen Buchanan, *Justice, Legitimacy, and Self-Determination: Moral Foundations for International Law* (Oxford University Press, 2004), pp. 440-74

### April 20

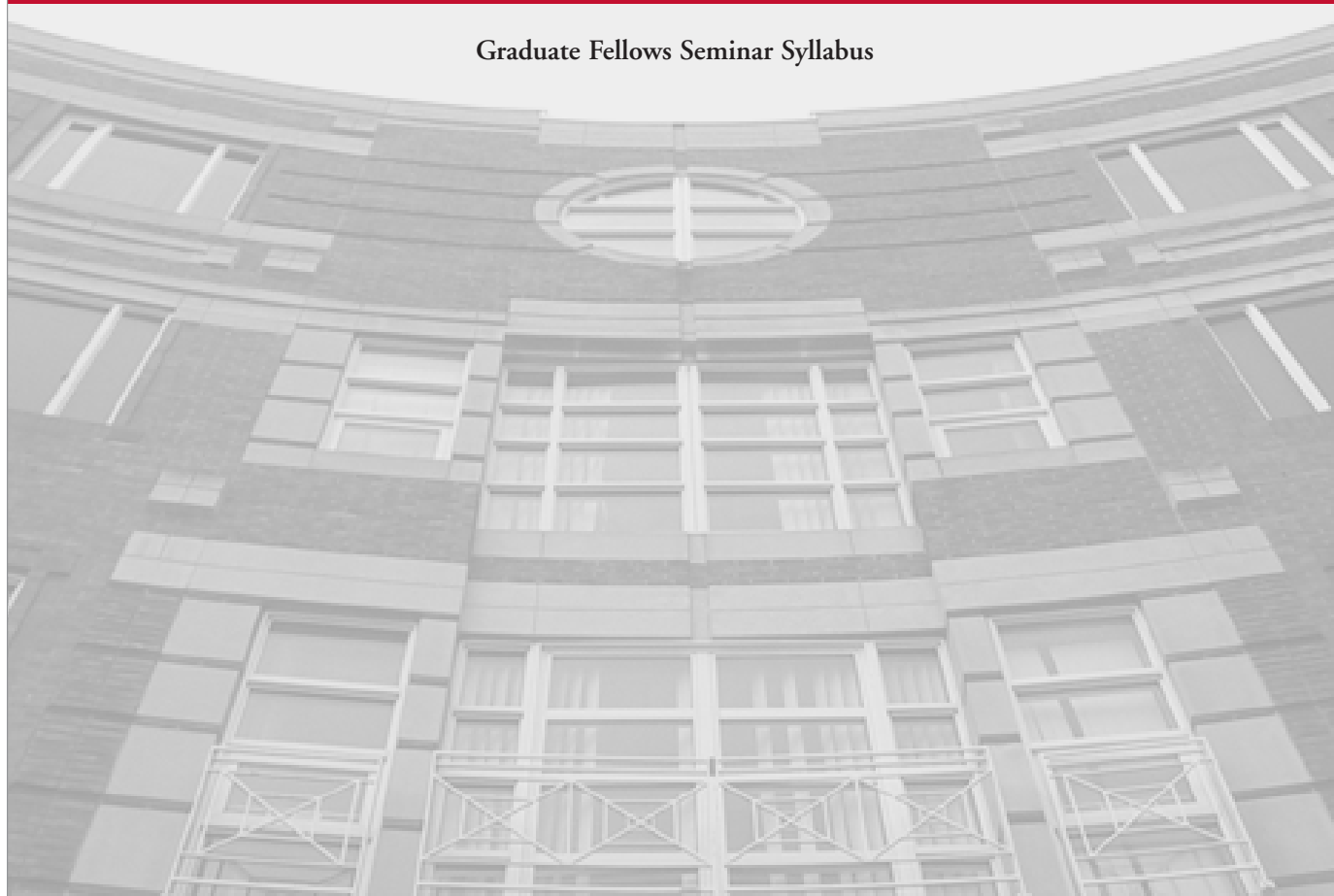
#### **Fellows' Work in Progress**

Presentation: Chang

Ruth Chang, "All Things Considered" (photocopy)

# APPENDIX V

## Graduate Fellows Seminar Syllabus



## FALL 2003

**Session 1: September 18****Syllabus Planning**

Presentation: Arthur Applbaum

**Session 2: September 25****Cases in Professional and Practical Ethics**

Presentation: Arthur Applbaum

"The Duty to Disclose: Spaulding v. Zimmerman," adapted by Harold R. Pollack from L.R. Patterson, *Legal Ethics* (1982)

Arthur Applbaum and Harold Pollack, "Adversary Roles in Government: Watergate and the Saturday Night Massacre," prepared by Harold Pollack for use in the Faculty Seminar in Ethics (January, 1990), pp. 1-3

Kazuo Ishiguro, *The Remains of the Day* (New York: Vintage Books, 1989), pp. 31-44, 103-17, 138-39, 146-54, 164-69, 199-201

**Session 3: October 2****Ethics of Role I**

Presentation: Arthur Applbaum

Alasdair C. MacIntyre, *After Virtue: A Study in Moral Theory* (South Bend, IN: Univ. Notre Dame Press, 1981), pp. 175-81, 190-97

John Rawls, "Two Concepts of Rules," in *Collected Papers* (Cambridge, MA: Harvard Univ. Press, 1999), pp. 20-46, 21-29 (skim)

Michael Hardimon, "Role Obligations," *Journal of Philosophy* 91:7 (July, 1994), pp. 333-63

**Session 4: October 9****Ethics of Role II**

Presentation: Waheed Hussain

David Luban, *Lawyers and Justice: An Ethical Study* (Princeton, NJ: Princeton Univ. Press, 1988), pp. 3-10, 52-55, 185-86

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

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

A. John Simmons, "External Justifications and Institutional Roles," *Journal of Philosophy* 93:2 (January, 1996), pp. 28-36

**Session 5: October 16****Moral Dilemmas**

Presentation: Noah Dauber

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

Bernard Williams, "Ethical Consistency" (Ch. 6), in *Problems of the Self* (Cambridge: Cambridge Univ. Press, 1973), pp. 166-86

Alan Donagan, "Consistency in Rationalist Moral Systems," in Christopher Gowans (ed.), *Moral Dilemmas* (Oxford: Oxford University Press, 1987): p. 271-76; reprinted from *Journal of Philosophy* 81:6 (June, 1984), pp. 291-309

Bernard Williams, "Two Cases: George and Jim" from "Negative Responsibility: Two Examples," in J.J.C. Smart and Bernard Williams's *Utilitarianism: For and Against* (Cambridge: Cambridge Univ. Press, 1963), pp. 96-100

**Session 6: October 23****Action and Responsibility***Presentation: Kyla Ebels-Duggan*

Frances Kamm, "Intending Versus Forseeing Harm," an excerpt from "Nonconsequentialism," in Hugh LaFollette (ed.), *The Blackwell Guide to Ethical Theory* (Malden, MA: Blackwell Publishers, 2000), pp. 205-26

Warren Quinn, "Actions, Intentions, and Consequences: the Doctrine of Double Effect" (Ch. 8), in *Morality and Action* (Cambridge: Cambridge Univ. Press, 1993), pp. 175-93

T.M. Scanlon, "Intention and Permissibility," in *Supplement to the Proceedings of the Aristotelian Society* 74:1 (2000), pp. 301-17

Judith Thomson, "Physician-Assisted Suicide: Two Moral Arguments," *Ethics* 109:3 (April, 1999): pp. 497-518

**Session 7: October 30****Justice in War***Presentation: Ian MacMullen*

Michael Walzer, "The Noncombatant Immunity and Military Necessity" in *Just and Unjust Wars: A Moral Argument With Historical Illustrations* (New York: Basic Books, 1977), pp. 157-59

Thomas Nagel, "War and Massacre," in *War and Moral Responsibility: A Philosophy and Public Affairs Reader* (Princeton, NJ: Princeton Univ. Press, 1974), pp. 3-24

Frances Kamm, "Failures of Just War Theory: Terror, Harm, and Justice" (2003 draft), pp. 1-34

**Session 8: November 6****Collective Agency***Presentation: Waheed Hussain*

Thomas Hobbes, "Of Persons, Authors, and Things Personated" (Ch. 16), in *Leviathan*, ed. C.B. McPherson (Baltimore: Penguin Books, 1968), pp. 217-22

Christine Korsgaard, "The Unity of Agency," in *Creating the Kingdom of Ends* (Cambridge: Cambridge Univ. Press, 1996), pp. 369-74

Ronald Dworkin, "Community Personified," in *Law's Empire* (Cambridge, MA: Belknap Press of Harvard Univ. Press, 1986), pp. 167-75

Joel Feinberg, "Collective Responsibility" (Ch. 9), in *Doing and Deserving* (Princeton, NJ: Princeton Univ. Press, 1970), pp. 222-51

**Session 9: November 13****Commodification and the Market***Presentation: Ian MacMullen*

Elizabeth Anderson, *Value in Ethics and Economics* (Cambridge, MA: Harvard Univ. Press, 2000), pp. 8-16, 141-47, 154-56, 164-67

Michael Walzer, *Spheres of Justice* (New York: Basic Books, 1983), pp. 6-22, 95-103

Richard Epstein, "Organ Transplants: Is Relying on Altruism Costing Lives?" *The American Enterprise* 4:6 (November/December, 1993), pp. 52-57



**Session 10: November 20****Desert**

Presentation: Kyla Ebels-Duggan

Christine Korsgaard, "Creating the Kingdom of Ends: Reciprocity and Responsibility in Personal Relations" (Ch. 7), in *Creating the Kingdom of Ends* (Cambridge: Cambridge Univ. Press, 1996), pp. 188-221

T.M. Scanlon, "Responsibility" (Ch. 6), in *What We Owe to Each Other* (Cambridge, MA: Belknap Press of Harvard Univ. Press, 1998), pp. 248-94, 399-402

**Session 11: December 4****Equality**

Presentation: Noah Dauber

John Roemer, "Equality of Opportunity: A Progress Report," *Social Choice and Welfare* 19:2 (April, 2002), pp. 455-71

T.M. Scanlon, "A Good Start," *Boston Review* 20:2 (April, 1995)

Mattias Risse, "What Equality of Opportunity Could Not Be," *Ethics* 112:4 (July, 2002), pp. 720-47

John Roemer, "Defending Equality of Opportunity," *The Monist* 86:2 (2003), pp. 261-82

**Session 12: December 11****Justice, Responsibility, and Health**

Presentation: Sandra Badin

Allen Buchanan, "Genes, Justice, and Human Nature" (Ch. 3), in *From Chance to Choice: Genetics and Justice* (Cambridge: Cambridge Univ. Press, 2000), pp. 61-103

Allen Buchanan, "Genetic Intervention and the Morality of Inclusion" (Ch. 7), in *From Chance to Choice: Genetics and Justice* (Cambridge: Cambridge Univ. Press, 2000), pp. 258-303

**SPRING 2004****Session 13: February 5****Presentations**

Ian MacMullen, "Education for Autonomy: the Role of Religious Primary Schools"

Waheed Hussain, "Politics and Political Autonomy"

**Session 14: February 12****Presentations**

Noah Dauber, "Reasons and Causes in Political Science"

Arthur Applbaum, "Legitimacy in a Bastard Kingdom"

**Session 15: February 19****Presentations**

Sandra Badin, "Kymlicka's Liberal Theory of Multicultural Rights: A Critical Examination of the Failed Promise"

Kyla Ebels Duggan, "The Hobbesian Agent and the Bondage of Self-Interest"

**Session 16: February 26****Respect, Autonomy, and Freedom**

Presentation: Sandra Badin

Avishai Margalit, "Justifying Respect" (Ch. 4) and "The Skeptical Solution" (Ch. 5), in *The Decent Society* (Cambridge, MA: Harvard Univ. Press, 1996), pp. 57-88

Joseph Raz, "Autonomy and Pluralism" (Ch. 14) and "Freedom and Autonomy" (Ch. 15), in *The Morality of Freedom* (Oxford: Oxford Univ. Press, 1986), pp. 369-429

**Session 17: March 4*****Equal Political Liberties***

Presentation: Waheed Hussain

Ronald Dworkin, "Political Equality" (Ch. 4), in *Sovereign Virtue: The Theory and Practice of Equality* (Cambridge, MA: Harvard Univ. Press, 2000), pp. 184-210

Joshua Cohen, "Procedure and Substance in Deliberative Democracy" (Ch. 13), in *Deliberative Democracy: Essays on Reason and Politics* (Cambridge, MA: MIT Press, 1987), pp. 407-37

**Session 18: March 11*****Constitutionalism and Democracy***

Presentation: Noah Dauber

Jeremy Waldron, "The Constitutional Conception of Democracy" (Ch. 13), in *Law and Disagreement* (New York: Oxford Univ. Press, 1999), pp. 282-312

Ronald Dworkin, excerpts from "Introduction," in *Freedom's Law* (Cambridge, MA: Harvard Univ. Press, 1996), pp. 7-35

**Session 19: March 18*****Public Reason***

Presentation: Kyla Ebels Duggan

John Rawls, "The Idea of Public Reason Revisited" (Ch. 26), in *Collected Papers* (Cambridge, MA: Harvard Univ. Press, 1999), pp. 573-615

Christopher J. Eberle, "The Ideal of Conscientious Engagement" from "What Respect Requires" (Ch. 4) and excerpts from "What Respect Does Not Require" (Ch. 5), in *Religious Conviction in Liberal Politics* (Cambridge: Cambridge Univ. Press, 2002), pp. 104-28, 140-51, 358-70

**Session 20: March 25*****Religious Tolerance and Accommodation***

Presentation: Ian MacMullen

Brian Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism* (Cambridge, MA: Harvard Univ. Press, 2001), pp. 32-50, 166-67, 171-73, 179-87

William Galston, "Freedom of Association and Expressive Liberty" (Ch. 9), in *Liberal Pluralism: The Implications of Value Pluralism from Political Theory and Practice* (Cambridge: Cambridge Univ. Press, 2002), pp. 110-23

H.N. Hirsh, "Let Them Eat Incidentals: RFRA, the Rehnquist Court, and Freedom of Religion" (Ch. 9), in Nancy Rosenblum (ed.), *Obligations of Citizenship and Demands of Faith: Religious Accommodation in Pluralist Democracies* (Princeton, NJ: Princeton Univ. Press, 2000), pp. 280-91

**Session 21: April 8*****Multiculturalism and Group Rights***

Presentation: Sandra Badin

Austin Sarat and Roger Berkowitz, "Disorderly Differences: Recognition, Accommodation, and American Law," *Yale Journal of Law and Humanities*, 6 (Summer, 1994), pp. 285-316

Jeremy Waldron, "One Law for All? The Logic of Cultural Accommodation," *Washington and Lee Law Review* 59 (Winter, 2002), pp. 3-35

**Session 22: April 15*****Law of Peoples***

*Presentation: Waheed Hussain*

Charles Beitz, “Rawls’s Law of Peoples,” *Ethics* 110 (July 2000), pp. 669-96

John Rawls, “Human Rights” (§10), “Just War Doctrine: The Right to War” (§13), “Burdened Societies” (§15), and “On Distributive Justice Among Peoples” (§16), in *Law of Peoples* (Cambridge, MA: Harvard Univ. Press, 1999), pp. 78-81, 89-94, 105-20

**Session 23: April 22*****Ethics of the Academy***

*Presentation: Noah Dauber*

William G. Bowen and Derek Bok, “Summing Up” (Ch. 10), in *The Shape of the River* (Princeton, NJ: Princeton Univ. Press, 1998), pp. 275-90

Stacy Berg Dale and Alan B. Krueger, excerpts from “Estimating the Payoff to Attending a More Selective College: An Application of Selection on Observables and Unobservables,” *NBER Working Paper Series* (August, 1999), No. 7322, pp. 23-31

**Session 24: April 29*****Non-Ideal Theory***

*Presentation: Kyla Ebels-Duggan*

John Rawls, “Two Principles of Justice” (§12) and “The Priority of Liberty Defined” (§39), in *A Theory of Justice* (Cambridge, MA: Belknap Press of Harvard Univ. Press, 1999), pp. 60-65, 243-51

Christine Korsgaard, “The Right to Lie: Kant on Dealing With Evil” (Ch. 5), in *Creating the Kingdom of Ends* (Cambridge: Cambridge Univ. Press, 1996), pp. 133-58

Tamar Schapiro, “Compliance, Complicity, and the Nature of Nonideal Conditions,” *The Journal of Philosophy* 100:7 (July, 2003), pp. 329-55

**Session 25: May 6*****Presentations***

Sandra Badin, “Culture and Self Respect”

Frances Kamm, “The Separateness of Persons and Personal Identity: Some Theoretical and Practical Issues”

**Session 26: May 13*****Presentations***

Waheed Hussain, “Democratic Capitalism and Respect for the Value of Freedom”

Michael Blake, “Two Models of Equality and Responsibility” (co-written with Mathias Risse)

**Session 27: May 20*****Presentations***

Ian MacMullen, “Autonomy as a Goal of Liberal Education Policy”

Noah Dauber, “The Possibility of a Science of Politics in the Early Scholastics”

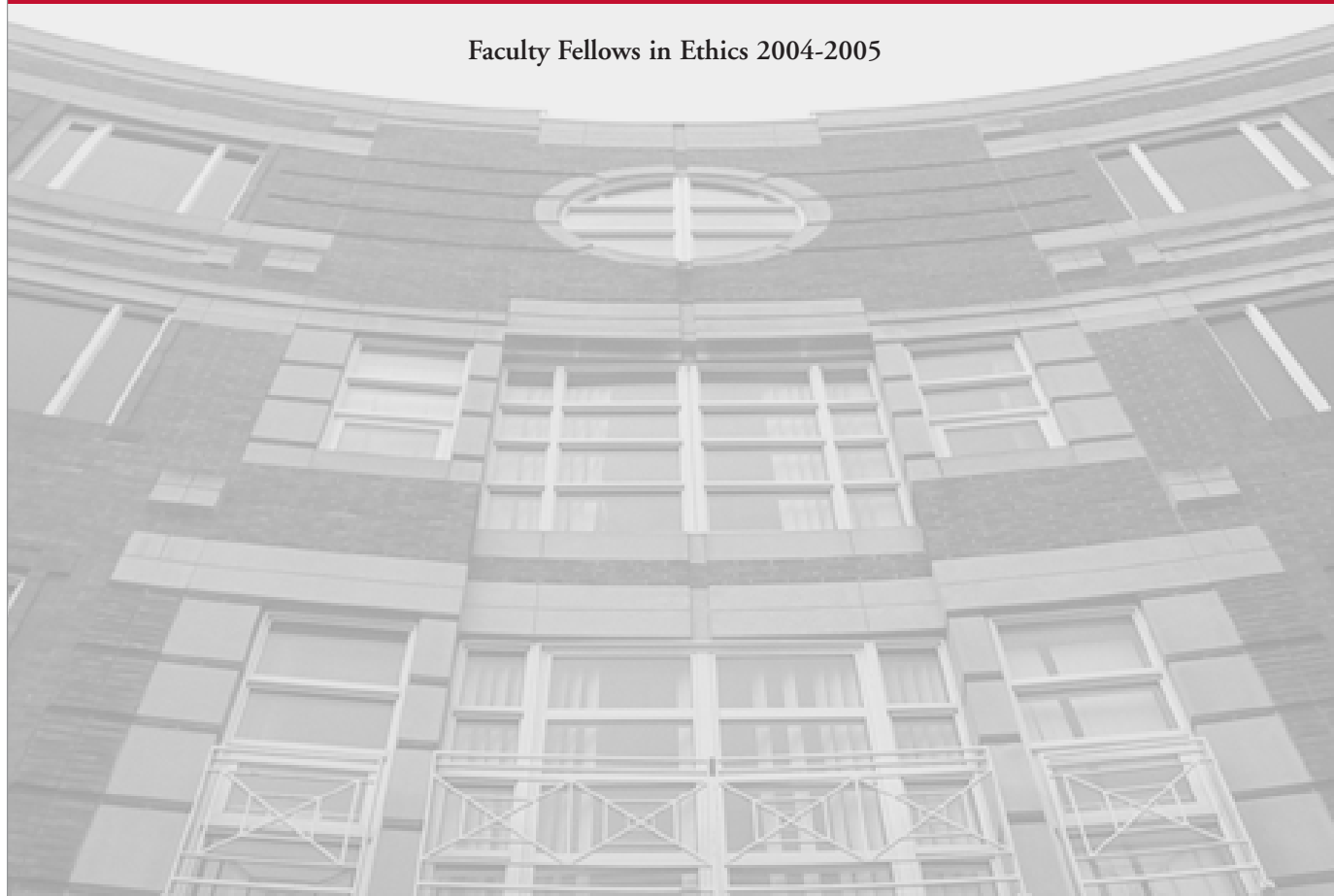
**Session 28: May 27*****Presentations***

Arthur Applbaum, “Forcing a People to Be Free”

Kyla Ebels Duggan, “The Beginning of Community: Politics in the Face of Disagreement”

## APPENDIX VI

Faculty Fellows in Ethics 2004-2005



**JENNIFER S. HAWKINS** is Assistant Professor of Philosophy at the University of Toronto. She received her BA from Reed College, and her MA and PhD in Philosophy from Princeton University. Following graduation, she held a postdoctoral fellowship in the Department of Clinical Bioethics at the National Institutes of Health. Hawkins has interests in both philosophical ethical theory and medical ethics. Her theory interests include philosophical approaches to well being, autonomy, and practical reasoning; and her interests in medical ethics focus on clinical research ethics and medical decision making more generally. She is completing a book, *Exploitation and the Dilemmas of Multi-National Clinical Research*, on which she is both a contributor and a coeditor. During the fellowship year, she will work on a series of papers that focus on the concept of well being and its role both in ethical theory and in medical ethics.

**DEBORAH HELLMAN** is Professor of Law at the University of Maryland School of Law. She received her BA from Dartmouth College, MA in Philosophy from Columbia University and JD from Harvard Law School. She was a Graduate Fellow in Ethics in 1992-93. Hellman's research focuses on articulating a theory of discrimination that would describe criteria for distinguishing wrongful from permissible discrimination. Her recent related publications include "What Makes Genetic Discrimination Exceptional?" *American Journal of Law & Medicine*, 2003; "Judging by Appearances: Professional Ethics, Expressive Government, and the Moral Significance of How Things Seem," *Maryland Law Review*, 2001; and "The Expressive Dimension of Equal Protection," *Minnesota Law Review*, 2000. During the fellowship year, she will develop a book that argues that it is the social meaning or expressive dimension of governmental action that ought to matter in determining both its moral and legal permissibility. *Hellman has been named the Eugene P. Beard Faculty Fellow in Ethics.*

**SIMON KELLER** is Assistant Professor of Philosophy at Boston University, where he has taught since receiving his PhD from Princeton in 2002. He was an undergraduate at Monash University, from which he received a BA and a BSc. His main interests are in ethics and political philosophy, and he has also published on topics in metaphysics and the history of philosophy. During the fellowship year, he will work on a book about the differences in nature and moral significance between different kinds of love, including romantic love, filial love, and patriotism. Among Keller's recent and forthcoming publications are "Welfare and the Achievement of Goals," *Philosophical Studies*, 2004; "On What Is the War on Terror?" *Human Rights Review*, 2004; and "Presentism and Truthmaking," *Oxford Studies in Metaphysics*, Oxford University Press, 2004.

**CATHERINE LU** is Assistant Professor of Political Science at McGill University in Montreal. She received her BA and MA from the University of British Columbia, and her PhD from the University of Toronto. She is interested in international political theory and ethics, cosmopolitanism and its critics, and the relationship between philosophy and literature. During her fellowship year, she will work on a book entitled, *Great Transformations: Moral Regeneration in World Politics*, about the normative issues of justice and reconciliation after international violence, atrocity, war and oppression. Her publications include "Justice and Moral Regeneration: Lessons from the Treaty of Versailles," *International Studies Review*, 2002; "Human Wrongs and the Tragedy of Victimhood," *Ethics and International Affairs*, 2002; "The One and Many Faces of Cosmopolitanism," *Journal of Political Philosophy*, 2000; and "Images of Justice: Justice as a Bond, a Balance and a Boundary," *Journal of Political Philosophy*, 1998.

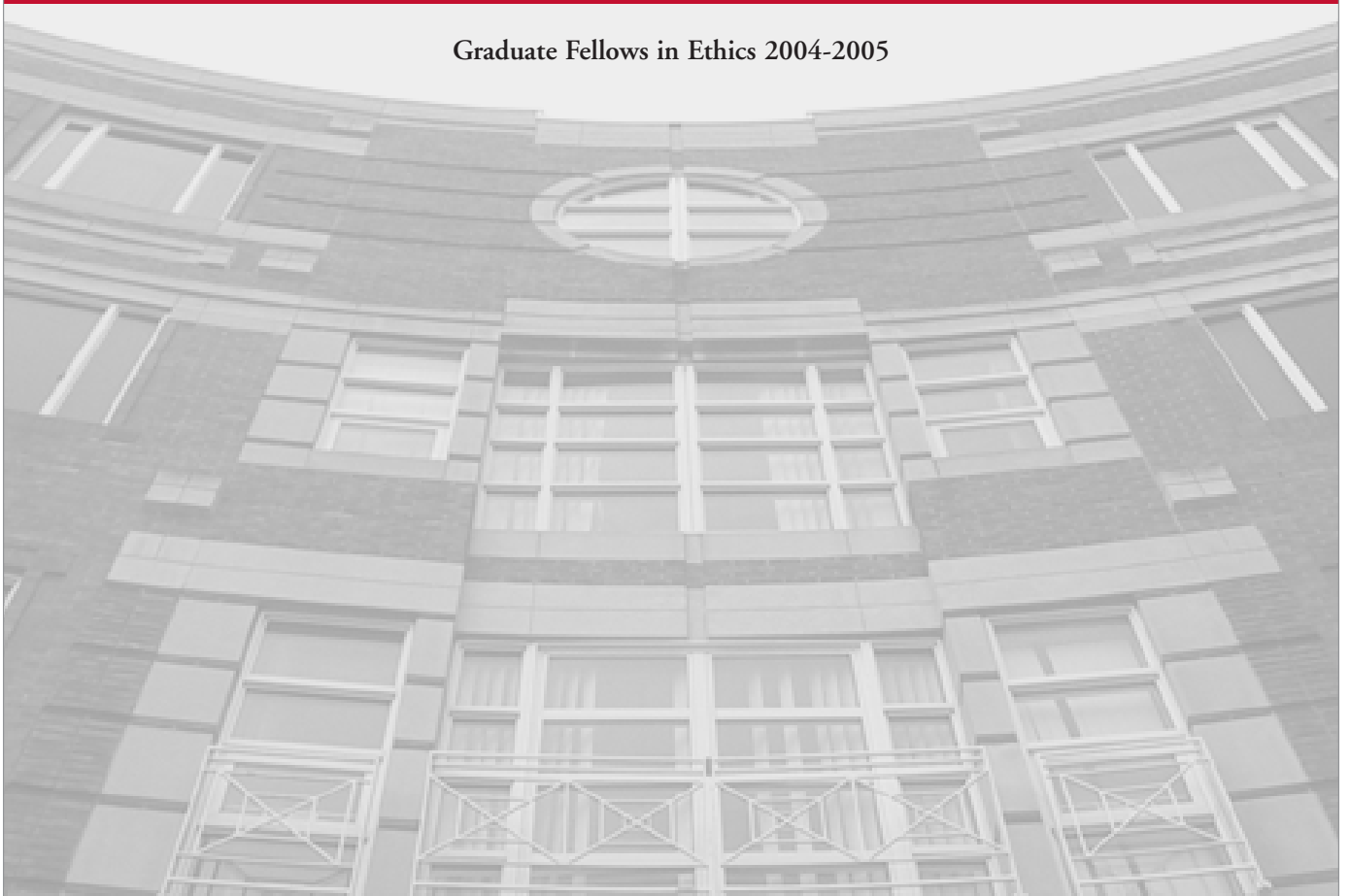


**KENNETH MACK** is Assistant Professor of Law at Harvard Law School, where he has taught since the 2000-2001 academic year. His scholarly work focuses on the relationship between identity and civil rights lawyering in the early twentieth century United States. His work has been published in the *Cornell Law Review*, *Law and Social Inquiry*, and has been reprinted in several anthologies of interdisciplinary legal scholarship. He earned a BS in Electrical Engineering from Drexel University, a JD from Harvard Law School, and an MA in History from Princeton University. During the fellowship year, he will work on several chapters of a book about the role of professional and middle class identity in creating the modern day civil rights lawyer.

**ANGELO VOLANDES**, MD, is a practicing internal medicine physician. He received his BA in philosophy from Harvard College and his medical degree from the Yale School of Medicine. His first prize senior thesis at Yale was a film documentary entitled, *Illness As Experience*, which explored the social dimensions of illness and the patient-doctor relationship. An interdepartmental project with the Yale School of Medicine and the Yale Film Studies Program, the documentary is used in medical schools, hospitals, and university classes. Following medical school, Dr. Volandes completed a residency in internal medicine at the University of Pennsylvania. He has written on various aspects of the patient-doctor relationship and, during the fellowship year, he will research end-of-life care for patients with Alzheimer's disease. *Volandes has been named the Edmond J. Safra Faculty Fellow in Ethics.*

# APPENDIX VII

Graduate Fellows in Ethics 2004-2005



**HÉLÈNE EMILIE LANDEMORE** is a PhD student in political theory in the Government department. Her dissertation is on the notion of probability and risk in moral and political judgments. Her interests include the tension between objective and subjective probability and which of these should be the basis for decisions in ethical and political questions, particularly those related to the fairness of contracts; and the epistemology of social sciences and questions of global justice, especially the question of a world state. Landemore graduated from the Ecole Normale Supérieure and the Institute of Political Sciences (Sciences Po) in Paris. Her DEA of Philosophy (Diplôme d'Etudes Approfondies) was "Hume: Probability and Reasonable Choice" (forthcoming in Presses Universitaires de France). At Harvard she has been a Visiting Fellow, and a teaching fellow for courses in political and moral philosophy.

**AMALIA AMAYA NAVARRO** is an SJD candidate at Harvard Law School and a PhD candidate in philosophy of law at the European University Institute. Her dissertation develops a coherentist model of legal reasoning. By drawing on coherence theories of moral and epistemic justification, she analyses the concept of legal coherence, its role in legal argument, and the relationship between coherence, truth, and rightness in adjudication. She holds an LLB from the University of Alicante Law School, where she received the Juan Sempere Sevilla Award as the Best Student in Law; a BA in Linguistics from the University of Barcelona, where she received the Extraordinary Prize; an LLM in Comparative, European, and International Law from the European University Institute; and an LLM from Harvard Law School. She was a teaching fellow at Harvard for a course in Epistemology. She is a Clark Byse Fellow at Harvard Law School, and teaches a workshop on Reasoning About Evidence in Law.

**JAPA PALLIKATHAYIL** is a PhD candidate in philosophy. Her interests are in moral philosophy, political philosophy and the philosophy of action. In her dissertation, which examines the nature and normative status of coercion, she is developing an account of when and why it is wrong for one person to coerce another. She will draw on this to examine possible justifications for the state's use of coercive power against citizens, which will ultimately yield an account of the proper limits on the state's use of coer-

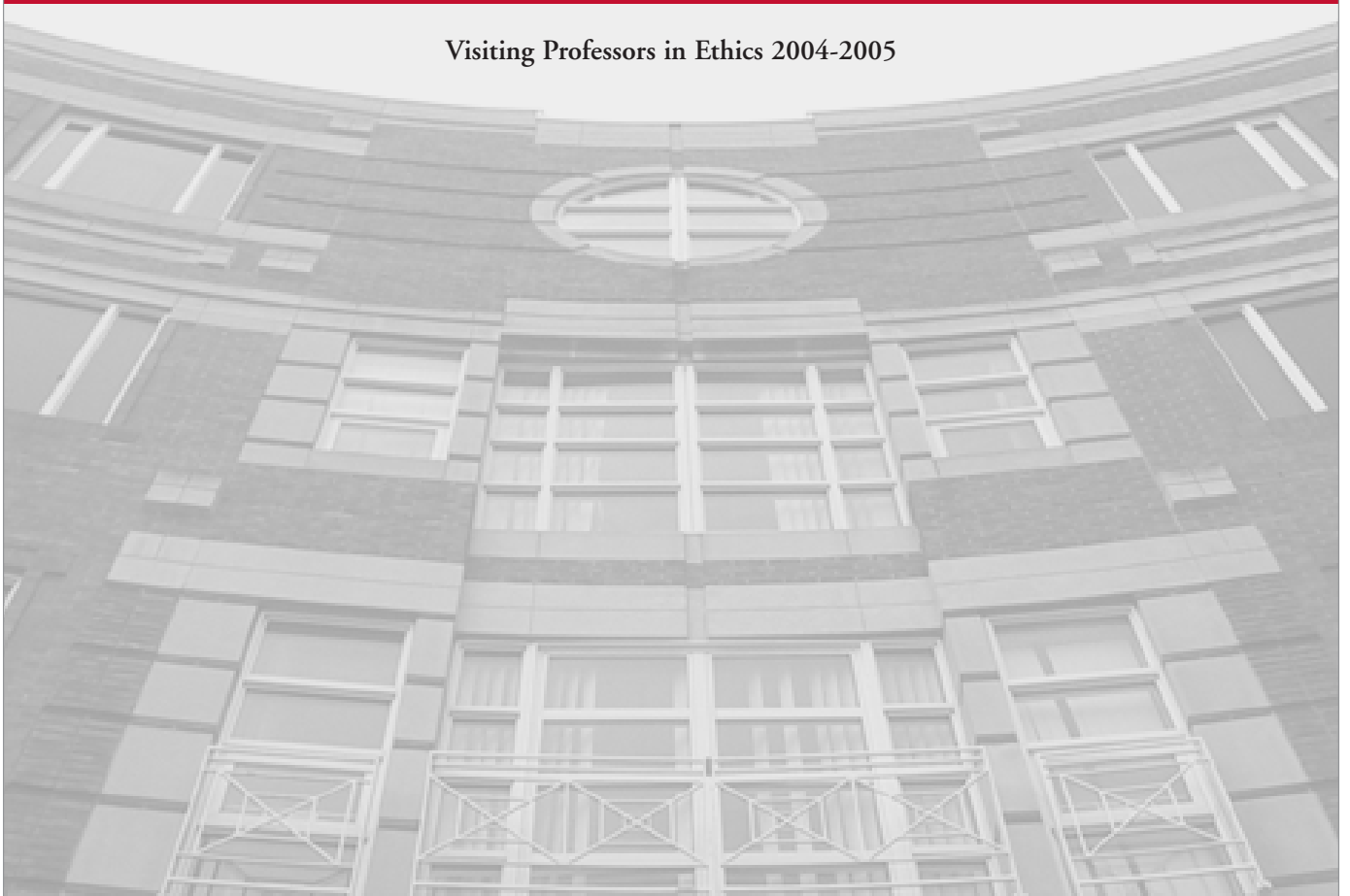
cive power. Pallikkathayil holds a BA in philosophy and government, *summa cum laude*, from Georgetown University. At Harvard, she has been a teaching fellow for classes in political philosophy and moral reasoning.

**SIMON RIPPON** is a PhD candidate in philosophy. His dissertation research centers on whether Rawls-style reflective equilibrium is sufficient for claiming warrant for our moral beliefs, or whether actual or possible disagreement under those conditions can undermine our claims to warrant. The dissertation will examine whether, if disagreement may undermine justification, concepts of moral truth and moral realism might or should be thought of as dependent on the concept of idealized agreement. Simon holds a BA with Honors in Philosophy and Theology from Oxford University, and has taught core and philosophy department classes at Harvard in moral theory, contemporary political philosophy, metaethics, and evolutionary ethics.

**ANNIE STILZ** is a PhD candidate in government. Her dissertation investigates questions of authority, obligation, and political legitimacy. She is interested in whether we can give an account of legitimacy and obligation that is not a patriotic account—one that does not invoke or rely upon shared passions or sentiments in citizens. She argues that the pervasive character of disagreement in modern societies makes a rational-justificationist approach to legitimacy unlikely to succeed, and aims to defend an alternative approach based on common sentiments. Stilz's interests are in modern moral and political philosophy and in the history of political thought, particularly in the seventeenth and eighteenth centuries. She graduated from the University of Virginia with a BA in political and social thought and in French literature. At Harvard, she has served as a teaching fellow for courses on slavery and political thought, rights, and for the tutorial in Social Studies, receiving three Certificates of Excellence from the Derek Bok Center for Teaching and Learning. She is a resident tutor in Government at Pforzheimer House.

## APPENDIX VIII

Visiting Professors in Ethics 2004-2005



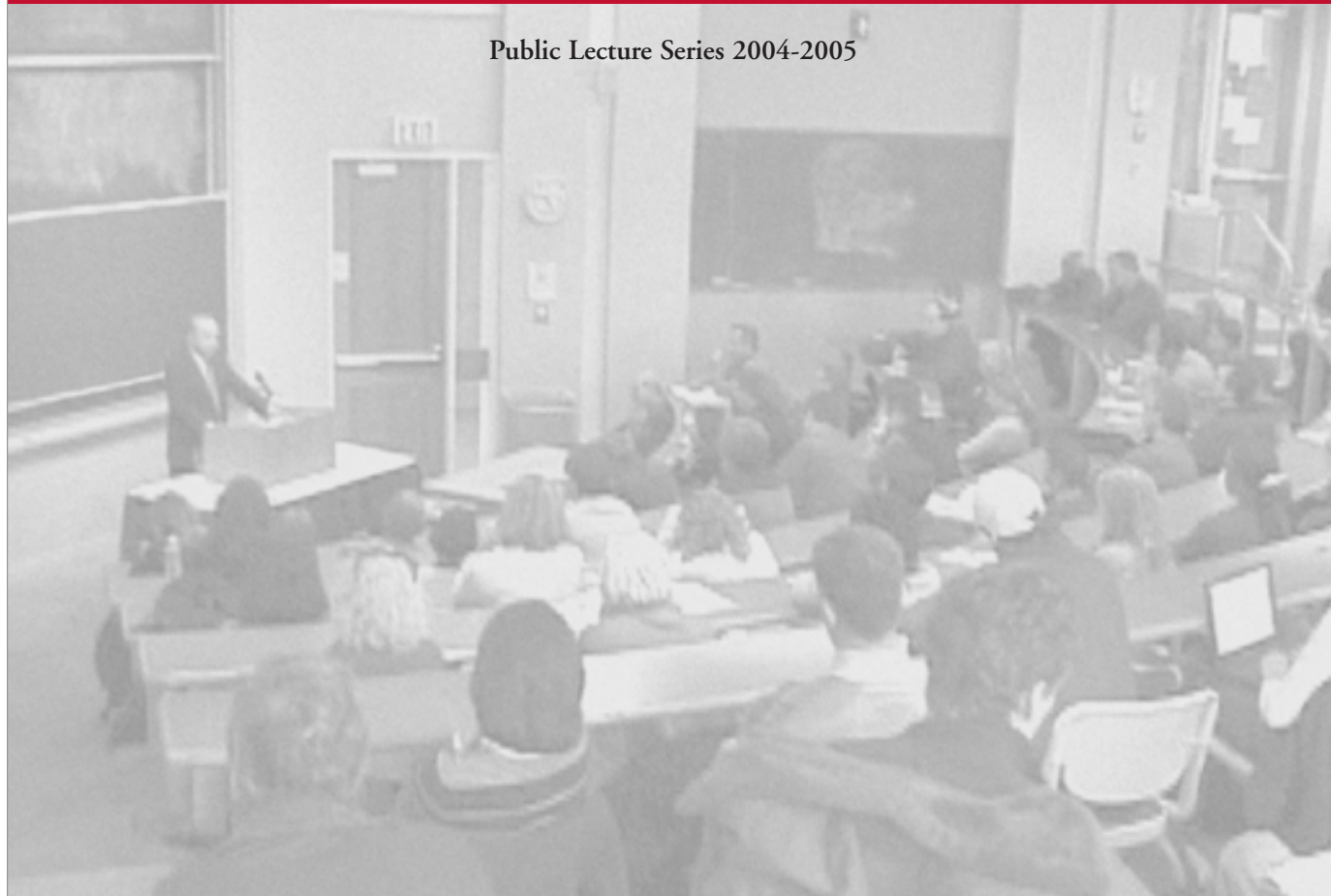
**MICHAEL BLAKE** is Assistant Professor of Public Policy and Philosophy at the John F. Kennedy School of Government. His research focuses on social and political philosophy, with an emphasis on the relationship between social justice and group membership. He is writing a book on multicultural politics titled *The Politics of Survival: Liberalism, Tolerance, and Multiculturalism*. He has also published work on international distributive justice, international criminal adjudication, and immigration. From 1998 to 2002, he was Assistant Professor in the Department of Philosophy at Harvard. In 2001-2002 he was a Laurance S. Rockefeller Fellow at the Center for Human Values at Princeton University. He received his PhD from Stanford University, his legal training from Yale Law School, and a BA in Economics and Philosophy from the University of Toronto. Blake has been a Visiting Professor in Ethics since 2002, and is a Faculty Associate in Ethics. In 2004-2005 he will direct the Graduate Fellows seminar.

**FREDERICK SCHAUER** is Frank Stanton Professor of the First Amendment at the John F. Kennedy School of Government and former Academic Dean of the School. He focuses on constitutional law, freedom of speech and press, international legal development, and the philosophical dimensions of law and rules. Formerly Professor of Law at the University of Michigan, Chair of the Section on Constitutional Law of the Association of American Law Schools, and Vice President of the American Society for Political and Legal Philosophy, Schauer is a Fellow of the American Academy of Arts and Sciences, and is the recipient of a Guggenheim Fellowship. His books include *The Law of Obscenity*; *Free Speech: A Philosophical Enquiry*; *Playing by the Rules: A Philosophical Examination of Rule-Based Decision-Making in Law and in Life*; *The First Amendment: A Reader*; and *Profiles, Probabilities, and Stereotypes*. He has worked on legal development throughout the world, and his scholarship has been the subject of a book and four special issues of law journals.



## APPENDIX IX

Public Lecture Series 2004-2005



## FALL

**OCTOBER 28****Thursday, 4:30 p.m.*****The Boundary of Law*****Liam Murphy**Professor of Philosophy and Professor of Law  
New York University

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**UNIVERSITY TANNER LECTURES  
ON HUMAN VALUES**

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**NOVEMBER 17 & 18****Wednesday and Thursday, 4:30 p.m.****Lowell Lecture Hall*****Our Democratic Constitution*****The Honorable Stephen Breyer***Justice, Supreme Court of the United States***Commentators:** Robert George, McCormick Professor of Jurisprudence, Princeton University, and Gordon Wood, Alva O. Way University Professor and Professor of History, Brown University**NOVEMBER 19****Friday, 9:00 – 12:00 noon****Wiener Auditorium, Kennedy School  
of Government**

Tanner Summary Session with Justice Stephen Breyer, Robert George, and Gordon Wood

**Moderator:** Charles Fried, Beneficial Professor of Law, Harvard Law School*Tanner events cosponsored with the Office of the President***DECEMBER 8****Wednesday, 4:30 p.m.****Location to be announced*****Beyond the Harm Principle*****Arthur Ripstein**Professor of Law and Philosophy  
University of Toronto

## SPRING

**FEBRUARY 24****Thursday, 4:30 p.m.*****The Ethics of Nation Building*****Noah Feldman**Assistant Professor of Law, New York University  
School of Law**MARCH 10 & 11****Thursday and Friday****Location and time to be announced*****Conference on Moral Leadership and  
the Right to Rule****Cosponsored with the Stanford University Center on Ethics, the Harvard Business School, and the Kennedy School of Government's Center for Public Leadership, Hauser Center for Nonprofit Management, and Center for Business and Government***APRIL 21****Thursday, 4:30 p.m.*****Topic to be announced*****Seana Shiffrin**

Associate Professor of Philosophy and Professor of Law, University of California Los Angeles

Unless otherwise noted, lectures will be held at 4:30 p.m. in Starr Auditorium, Kennedy School of Government. They are free and open to the public: no ticket required. For more information, please call 617-495-1336 or visit the website: [www.ethics.harvard.edu](http://www.ethics.harvard.edu). To receive e-mail reminders about individual lectures throughout the year, please contact the Center at [ethics@harvard.edu](mailto:ethics@harvard.edu).



“This generous gift will assist the Ethics Center in building on its early successes, encouraging younger scholars, inspiring new leaders of ethics in every profession, and strengthening cross faculty collaboration at the University. It will ensure that moral reflection about public issues and professional life will always have a place in scholarship and teaching at Harvard.”

— *Stephen Hyman*, Provost, June 2004

Extract from the press release announcing the gift to the Ethics Center from the Edmond J. Safra Philanthropic Foundation

