



Harvard University

The Edmond J. Safra Foundation
CENTER FOR ETHICS

ANNUAL REPORT 2004–2005

**HARVARD UNIVERSITY
EDMOND J. SAFRA FOUNDATION
CENTER FOR ETHICS**

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Report of the Acting Director 2004-2005

Arthur Isak Applbaum

WHEN DENNIS THOMPSON ENTRUSTED the Center to me for the year, I did not promise not to break anything—only not to break anything that he couldn't fix upon his return. I am pleased to report in this swan song to my brief acting career that no damage has been done that a fresh coat of paint cannot remedy.

We began the year under a proud new banner: The Edmond J. Safra Foundation Center for Ethics. The name change recognizes an extraordinary gift from the Edmond J. Safra Foundation and is a tribute to the ongoing friendship between the Center and the Foundation's chair, Lily Safra. Lily took an early interest in the Center's activities, particularly in the education of our graduate fellows, and has initiated a number of gifts to support the work of our fellows. This most recent gift of ten million dollars (along with the prior substantial bequest of Lester Kissel) will endow the present core activities of the Center in perpetuity.

Ethics Center watchers also will note that our new title no longer includes "and the Professions." This does not signal a change in policy or direction. The study of ethics in the various professions will continue undiminished as a major focus of our activities, and we will continue to deepen our mutually rewarding connections with the professional school faculties at Harvard. Rather, the more general name recognizes what has been true for many years. From the beginning, we have played the role of the University's ethics center unmodified. Our fellows, faculty, and speakers always have addressed practical normative questions in politics, public policy, law and society that range beyond professional ethics as ordinarily understood. Our portfolio of activities includes the Tanner Lectures on Human Values, the new Ethics and Health Interfaculty Program, a new project on intervention and human rights, a conference on the right to rule, and an upcoming conference on equality and the global order. The research of the six Harvard Faculty Associates added this year range from the ethics of warfare to the neuroscience of moral reasoning.

This is a fitting time to mark our broader ambitions in our title.

Visitors to the Center also will note the completion of a long-overdue renovation to our suite of offices, done on time within budget under the discriminating eye of our designer-in-residence, Kim Tseko. The graduate fellows' carrels are now enclosed, the reception area is more inviting, and a cradle-of-democracy-evoking palette of green olive tapenade and double decaf latte now masks the utilitarian harshness of dirty-handed white.

Along with the fresh name and fresh paint, this was a year for fresh activities. Common to most of our new ventures is that they are joint ventures. In keeping with the founding vision of President Derek Bok, the Ethics Center has leveraged its efforts by drawing upon the formidable intellectual resources of Harvard—resources that, in large measure, were seeded by the Center's past successes in recruiting and developing an outstanding ethics faculty across the University.

The Ethics and Health Interfaculty Program under the direction of Dan Brock was launched this year with a flurry of events. The first class of postdoctoral fellows has been selected for the coming year, five working groups on topics such as global aging and the ethics of research have begun their work, and a series of distinguished scholars have given invited lectures. Brock reports on the activities of the Ethics and Health Program in detail below (see *Ethics in the Schools*), so I will simply say what he, in modesty, will not: the senior scholars who are steering this program—Dan Brock, Allan Brandt, Norman Daniels, Frances Kamm, Robert Truog, and Daniel Wikler—are making Harvard the unrivaled leader in the ethics of health. Five of the six, I can't help mentioning, are former Faculty Fellows in Ethics.

The Ethics Center and the Carr Center for Human Rights Policy teamed up to host the Intervention Seminar chaired

by me and Michael Ignatieff, Director of the Carr Center. This forum for innovative scholarship on the use (and abuse) of force to promote human rights and democracy attracted a lively and faithful audience of faculty and students, and we plan to continue in the fall. Princeton University Press is interested in publishing a collection of papers presented at the seminar. (See below for speakers and topics.) On another Kennedy School front, the Center helped sponsor an important case study, “Piloting a Bipartisan Ship: Strategies and Tactics of the 9/11 Commission.”

We collaborated with a number of other centers—the Kennedy School’s Center for Public Leadership, the Center for Business and Government, the Hauser Center for Nonprofit Management, the Harvard Business School Leadership Initiative, and the Stanford University Center for Ethics—to sponsor a conference entitled “Moral Leadership and the Right to Rule.” As part of this conference, I moderated a day-long philosophical exploration of current problems in political legitimacy: the legitimacy of new state foundings, of majoritarian rule, of international law and institutions, and of international intervention. (See below for the program.)

The highlight of the year’s public events was the Tanner Lectures on Human Values, cosponsored with the President’s Office. They were delivered by Stephen Breyer, Associate Justice of the U.S. Supreme Court (and former Harvard Law School professor), and were entitled “Our Democratic Constitution.” Justice Breyer not only unveiled his theory of the Constitution, but also revealed a judicious temperament that was itself inspiring. Robert George of Princeton and Gordon Wood of Brown gave provocative commentary, and President Larry Summers, Jeremy Knowles, Charles Fried, and I took turns presiding over the various feasts for mind and stomach. (An audio recording of the Tanner Lectures is available from the Center.)

The Center continues its mission to cultivate younger scholars at Harvard, and our success in this endeavor is measured in part by their success. I am happy to report that two Center alumnae have earned senior faculty positions at Harvard this year. Heather Gerken, a former Faculty Fellow, was promoted to tenure at Harvard Law

School. Gerken is an elections law expert whose insightful public commentary illuminated the 2000 presidential election controversy. Samantha Power, a former Graduate Fellow, was appointed Professor of Practice at the Kennedy School. Power, who won the 2003 Pulitzer Prize for her book on America’s responses to genocide, *A Problem from Hell*, most recently won a National Magazine Award for her *New Yorker* article, “Dying in Darfur.” Mathias Risse, another former Faculty Fellow whose extraordinary range spans formal theories of collective choice, issues in global justice, and Nietzsche scholarship, was promoted to Associate Professor of Public Policy and Philosophy at the Kennedy School.

As for other noteworthy alumni news, Alan Wertheimer, a former Fellow and Visiting Professor at the Ethics Center and a leading scholar of coercion and exploitation, retired after thirty-seven years at the University of Vermont. He will take up a position in the Department of Bioethics at the National Institutes of Health, directed by another Center alumnus, Zeke Emanuel. Alan had recently pioneered an innovative ethics course required of all Vermont undergraduates. Both Dennis Thompson and I delivered lectures at his retirement celebration (yes, that is how ethicists celebrate).

The Ethics Center periodically invites Harvard faculty members with strong interests in normative questions to serve as Faculty Associates. Though we warn in our invita-

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
Edmond J. Safra Philanthropic Foundation

tions that the appointment confers no rights, our Faculty Associates take up the modest responsibilities of the role with cheer, attending our events and serving as informal mentors to our fellows. This year, we added six Faculty Associates, for a total of forty-six. The new additions are Howard Gardner, John H. and Elizabeth A. Hobbs Professor of Cognition and Education; Marc Hauser, Harvard College Professor, Professor of Psychology and Program in Neurosciences; Stanley Hoffmann, Paul and Catherine Buttenwieser University Professor; Michael Ignatieff, Carr Professor of Human Rights Practice; Frank Michelman, Robert Walmsley University Professor; and Tommie Shelby, John L. Loeb Associate Professor of the Social Sciences.

Having written a book on the subject, I can claim some expertise about the morality of roles. But performing well in a role—especially a role created by Dennis—takes more than book learning. With apologies to the junior Senator from New York, it takes more than a village. What it takes is the support of good people engaged in good practices in a good institution. I have relied this year on the wisdom of the Center's Faculty Committee, on Fred Schauer and Michael Blake's intellectual leadership in our fellows seminars, and on the skill and will of a hard-working staff, headed by St. Jean McVeigh. To all of them, I am grateful.

The Current Faculty Fellows

From our opening lunch to the final roast, this year's fellows showed themselves to be well-matched complements: a practicing physician and a philosopher who both work on end-of-life decisions for impaired patients; a constitutional scholar developing an account of discrimination and a legal historian interpreting the antecedents of the civil rights movement; a philosopher troubled by political loyalty and a political theorist hopeful about moral regeneration after political atrocities. So helpful were the fellows to each other that they persisted in meeting informally throughout much of the summer without the inducement of a free lunch.

In addition to our usual sessions on the morality of roles and ethics of the various professions, this year emphasized two themes. One sequence investigated the nature and normative implications of group agency. The other explored connected topics in political philosophy and international ethics. The year's momentous headlines,

I came away from the experience with a renewed appreciation of the way in which philosophical discussion is importantly informed by a diversity of examples, factual questions, and concrete settings.

— Fred Schauer, Visiting Professor in Ethics

from the U.S. presidential election to the latest news from Iraq, provided plenty of material for our informal discussions, over lunch, of the ethics of current events.

Fred Schauer, Frank Stanton Professor of the First Amendment at the Kennedy School, served with commitment and insight as the Visiting Professor in the group. Though a legal theorist by profession and inclination, Fred was very good at not letting unexamined empirical assumptions around the table go unchallenged. His lively presentations on generality, on the authority of international law, and on the social construction of the concept of law were each directly relevant to the research interests of one or another of our fellows.

Jennifer Hawkins, a philosopher, brought together her abstract concerns about the nature of well-being with concrete problems about consent in experimentation and in medical treatment. She completed two papers on the ethics of clinical trials, wrote a paper advancing an account of well-being that requires a psychological account of good mental health, and another paper that challenges Ronald Dworkin's views about the primacy of prior directives over the current interests of the incompetent. Jennie, whose work on medical experimentation began while a Fellow at the National Institutes of Health in Zeke Emanuel's program, returns to her position in the Philosophy Department at the University of Toronto.

Deborah Hellman, a former Graduate Fellow in Ethics and now a law professor at the University of Maryland, completed three substantial chapters of a book on discrimination. Debbie is developing an account of wrongful discrimination that depends neither on bad intentions nor on the inaccuracy of generalizations. Rather, on her view, what makes wrongful discrimination wrongful are the derogatory meanings that are conventionally attached to certain classifications. Debbie, who has uncovered the

hidden secrets of the two-year sabbatical, will be a Woodrow Wilson scholar in Washington, D.C., next year.

Simon Keller is nearing completion of a book manuscript entitled “The Trouble with Loyalty.” He has explored the sorts of things that are possible objects of loyalty and then analyzed the grounds for specific loyalties, such as friendship, filial loyalty, and patriotism. Simon’s dialectic between the abstract and the concrete was entertainingly literal: one of his extended illustrations (and persistent hallway questions) was whether it is possible to be loyal to a hardened mixture of cement, sand, gravel and water. Simon, a native Australian who, to the relief of the Boston philosophical community, fended off recruitment efforts from Monash University, returns to the Philosophy Department at Boston University.

Catherine Lu, a political theorist at McGill University, has nearly completed her book on moral regeneration, an exploration of the experience of victimhood and the practices of punishment and reconciliation in the wake of human rights atrocities. She finished an article on the International Criminal Court and another on war reparations. The Center’s series of talks on intervention, like Proust’s madeleine, reminded her of an unpublished book manuscript in her desk drawer, *Cosmopolitan Interventions*, so Catherine returns to Montreal one book ahead of plan.

Kenneth Mack, a legal historian at Harvard Law School, completed a couple of papers on civil rights lawyering in the decades that preceded *Brown v. Board of Education*. Ken’s work involves a substantial revision of the standard historical account of the interests and aspirations of the early NAACP lawyers, showing that they were not naïve about the likelihood of social change through reform lawyering alone. Ken returns to the Law School in the fall, where he says our sessions on collective responsibility, group agency, and intentionality will help in his scholarship and teaching.



Faculty Fellows Seminar Members Front row, left to right: Debbie Hellman, Ken Mack, Catherine Lu, Fred Schauer Back row, left to right: Angelo Volandes, Arthur Applbaum, Jennifer Hawkins, Simon Keller

Angelo Volandes was our house physician and ethologist of the Harvard undergraduate (with particular attention to behaviors that land freshmen in urgent care after hours). Angelo’s substantial practical experience with impaired decisionmaking among both the young and the old provided motivation and material for his scholarly work on the treatment of the severely demented. Based on both empirical evidence and normative claims, Angelo has argued for a change in the current default rule under which the severely impaired are presumed to want invasive life-extending procedures without specific evidence to the contrary. In the coming year, Angelo will join the faculty of Brigham and Women’s Hospital in the new medical ethics initiative directed by Faculty Associate in Ethics Lisa Lehmann.

As always, the individual reports of the fellows (Appendix I) and the seminar syllabus (Appendix IV) offer the most instructive view of the intellectual life of the Center during the year.

The New Faculty Fellows

The applicants for the 2005-06 fellowships came from forty-five colleges and universities. Overseas applications came from Canada, England, Germany, India, Italy, Kenya, Scotland, and Turkey. The applicants ranged in age from 26 to 59 years, with an average age of 41. As in previous years, more applicants came from philosophy than any other field, followed by political science and government, education, law, business, medicine, and religion. A substantial number of applicants declared other fields of specialization (sometimes in addition to their primary field), including economics, journalism, literature, public health, psychology, social theory, and technology.

The new Faculty Fellows represent medicine, philosophy, political science, and law. **Thomas Cochrane** is a Harvard Medical School neurologist, **Elizabeth Ashford** is a philosopher from St. Andrews in Scotland working on utilitarianism, **Maria Merritt** is a philosopher from William and Mary working on virtue theory, moral psychology, and the ethics of research on human subjects, **Daniel Philpott** is a professor of international relations from the University of Notre Dame studying religion and transitional justice, and **Renee Jones** is a professor of law at Boston College Law School who writes on corporate governance.

We shall also benefit from the contributions of **Jeffrey Abramson**, a professor of law at Brandeis University and an expert on the jury system, and **Anna Elisabetta Galeotti**, a moral philosopher from the University of Piemonte Orientale in Vercelli, Italy, who is working on the phenomenon of self-deception in politics. (See Appendix VI for their biographies.)

The Faculty Fellows were selected by our University-wide Faculty Committee, for which I was Acting Chair this year. In addition to Dennis Thompson, the members of the committee are Martha Minow (Law School), Tim Scanlon (Philosophy), Bob Truog (Medical School), Michael Sandel (Government), and Joe Badaracco (Business School).

The Edmond J. Safra Graduate Fellows

Michael Blake, Assistant Professor of Public Policy and Philosophy at the Kennedy School, served this year as Acting Director of the Graduate Fellowship Program. I stole Michael away from our own Philosophy Department, where he was a classroom superstar, so I suppose I am estopped from complaining that he is being stolen away from Harvard entirely by the University of Washington, where he will take up a tenured post in philosophy. Among his many gifts, Michael's faith in the Red Sox has made vivid to us Kant's third fundamental question, "What may we hope?" I miss him already. His report on the Graduate Fellows follows.

(Reported by Michael Blake)

For the past three years, I have been a part of the seminar given for our Graduate Fellows; it has been, in all cases, the academic highlight of my week. Each year, a group of doctoral students are taken away from their disciplinary homes and given a place within the Ethics Center and the community that is the Kennedy School. (See Appendix II for their reports.) The Graduate Fellows spend much of their time writing, reading, arguing with one another, and attending the various public events hosted by the Center and the Kennedy School. Each Thursday, for three hours—or four, or four and a half, depending upon how heated things get—they meet in the Center's library and hash out the difficulties in various arguments in political theory and political philosophy, whether those arguments are found in their own papers or in published scholarly work. For a professor, being able to spend time with these brilliant young minds is utterly wonderful.

Much of the magic, of course, has traditionally been provided by Arthur Applbaum, who developed the basic curriculum of the seminar and has guided it for many years. This year, however, I flew solo, rather than acting in my traditional capacity as Arthur's philosophical sidekick. It proved to be the most enjoyable academic experience of my life. I was privileged to watch five truly extraordinary thinkers in action. We began with Arthur's syllabus, which deals with the notion of role morality and the possibility of distinct ethical permissions and obligations for members of various professions. We quickly extended, however, into those areas of inquiry that the various members of the seminar found most exciting. We discovered many areas

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— Michael Blake, Acting Director of the Graduate Fellowship Program

of common interest, along with many points of clash and disagreement. Throughout it all, however, the five members of the seminar demonstrated the best qualities of academic life—intellectual rigor, mutual respect, and a gentle good humor. My only hope is that they enjoyed the year nearly as much as I did; I would like to thank them all.

Each of the students presented work having to do with their doctoral project. **Hélène Emilie Landemore**, our political theorist, came to us from the Department of Government and presented work dealing with the relationship between numbers and politics. The precise way of understanding this relationship was altered over the course of the year—an earlier understanding in probability gave way to a more detailed analysis of the wisdom to be found in crowds and common knowledge, as her project developed. Her work will eventually deal with whether, and how, such knowledge can legitimately displace a more case-by-case analysis of the facts, and has applicability to the proper understanding of democratic theory. There is something clearly right about her approach—especially when the weaknesses of other methods of justifying democracy are exposed. Philosophers are uncomfortable relying on the wisdom of the many, but I think Hélène is right in pointing out how much that notion underlies democratic practice.

Amalia Amaya Navarro came to us from the Law School, where she is pursuing her SJD; she is also a PhD candidate in Philosophy of Law at the European University Institute. She presented work detailing her coherentist model of legal reasoning—a model applicable not simply to questions of legal reasoning, but of factual reasoning within the law. Her approach will be an enormously important contribu-

tion to the literature, which tends to ignore the role of factual reasoning within the law. She, Hélène, and Simon, formed a triad of theorists with interests in the application of epistemology to practical philosophy. I don't think the three agreed about much, but they seem to have helped each other's projects along quite well. Amalia's project, in the end, seems poised to provide a more unified approach to legal reasoning than any currently available on the market.

Simon Rippon is pursuing his doctorate in Philosophy, and is writing a dissertation about the extension of Rawlsian methodology from political philosophy to moral belief. When can we take ourselves to have warrant for our moral beliefs? Simon has given himself the task of figuring out whether Rawls's work can help give an answer to that question. His time in the Center, however, also gave him the opportunity to ask a similar question in a more practical context: that of a judge seeking to understand the moral character of a constitutional provision such as the prohibition of cruel and unusual punishment. I think his project is likely to be exceptionally successful, and I am especially glad to think I have helped corrupt him into an interest in the philosophy of law.



Graduate Fellows Seminar Members Front row, left to right: Simon Rippon, Michael Blake, Japa Pallikkathayil Back row, left to right: Arthur Applbaum, Amalia Amaya Navarro, Annie Stilz, Hélène Emilie Landemore

Japa Pallikkathayil also came to us from the Philosophy Department, and is writing her dissertation on the concept of coercion. It is a concept, however, which she thinks we can do without. When philosophers ask what makes coercion wrong, they are simply asking the wrong question; a better question to ask is how and when we are morally permitted to influence one another's choices. It is a novel approach, and I am not sure I want it to succeed—I, for one, like using the word coercion. But she is a fiendishly original raiser of worries and objections, and I am exceptionally worried she is going to prove her own approach correct.

Annie Stilz came to us from the Department of Government. She writes on the notion of political legitimacy, and whether—and how, and when—affective ties such as patriotic loyalty are needed to undergird democratic legitimacy. I don't think she and I agreed on much all year, but I have never had a philosophical opponent so able to gently and gracefully defend herself—and deflate my own pretensions. Her dissertation is nearing completion, and from what I have read of it, it will be a truly extraordinary book. She will be spending next year on a fellowship in Berlin.

Next year's set of fellows promises to be equally interesting; the Center will play host to six students, among whom we have representatives of philosophy, government, law, and medicine. Their projects will deal with topics as varied as the role of self-awareness in human action and the ethical implications of direct-to-patient advertising of medical treatment. (See Appendix VII for their biographies.) I am sure they would join me in thanking Lily Safra and the Safra Foundation for providing the resources necessary to keep this program going.

Joint Seminars

The Joint Seminars bring together in an intimate setting the Faculty Fellows, Graduate Fellows, and Visiting Professors with guests chosen from the Harvard faculty—often one of the Center's Faculty Associates—to discuss work in progress. We proceed without formality; our guests usually are permitted the briefest of stage-setting introductions before the fellows tuck in with their questions. **Ben Friedman**, William Joseph Maier Professor of Economics, discussed his paper, “The Moral Consequences

I have relished the chance to hear from and be listened to by a remarkable collection of visiting speakers and faculty. The boost this kind of interaction lends to a graduate student's confidence and professional development should not be underestimated.

— **Simon Rippon, Graduate Fellow in Ethics**

of Economic Growth,” arguing that there is an intimate connection between economic growth and the development of greater opportunity, tolerance and social mobility, and of a generally fair and liberal political environment.

Howard Gardner, John H. and Elizabeth A. Hobbs Professor of Cognition and Education, presented an overview of *The GoodWork Project*, which begins with the dual (and highly plausible) assumption that work is extremely important both for those who engage in it and for those who benefit from the work of others, and that most individuals aspire to do good work—work that is of high quality, socially responsible, and ethically conducted.

Tommie Shelby, John L. Loeb Associate Professor of the Social Sciences, took on the subject “Black Politics After Black Power,” in which he attempts to articulate a form of black politics that is responsive to a number of ethical and practical objections that have been launched against previous attempts to defend a distinctively race-based idea of political organization and allegiance. **Robert Truog**, Professor of Anesthesiology and Medical Ethics, argued in “Rationing in the ICU” that rationing is not only unavoidable but also essential for the fair and ethical distribution of medical goods. (Summaries of the Joint Seminars are available on the Center's website: www.ethics.harvard.edu.)

The Public Lectures

Now in its 18th year, our popular public lecture series continues to attract faculty and students from across the University, as well as members of the wider Cambridge-Boston community. Each event further strengthens interfaculty collaboration and often serves as a kind of intellectual reunion as former faculty fellows, graduate fellows and visiting professors return to participate in the dinner seminars that follow the lectures, at which the speaker is given a head start on the first course before the grilling continues.

In addition to the public lectures and Justice Breyer’s Tanner Lectures, the Center cosponsored a conference on political legitimacy entitled “Moral Leadership and the Right to Rule” with the Center for Public Leadership and others, and cosponsored the Intervention Seminar with the Carr Center for Human Rights Policy. The year’s public events, including the Ethics Center’s contributions to the Right to Rule conference, are listed here.

Liam Murphy

Professor of Philosophy and Professor of Law
New York University
“The Boundary of Law”

Arthur Ripstein

Professor of Law and Philosophy
University of Toronto
“Beyond the Harm Principle”

Noah Feldman

Professor of Law
New York University
“Iraq and the Ethics of Nation Building”

Seana Shiffrin

Associate Professor of Philosophy and Professor of Law
University of California, Los Angeles
“Promising, Intimate Relationships, and Conventionalism”

HARVARD UNIVERSITY TANNER LECTURES ON HUMAN VALUES

Stephen G. Breyer

Associate Justice of the United States Supreme Court
“Our Democratic Constitution”

Comments by:

Robert George

McCormick Professor of Jurisprudence, Princeton University

Gordon Wood

Alva O. Way University Professor and Professor of History, Brown University

CONFERENCE ON MORAL LEADERSHIP AND THE RIGHT TO RULE

I. The Legitimacy of State Foundings and Changes of Regime

John Simmons

Commonwealth Professor of Philosophy and Professor of Law
University of Virginia
“Legitimacy and Territory”

Comments by:

Niko Kolodny

Assistant Professor of Philosophy
Harvard University

Christine Korsgaard

Arthur Kingsley Porter Professor of Philosophy
Harvard University

II. Legitimacy and Democracy

Jeremy Waldron

Maurice and Hilda Friedman Professor of Law and Director, Center for Law and Philosophy
Columbia University
“Electoral Legitimacy: Democracy and Fairness”

Comments by:

Mathias Risse

Associate Professor of Public Policy and Philosophy
Kennedy School

Nancy Rosenblum

Senator Joseph S. Clark Professor of Ethics in Politics and Government
Harvard University

III. The Legitimacy of International Law and Institutions

Christopher L. Kutz

Professor of Law
University of California, Berkeley
“Anemic Democracy and the Legitimacy of International Law”

Comments by:

Michael Blake

Assistant Professor of Public Policy and Philosophy
Kennedy School

Frederick Schauer

Frank Stanton Professor of the First Amendment
Kennedy School

IV. Legitimacy and Intervention (concluding address)

Michael Ignatieff

Carr Professor of Human Rights Practice and Director,
Carr Center for Human Rights Policy
Kennedy School

THE INTERVENTION SEMINAR

Fred Schauer

“Non-Intervention and the Slippery Slope”

Michael Blake

“Humanitarian Intervention: Collateral Benefit”

Michael Ignatieff

“Intervention, Legitimacy, and the Moral Status of Prudence”

Arthur Applbaum

“Forcing a People to Be Free”

The public lecture series, which aims to promote philosophical reflection on problems of human values in contemporary society, is supported by a fund established by the late Obert Tanner. Summaries by our Graduate Fellows of the lectures are available on the Center’s website: www.ethics.harvard.edu.

The upcoming University-wide Tanner Lectures on Human Values will be given on November 2-4, 2005, by James Q. Wilson, Ronald Reagan Professor of Public Policy, Pepperdine University School of Public Policy. His topic will be “Polarization in America.”

The Tanner Lectures Committee, chaired this year in Dennis Thompson’s absence by Jeremy Knowles, consists of a diverse group of faculty:

Charles Fried, Beneficial Professor of Law

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

Stephen Greenblatt, John Cogan University Professor of the Humanities

Caroline Hoxby, Professor of Economics

Samuel Huntington, Albert J. Weatherhead III University Professor

Jeremy Knowles (acting chair 2004-05), Amory Houghton Professor of Chemistry and Biochemistry and Distinguished Service Professor

Christine Korsgaard, Arthur Kingsley Porter Professor of Philosophy

Carla Shatz, Nathan Marsh Pusey Professor of Neurobiology

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

Richard Zeckhauser, Frank Plumpton Ramsey Professor of Political Economy

Ethics Beyond Harvard

Lithuania is one of the success stories to come out of the former Soviet Union. Democracy is well established and individual rights are secure. The country is, however, plagued with pervasive practices of corruption, both in the small—traffic cops and physicians—and in the large—bribery in Parliament. I spent a week in Vilnius lecturing about corruption and advising a coalition of public-spirited companies and NGOs about how to reduce corrupt practices. Recent breakthroughs in stem cell research have generated pressing political controversies and raised interesting questions in both moral and political philosophy. I gave the keynote lecture at the annual Activated Egg Conference entitled “Stem Cell Research and the Political Philosophy of Moral Disagreement,” and gave a similar lecture at a conference on Assisted Reproduction Technologies and Embryo Law.

Dennis Thompson, whose peripatetic adventures usually take him no further than Allston and Longwood, took advantage of his sabbatical year to travel to several exotic places. He spread the ethical word in San Antonio (ethics for bureaucrats at the Association of Practical and Professional Ethics), Washington, D.C. (ethics of campaigns at the Library of Congress), New Orleans (ethics of the 2004 campaign), Vancouver (ethics of deliberation), Los Angeles (ethics of public policy), and Berkeley (ethics of citizen control over elections). He was also in Rome at the time of the choice of the new Pope and the resignation of Berlesconi, although he insists that he had nothing to do with either. At the Luiss Libera International University of Social Studies he lectured on our obligations to future generations. His participation as keynote speaker at the retirement celebration for Alan Wertheimer was mentioned earlier. Thompson’s book, *Just Elections*, was the subject of a panel at the annual meeting of the American Political Science Association; a political scientist, political theorist and academic lawyer commented on the book, and Thompson (by his own account) answered all of their objections completely and definitively.

Our Center continues to receive many requests each year from other universities and agencies throughout this country and abroad for advice and offers of collaboration. Often the visitors will come for a site visit. Among the dozens of new ethics centers that have sprung up in recent

years, many have contacted us in advance to learn from our successes, as well as our occasional, well-disguised mistakes. Fortunately, we are also able to call on colleagues in each of the schools, particularly members of our Committee and Faculty Associates, to help respond to some of these requests. Among this year’s visitors were Ken McPhail from the University of Glasgow and David Rodin from Oxford University, who are each tasked with setting up an ethics center.

Among our most important links beyond Harvard are our former Faculty Fellows and Graduate Fellows and the work they produce. Most are teaching ethics in some form and, in many cases, leading ethics programs in colleges and universities throughout the United States and many other countries. In fact, the number and range of countries subject to our ethical invasion should make imperialists envious: Australia, Austria, Canada, England, Germany, India, Israel, Italy, Norway, the Netherlands, Scotland, South Africa, and Switzerland. Our colonization of the University of Pennsylvania, where we can now count as our own one university president and three professors at the Wharton School, is nearly complete. Two former Graduate Fellows have infiltrated Yale Law School and another two are at Stanford’s Philosophy Department. Through these contacts and other institutional collaborations we are developing, the Center is reaching increasingly large numbers of students, faculty and future leaders of society.

Plans and Prospects

Our calendar of events for 2005-06 is filling up. James Q. Wilson will deliver the Tanner Lectures, the Intervention Seminar will continue to meet, and public lectures will be given by Anita Allen-Castellitto, Rae Langton, Atul Gawande, and Philip Pettit (details are noted in Appendix VIII). We will once again fund a conference on equality organized by Mathias Risse. He will reprise last year’s notably successful gathering on “The Theory and Practice of Equality” with a three-day exploration of “Equality and the Global Order.”

The 2004 gift to the Center from the Edmond J. Safra Foundation has allowed us to continue our Center’s core activities, including the faculty and graduate student fellowships, faculty and curricular development, and inter-faculty collaboration. The Foundation’s recognition of the

significant contributions that our fellows and faculty are making to teaching and research in practical and professional ethics in this country and abroad is very gratifying to all of us who care about the work of the Center. The connection between the Foundation and the Ethics Center is of long standing. Previous gifts from the Foundation endowed the Edmond J. Safra Graduate Fellowships in Ethics, which are open to Harvard students who are working on ethics-related issues in their dissertations. Lily has visited our graduate fellows seminar on occasion, and this year we renewed our acquaintance with Ezra Marcos, a director of the Foundation, who visited with our Graduate Fellows. Because of Lily Safra's support and encouragement, we are able to look to the future, and to the Center's twentieth anniversary year in 2006-07, with optimism, and in a much stronger position than we were a few years ago.

In addition, our long-time benefactor and charter member of our Advisory Council, Eugene P. Beard, will continue to fund a Faculty Fellowship through 2006-07. (Mr. Beard took a serious interest in the Center early in its history, and established our first named Graduate Fellowships.)

Our Advisory Council members continue to help us in our endeavors, providing wise counsel across a range of questions and issues. We are grateful for their support and strong interest in the Center's work and mission.

Although the Center's future may be assured, we have not suspended our fundraising efforts. Our mission to encourage younger scholars, inspire new leaders of ethics in every profession, and strengthen cross-faculty collaboration at the University is far from complete. Now that our core activities are financially secure, we can turn our attention to expanding our activities in research and education. To ensure that moral reflection about public issues and professional life will always have a place in scholarship and teaching at Harvard, we continue to seek additional funds. Our highest priority is to endow the remaining Faculty Fellowships.

The Center benefits directly from appointments of ethics faculty at the professional schools. The most recent of these are at the Kennedy School, the Medical School, and the School of Public Health. But we need more faculty and more resources to support faculty research in ethics in the Center and in all the schools at Harvard. In particular, we

must insure that our schools can afford to promote junior faculty members who merit promotion. We continue to work with all the schools that are seeking funds for ethics, whether for faculty positions, research projects, or curricular initiatives. The health of the Center depends on maintaining strong ethics activities in the schools.

Ethics in the Schools

One of the pleasant benefits of directing the Ethics Center is the opportunity the role affords to observe and sometimes participate in the astonishing range of intellectual work on normative questions that is undertaken across the University. I have sat on the Harvard Stem Cell Research Committee, been a commentator at the Medical School's Ackerman Symposium on professionalism, a speaker at the Harvard Business School's workshop on professional school teaching, and a presenter at a Carr Center workshop on ethics education in the military academies. I have attended the dinner talks of the Program on Justice, Welfare and Economics and their conference on cultural diversity and economic solidarity, and gone to lectures in the Philosophy Department and the Radcliffe Institute. I have lunched with Harvard colleagues in philosophy, government, public policy, law, business, medicine, and religion. For the first time, I taught a Freshman Seminar, entitled "What Happened in Montaigne's Library on the Night of October 23, 1587, and Why Should Political Philosophers Care?" (no, Dennis, it has nothing to do with Yquem Sauternes). Still, I have but sampled from "Ethics at Harvard" in its entirety.

For a detailed account of what is happening in the schools, I rely on my colleagues throughout the University. The rest of this report describes the impressive achievements that have taken place in the various schools at Harvard in the past year.

ETHICS IN THE SCHOOLS

Arts and Sciences

(reported by Christine Korsgaard, Nancy Rosenblum and others)

Ethics and political theory continue to be active topics of interest in many parts of the Faculty of Arts and Sciences. Faculty Associates of the Ethics Center, including Tim Scanlon, Chris Korsgaard, Nancy Rosenblum, Michael Sandel, Frances Kamm, and Amartya Sen strengthen the cadre of faculty with a serious interest in the intellectual agenda of the Ethics Center. In addition, the Center's Graduate Fellowship program attracts many of the University's strongest graduate students working on normative topics.

Faculty in Philosophy: Tim Scanlon, the Alford Professor of Natural Religion, Moral Philosophy, and Civil Polity, and Frances Kamm, Professor of Philosophy and Littauer Professor of Philosophy and Public Policy, were on leave this past year and were greatly missed. We look forward to their return. Assistant Professor Doug Lavin completed his first year in the Department. His research and teaching interests include practical reason, ethics, the philosophy of action, and the philosophy of law. His paper "Practical Reason and the Possibility of Error," appeared in the journal *Ethics* last year. We report with deep regret that after two years at Harvard, Niko Kolodny, Assistant Professor of Philosophy, will be returning to Berkeley, where he was a graduate student, to begin work as an assistant professor there. We wish him well.

Philippe van Parijs, Professor of Economic and Social Ethics at the Université Catholique de Louvain, visited the Department this year to teach Political Philosophy and a seminar on Social Justice and Cultural Diversity with Amartya Sen, Lamont University Professor. Philippe will be visiting the Department again in the spring semester next year. Next spring we will also welcome another in a continuing series of visits from Derek Parfit of All Souls College, Oxford, who will teach a seminar on Practical Reason and Ethics with Tim Scanlon.

Chris Korsgaard, Arthur Kingsley Porter Professor of Philosophy, was awarded a Mellon Distinguished Achievement Award, which she will hold from 2006-09. Among other activities during that period, she will be teaching a series of workshop-style seminars on

Contemporary Ethical Theory, the Philosophy of Action, Practical Reason, and Recent Interpretations of Kantian Ethics, in which philosophers doing important work on these topics will be brought to campus to speak to the seminars.

Graduate Students in Philosophy: We congratulate Patrick Shin, Ethics Center alumnus, on his new position at Suffolk University Law School, and Japa Pallikkathayil, 2004-05 Graduate Fellow in Ethics, on the award of a Justice, Welfare, and Economics fellowship for next year.

Political Theory Colloquium: Hosted by the Department of Government and organized by Ethics Center Faculty Associate Nancy Rosenblum, Senator Joseph S. Clark Professor of Ethics in Politics and Government, 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. This is followed by an open discussion, a small reception, and dinner for the guest, the graduate student commentators, and faculty from the Government Department and others with a particular interest in the speaker and topic. The series draws faculty and graduate students from government, philosophy, history, and classics, the Law School, and the Kennedy School.

The commentaries by graduate students are designed to give them experience critiquing the work of senior scholars. This year, twenty graduate students commented on papers by faculty guests. 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: Michael Rosen (Oxford); Sonja Amadae (University of British Columbia); Bernard Yack (Brandeis); Jeremy Waldron (Columbia Law School); Bernard Manin (NYU); Roxanne Euben (Wellesley); Martha Nussbaum (University of Chicago); Philip Pettit (Princeton); Rogers Smith (University of Pennsylvania); Alan Ryan (Oxford); Robert Wokler (Yale); and Tom Merrill (Program on Constitutional Government, Harvard).

Project on Justice, Welfare, and Economics: This Project, anchored in the Faculty of Arts and Sciences, also includes

professors and students from several of Harvard's professional schools. Housed at the Weatherhead Center for International Affairs, the Project is under the purview of the Provost's office. Amartya Sen chairs the Project, and participating faculty include Philippe Aghion, Jorge Domínguez, Benjamin Friedman, Jerry Green, Christine Jolls, James Kloppenberg, Michael Kremer, Jane Mansbridge, Frank Michelman, Martha Minow, Nancy Rosenblum, Alvin Roth, Tim Scanlon, Dennis Thompson, Laurence Tribe, and Richard Tuck.

The Project fosters scholarly research on issues at the intersection of economics and the other social sciences, and law and ethics. It encourages new research and teaching in these areas and supports younger scholars whose work encompasses and integrates ethical, political and economic dimensions of human development. Since its inception in June 2001, the Project has awarded thirty-two dissertation fellowships and fourteen research grants to graduate students in the fields of anthropology, economics, government, sociology, philosophy, law, health policy, and history. Nine dissertation fellowships and four research grants have been awarded to graduate students for summer 2005 and the academic year 2005-06.

A series of events fosters a community of scholars whose research and knowledge connects the study of freedom, justice, and economics to human welfare and development. This year, grant recipients presented their work at six luncheon seminars. In addition, the Project hosted five dinner seminars with the following speakers and topics: Alvin Roth (Harvard) "Kidney Exchange: Some Ethical Issues"; Michael Kremer (Harvard) "Immigration and Ethics"; Philippe Van Parijs (Harvard and Catholic University of Louvain, Belgium) "Linguistic Justice"; Robert Putnam (Harvard) "Can We Reconcile Community and Diversity?"; and Will Kymlicka (Queen's University, Canada) "Liberal Multiculturalism: Theory and Practice." A successful conference: "Does Cultural Diversity Undermine Economic Solidarity?" was held in May. For the program and papers, please visit: www.wcfia.harvard.edu/jwe.

The 2004-05 Fellows were: Joyce Chen, PhD candidate in Economics; David Clingingsmith, PhD candidate in Economics; Katerina Linos, JD/PhD candidate in Government; Shannon O'Neil, PhD candidate in Government; Vlad Perju, SJD candidate at the Law

School; Patrick Shin, PhD candidate in Philosophy; Jal Mehta, PhD candidate in Sociology and Social Policy; Rahul Sagar, PhD candidate in Government; and Talha Syed, SJD candidate at the Law School.

Project on Religion, Political Economy, and Society:

Over the past two years, this interdisciplinary Project has progressed considerably, improving our understanding of the interactions of religion with political economy and society. It promotes interdisciplinary exchange at Harvard through a seminar series where scholars present their work, and through research that involves distinguished scholars and policymakers throughout the country. The focus is on how religion interacts with economic performance and with the political and social behavior of individuals and institutions (such as democracy) across societies. Research data show a strong relationship between economic growth and religious beliefs.

In keeping with the Project's goals, Principal Investigator Robert Barro, Paul M. Warburg Professor of Economics, and Director Rachel M. McCleary, Lecturer at the Government Department, produce publications and religion databases for the scholars. An information website provides data, a reading list, and a working paper series. By pursuing and disseminating its own research and stimulating inquiry by others, the Project seeks to promote the study of religion as a significant subject area of the social sciences.

Participants in the Project have included Harvard faculty from the departments of Economics, Government, Sociology, and Anthropology; and from the Kennedy School of Government, the Law School, the Divinity School, and the Center for Population and Development Studies. For further information, please visit www.wcfia.harvard.edu/programs/prpes.

Business

(reported by Joe Badaracco)

During the last academic year, the ethics effort at Harvard Business School focused primarily on Leadership and Corporate Accountability (LCA). This is the new course, introduced last year, which all first-year MBA students are required to take, along with Finance, Marketing, Strategy, and the other long-established first-year courses.

The basic aim of Leadership and Corporate Accountability is to help students understand the responsibilities they will take on when they become business managers. The course has three main parts, each focused on a recurrent set of managerial choices or dilemmas. The first part concentrates on dilemmas in dealing responsibly with a company's core constituencies, the second with issues of organization and implementation, and the third with managers' personal values.

In its first year, the course was a success. Students gave it quite solid ratings in comparison with other first-year courses. The ten faculty members in the teaching group, who understood first-hand the challenges and risks of creating this new course, felt they had accomplished a great deal. At the same time, detailed student surveys, along with careful analysis of the survey results, indicated clear areas for improvement, primarily in the second part of the course.

The professors who lead the LCA effort—Lynn Paine, who served as course head, Joseph Badaracco, Nitin Nohria, and Thomas Piper—devoted a good deal of time during the past year to developing some new cases and materials for the course and significantly restructuring the second part. The main innovations were adding a module on corporate governance to part two and writing short notes on fundamental legal topics—such as fraud, bribery, and fiduciary duty—for the entire course. All in all, 19 new cases and notes were added to the course (out of a total of 48 pieces of teaching material), and 11 of these were new and created specifically for the course.

The results of these efforts were very positive. The course ratings improved from good to excellent, and this year it will be one of the highest rated courses in the required MBA curriculum. Moreover, students and faculty felt that the new material on governance and the increased emphasis on business law were significant steps forward.

The immediate agenda for the LCA leadership group is making further improvements in the course and resolving an important organizational question: should a new unit be created to support the course or should the LCA group join an existing unit at the School, or should some creative alternative be tried? The answer to this organizational

question will have a critical influence on the long-term sustainability of the course and the ethics effort at Harvard Business School.

The ethics group also moved forward on other fronts. In the fall, Professor Paine delivered one of the Ruffin Lectures on Business Ethics at the University of Virginia. It was entitled "Excellence in Practice: Unsolved Mysteries and Research Questions from the Field." Professors Paine, Rohit Deshpande, and Joshua Margolis have a forthcoming article in the *Harvard Business Review*. "Up to Code: Does Your Company's Code of Conduct Meet World-Class Standards?" is the working title.

Professor Margolis continued his research on how organizations can create hospitable environments for pursuing "the good" on multiple dimensions and on the distinctive ethical challenges that individuals must navigate within organizations, especially in perform-or-else settings. Professor Badaracco is completing a book manuscript, tentatively entitled, "Leadership: The Hardest Questions," which presents a perspective on responsible leadership drawn from works of serious literature. This book will be published in January 2006.

Finally, the Ethics, Law, and Leadership seminar, led by Professor Margolis, sponsored the following talks during the year: Nien-hê Hsieh (Wharton School, University of Pennsylvania, and former Graduate Fellow in Ethics) "Multinational Corporations and the Ethics of Assistance"; Jane Nelson and Simon Zadek (Kennedy School) "Governance, Accountability and Corporate Responsibility"; Holly J. Gregory (Partner, Weil, Gotshal & Manges LLP) "Moral Deliberation in the Boardroom"; Guhan Subramanian (Harvard Law School) "Oracle v. PeopleSoft: The Law and Ethics of Embedded Defenses"; Joanne Ciulla (University of Richmond) "The Origins of Ethical Leadership"; John Ruggie (Kennedy School) "CSR and Global Governance: The Case of the Global Compact"; Doug Guthrie (NYU) "Does Law Shape Corporate Ethics? The Rise of Corporate Social Responsibility in the United States"; David Callahan (Founder, Demos Institute) "Business Ethics in a Culture of Cheating."

Design

(reported by Carl Sapers)

The relevant history of the ethics component to “Issues in the Practice of Architecture” (a required course for all first year professional degree candidates in architecture at the School) was covered in my 2004 report. In that report I described the “exercises” used to confront the student with common problems arising in practice. Following the Business School’s lead, the exercises are presented in short chapters as a developing narrative.

This year the exercises stimulated lively and intense discussion among the seventy students in the course. To the existing four exercises described in some detail in my 2004 report, we have added a fifth on the subject “Claiming Credit.”

The architectural profession has long been at the low end of professional compensation when compared with lawyers and physicians. Some say this fact alone explains the extraordinary interest that architects have in honor awards for the quality of their designs and for recognition by their peers, as if acknowledgement of their creative talent will compensate for low levels of remuneration. Whether or not this properly identifies the cause, there can be no doubt that architects, more than any other learned profession, cherish recognition by their professional colleagues, awards for their designs, and praise in the architectural press.

Senior architects seldom acknowledge the contributions that others may have made to a successful project and the tyro architect is often denied any recognition for the role he or she played in that success. Ambitious young architects often prematurely leave their employment where seniors have refused to share the glory, and give as their reason that their advancement is blocked by the seniors’ self-regard.

The American Institute of Architects in its disciplinary cases clearly tilts in the direction of senior architects when a brave young architect challenges his or her employer.

Our new exercise follows the conflict and provokes the student to understand the claims of both the senior and the junior, and to consider as well how significant the glory seeking should be in the student’s own career. “Claiming Credit” explores a significant pathology in the architectural

profession with which a student must be prepared to deal in the years ahead.

One student presented her term paper to the class in which she lamented the lack of attention to ethical issues at the School. She traced the history of the academic model adopted in law, medicine, and architecture, in which the “practical and moral formation that was long the focus of professional apprenticeship” has been abandoned in order to transmit to the student large quantities of information and technical knowledge. The recent efforts in law and medicine to restore clinical opportunities have not been replicated in schools of architecture. She asserts that experiential learning facilitates the understanding of ethical responsibilities, which is not a component of professional education at the School. The class and the instructors were stimulated by her thoughtful analysis. Perhaps she has planted a seed that will bear fruit.

Divinity

(reported by Barbara Boles)

Harvard Divinity School seeks to foster an awareness of personal ethical convictions, of the historical and cultural roots of those convictions, and of 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 decisionmaking 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 agendas of the Women’s Studies in Religion Program, the Program in Religion and Secondary Education, and the Summer Leadership Institute.

Course Offerings: A number of School courses focus on ethics in relation to theological questions, international relations, economics, medicine and research, education, interpersonal relations including gender and race relations, and politics and public policy. All the courses draw students not only from the Divinity School and the other schools in the Boston Theological Institute consortium, but also from the wider Harvard community. For a sampling of these courses, see the addendum to this section.

Faculty: Preston Williams, Ralph Potter, and Arthur Dyck have now retired. David Little will retire from full-time teaching in July but will continue to teach one term a year as a Visiting Professor of the Practice. Although the Emeriti will each teach one course a year, new appointments are needed to replenish the senior faculty ranks. We regret that Hille Haker, Associate Professor of Ethics, who joined us two years ago from the University of Tübingen, is returning to Germany. Her valuable contributions include participation in several major forums, including a conference in London titled “Human Genetic and Reproductive Technologies: Comparing Religious and Secular Perspectives”; and a conference in Bremen, Germany, titled “Ethics and Literature.”

This year the School hosted Visiting Assistant Professor M. Christian Green, from Emory University, whose research focuses on ethics (see her courses below). She taught full-time and advised several Master of Divinity students on their senior papers. She has accepted the School’s invitation to continue for the 2005-06 academic year.

Thomas A. Lewis, who is jointly appointed at the Divinity School and the Faculty of Arts and Sciences, continues to make important contributions in many areas, including as teacher and advisor. His recent service on the search committee in Ethics will in all probability result in a new appointment to the Faculty in Comparative Ethics. In 2005-06 the recipient will be Jonathan Schofer from the University of Wisconsin. Two new searches are proposed—a junior search in Christian Ethics for fall 2005 or 2006, and a senior search for fall 2006 or 2007.

Women’s Studies in Religion Program: This program encourages critical scholarship on the interaction between religion and gender in the world religions. Each of the associates taught a course and delivered a public lecture based on their research (see www.hds.harvard.edu for this year’s Research Scholars). Ann Braude, Director of the Program, is working with a committee of faculty and administrators on plans to mark next year’s 50th anniversary of the admission of women to the Divinity School. The major public events such as Convocation and Alumni/ae Day, as well as the Named Lectures, will be geared around this anniversary. In addition, there will be a special two-day event in early February exploring the

history of women as students, faculty, administrators, and in ministry.

Center for the Study of World Religions: The Center supports the study of religious life in communities throughout the world and human history, and seeks to understand the meaning of religion with sympathetic insight and to analyze 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 expressions (see addendum for a list of ethics-related forums).

Seminar Series for Staff: Throughout the year, the faculty offered a series of lectures for staff members, entitled “Religion 101 and 102.” Eight to ten faculty members each term spoke about their current teaching and research, introducing staff members to various religious traditions and specialties within the study of religion. Two of these had more pointed ethical content: Kevin Madigan’s lecture on the Holocaust and Hille Haker’s lecture on issues in bioethics, both given in the spring term. We expect to continue the series next year.

Addendum

A sampling of course offerings:

David Little, “Religion in Global Politics” and “Religion, Nationalism, and Peace”; “Religion and Human Rights” and “Religion and Social Theory”

Preston Williams, “The Ethical and Religious Thought of Martin Luther King, Jr.”

Hille Haker, “Bioethics” and “Sophocles’ Antigone and its Reception in Ethics”

Elisabeth Schüssler Fiorenza, “Feminist Biblical Interpretation: A Womanist-Ethical Approach to Theology”

Paul Hanson, “The Bible and Politics”

Tal Lewis, “Liberation Theology in the Americas”

Kevin Madigan, “History of Western Christianity”

Francis Fiorenza, “Political Theology”

Ronald Thiemann, “Religion and the Public Intellectual”

Harvey Cox, “Religion and Society in 20th Century America”

Arthur Dyck, "Introduction to Ethics" and "Colloquium on Ethics"

Diane Moore, "Religion, Values, and Public Education: A Look at the First Amendment"

Patrick Provost-Smith, "Christianity, War and Peace from Augustine to Iraq" and "Christianity, Mission, and the 'Other'"

Ralph Potter, "Ethics of Relationships"

Jim Wallis, "Faith, Politics and Society"

M. Christian Green, "Frontiers of Bioethics," "What is the Family? Religious and Ethical Perspectives," "Work, Consumption, and Globalization: Religious and Ethical Perspectives," and "Religion, Liberalism and Virtue"

Susan Zaeske, "Esther for Activists"

Ethics-related courses in the area of world religions:

Anne Monius, "Hindu Ethics"

Leila Ahmed, "Issues in Feminism and Islam"

David Carrasco, "Holy War: The Aztec Empire and Spanish Conquest"

Diana Eck, "World Religions: Diversity and Dialogue"

Jocelyn Cesari, "Global Islam"

Donald Swearer, "Buddhist Social Ethics"

Center for the Study of World Religions Forums:

American National Identity: What are the Challenges? (David Carrasco, Samuel Huntington and David Little)

Religion and Politics in Contemporary Thailand: King Mongkut's Legacy

Voicing Dissent: Everyday Articulations of Arabism and Islamism in a Sudanese Displaced Community

The Just War Doctrine: Theoretical Bedrock of Unilateral Action?

Unethical Conversions: The Sri Lankan Judiciary and Religious Freedom

When Islam and Democracy Meet: Muslims in Europe and the U.S. (Visiting Professor Jocelyne Cesari)

Resolving the Conflict: A Remedy for Civilizational Clash (Sari Nusseibeh, Fellow, Radcliffe Institute)

The Political Theology of Al Qaeda

(Emran Queshi, Fellow, Carr Center for Human Rights and resident scholar)

Moderated by William Graham, Dean, Divinity School

Religion and Politics: Here and There (J. Bryan Hehir, Kennedy School of Government)

The Human Face of Globalization: From Multicultural to Mestizaje" (Virgilio Elizondo and David Carrasco)

Education

(reported by Mary E. Casey)

In recent years, there has been a notable rise in interest in education and research related to ethical awareness, moral development, and civic leadership at the Graduate School of Education. The study of moral development and moral education has a long and storied history at the School. However, not since the height of Lawrence Kohlberg's tenure in the 1970s and 80s, when he founded the Center for Moral Education, has there been such widespread interest in and explicit attention to questions pertaining to the moral life of society—its citizens, its laws and obligations, its institutions, and its relationships to the particular cultures that define us as individuals and bind us as a people. Education is, by definition, an institution and a practice marked by serious ethical concerns.

The study of education inevitably leads to questions of equality, respect for individual differences, and the fair distribution of scarce resources. There is a palpable interest in moral questions among students and faculty alike. Since September 11, 2001, enrollment in the courses "Social and Moral Development" (Casey) and "The Promotion of Social and Ethical Awareness" (Selman) have risen dramatically. The latter course was awarded the Provost Grant for Innovation in Technology for 2003-04. Several new courses addressing ethical and moral issues pertaining to racial inequality, economic injustice, and democratic citizenship have been added to the curriculum. Students are asking for more opportunities to be involved in research focusing on moral development and ethical awareness, and there is a growing body of doctoral student research in ethics and moral education. For those of us for whom the study of morality and ethics is of particular intellectual and scholarly concern, it is indeed an exciting time at the School.

Numerous courses in all four academic concentrations deal directly with ethical issues. A significant focus on ethical and moral concerns is most obvious in the course content of programs in higher education, international education policy, education policy and management, school leadership, learning and teaching, risk and prevention, and human development and psychology. Several faculty members with expertise in moral education and/or ethical studies, who are not currently teaching courses in those areas, contribute to the larger discussion of ethics and morality. Faculty include Theodore Sizer, Nancy Sizer, Helen Haste, and William Beardslee.

Leadership, Policy, and Global Education: Among faculty who conduct research in the areas of leadership, policy, history, and international education, there are several whose courses focus explicitly on questions of moral and ethical import. Julie Reuben's, "The Elusive Quest for Equality," considers how conceptions of equality have evolved historically in the U.S. and how these conceptual changes have affected, and continue to affect, education—both research and practice. Fernando Reimers' courses, "Education, Policy Analysis, and Research in Developing Countries," and "Education, Poverty, and Inequality in Latin America," look at issues of equality and education cross-culturally. Reimers asks students to critically examine the relationship between education and the development of democratic citizenship, specifically the civic skills and values that are necessary for a true democracy. Gary Orfield regularly teaches courses on civil rights, and his current research seminar on affirmative action includes explicit consideration of the moral and value conflicts that are at the core of affirmative action—the political and legal struggles—as well as the evidence of the impact of affirmative action in education writ large.

Development, Culture, and Intervention: Faculty members conducting developmental and cultural research devote time and resources to the study of morality and ethics. Howard Gardner teaches "Good Work: When Excellence and Ethics Meet," a course connecting professional and ethical excellence. He is coauthor (with W. Fischman, B. Solomon, and D. Greenspan) of a new book, *Making Good: How Young People Cope with Moral Dilemmas at Work* (Harvard University Press, 2004).

We at the School are pleased that Professor Gardner has been invited to be a Faculty Associate of the Ethics Center.

Paul Harris teaches "Children and Emotion," which focuses on developing moral emotions, and "Psychology of Early Childhood," which considers the nature and development of early moral reasoning. Dennis Barr taught "Promoting Ethical Awareness, Responsibility and Decision Making through the Facing History and Ourselves Program." Catherine Ayoub's course, "Legal and Ethical Issues in Child Advocacy," addresses issues of professional ethics in mental health services for children. Tami Kazir's "Introduction to Psycho-Educational Assessment" considers the ethical issues in psychologically-based assessments in education. 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. Mary Casey's "Social and Moral Development" traces the history of moral psychology and moral education, particularly the development of moral perspectives in adolescence in the U.S. She examines racism as moral injustice, and asks her students to consider the particular moral challenge of racial inequality in education. Next year, we look forward to adding Visiting Professor Helen Haste's course on the moral obligations of citizenship.

Learning, Practice, and Philosophy: Researchers of learning theory, teaching practice, theories of mind, and philosophy have also contributed a wonderful array of courses on ethical and moral concerns. Jocelyn Chadwick's "Free Speech in the English Classroom" considers the tough questions of censorship and freedom of thought, and the moral obligations of educators and schools to address these questions. Catherine Elgin's, "Philosophy of Education," discusses both the ethical obligations of educators and the possibility of moral education. The central text for Catherine's course, "John Dewey: Philosopher of Education," is his classic, *Democracy and Education*. David Perkins, on leave in the spring, traditionally teaches a course on how to develop programs for distance learning. David combines his interests in technology, theories of mind, and civic responsibility for his course "War, Peace, and Human Nature." We look forward to David's (and the course's) return in 2005-06.

Ethics, Civic Education, and Social Awareness in Area Concentrations

International Education Policy: A number of degree programs focus on ethics and civic education. The Master's program in International Education Policy develops civic skills among students by integrating curricular, extracurricular, and service opportunities. The program develops leaders who will create global public goods, and promotes an understanding of citizenship in the tradition of Benjamin Franklin—one that seeks education reforms that will advance educational opportunity worldwide.

A second aim is to develop the conceptual and analytic skills that graduates will need to create public goods. To this end, faculty encourage students to create venues outside the classroom to further their interests in global education and exercise leadership in addressing critical educational issues in developing countries. Several of these organizations further the international education of all the students. For example, one such student-run organization, Voices for Africa, ran a successful public conference on education in Africa, focusing on the educational challenges in Darfur, and made critical links to other conflicts and emergency situations facing educators in Africa. Another group, Education for Peace, joined with Facing History and Ourselves to sponsor a workshop on civic education and engagement for International Education Policy students.

In the biweekly student seminar, distinguished practitioners and academic practitioners in education and development engage students in discussing many of the important moral dilemmas they face in their professional careers. Many students have volunteered to teach international education in after school programs at local elementary schools in a project created by former students of International Education Policy and students at the Kennedy School. Several international executive education workshops engaged degree students in ethics discussions. Senior education policy makers from Mexico and students in the international education program examined the challenges of supporting the education of highly marginalized children in Mexico. Senior decisionmakers and business leaders from El Salvador, in a workshop designed to craft a five-year education strategy for the country, looked at ways to promote civic engagement, democratic skills and charac-

ter development in K-12 education, while developing basic skills in the core curriculum of public schools. University presidents in China discussed U.S. efforts to develop college-level civic education, as well as developing international education in the curriculum.

This year the School established the Global Education Office, the central focus of which will be on teaching ethics and civic education. This summer, in Costa Rica, the Office will sponsor a multinational research conference on civic education in the Americas. It will also develop a project to assess alternative approaches to promoting civic engagement among undergraduates in Mexico.

Project Aspire: Project Aspire is a collaborative partnership with the School's Risk and Prevention Program, Judge Baker Children's Center, Children's Hospital Neighborhood Partnerships, and Boston Public Schools. The goals are to: work with students and teachers to promote children's social and moral development and reduce behavior troubles in the classroom; foster a school climate where children feel part of a safe, respectful, caring community; facilitate children's capacity to solve problems, manage conflict, and increase their awareness of differences among people through an ethically rich curriculum; and improve students' academic progress, especially in literacy (academic success having been shown to be an important foundation for social and ethical development). To further these goals, the Project provides school-based services, as well as training and support to students, teachers and administrators.

Facing History and Ourselves Project: Directed by Bob Selman and involving faculty members Mary Casey and Richard Weissbourd, this project draws doctoral and Master's students interested in pursuing research in ethics and morality. Teachers and students of diverse backgrounds examine racism, prejudice, and anti-Semitism. Educators develop their professional skills through in-depth training, individual support, and classroom resources. The website includes a calendar of events, web links, classroom resources, publications, and professional development activities.

Bob Selman, the Project's driving force, has forged collaborative research in moral development among faculty and academics, researchers, and educational professionals at

Harvard and beyond. For example, Rick Weissbourd (a member of the School and a Kennedy School Lecturer) often recruits doctoral and Master's students to assist with his research on the moral development of adults working with urban adolescents. For three years, American Educational Research Association/Institute of Education Sciences (AERA/IES) Postdoctoral Fellow Mary Casey has worked with UMass Boston Professor of Philosophy and Education, Larry Blum, in a high school history class on race and racism at Cambridge Rindge and Latin High School. A race scholar and moral philosopher, Blum (a former Faculty Fellow in Ethics) began teaching the class as a way of addressing with adolescents the moral nature of racism. In addition to presenting their work at conferences, the collaboration has spawned several "moral think tanks" that bring together colleagues working on moral issues. One such group that includes Martha Minow (Professor of Law), Rick Weissbourd, Larry Blum, and Mary Casey, meets monthly. This has led to several initiatives with students from the School and from the Law School. Bob Selman, Dennis Barr, and a team of the School's doctoral students presented daylong workshops with Facing History data to promote ethical awareness at the American Moral Education annual conference in the fall, and at AERA's annual conference in the spring. Bob gave the keynote address to the Moral Education Special Interest Group at AERA.

Community Outreach

The Askwith Education Forum is a public lecture series that addresses a wide array of topics pertaining to education research and practice. Many of this year's lectures dealt with ethical issues of inequality in educational resources, race and achievement gap, and civic education (see addendum for a sampling of the lectures).

Association for Moral Education Annual Conference

The School will host two major sequential events in the fall: The Facing History and Ourselves conference on adolescent citizenship, November 2-4, and on November 4-6, the 31st Annual Conference of the Association for Moral Education, an international, interdisciplinary forum for scholars, researchers, and educators interested in the moral dimensions of educational theory and practice. It was founded by students and colleagues of Lawrence Kohlberg to further the research he began. This will be the School's

first time hosting the Conference. Dedicated to fostering communication, cooperation, training, curriculum development, and research that links moral theory with educational practice, the Association supports self-reflective educational practices that value the worth and dignity of each individual as a moral agent in a pluralistic society. Bob Selman deserves thanks for helping to bring the Conference to the School, as does John Collins, the School's Chief Librarian, for facilitating the meeting spaces for the events. Mary Casey, who helped with the integrated design of the conferences, is co-chair of the Moral Education Conference. Martha Minow will deliver the Kohlberg Memorial Lecture, the main address. The School is pleased to host these important events, and welcomes members of the University to what is sure to be a stimulating week of critical dialogue on current ethical and moral education and research.

Addendum

A sampling of conferences and forums:

Consuming Kids: The Hostile Takeover of Childhood

Fires in the Bathroom: Advice for Teachers from High School Students

Education in Mexico and the Challenges for the 21st Century

Education for All

Achieving the Promise of Brown: New Research on Teachers' Roles in Multiracial Classrooms

Adequate and Equitable School Funding: How Much is Enough to Achieve High Standards for All?

Closing the Achievement Gap

Racial Equity in Education: How Far has South Africa Come?

Closing the Nation's Racial Achievement Gaps: What We Know and Still Need to Learn

Part I: Race, Culture, and K-12 Achievement Gaps

Part II: Racial Gaps in College Access and Success

Part III: Racial Gaps in School Readiness: The Importance of Early Childhood

Kennedy School of Government

(reported by Michael Blake)

The past year has proven to be an exciting one for students of politics. There have been both innovations and crises at every level of political life, from the local to the transnational. We have, therefore, a renewed need for ethical inquiry into the moral foundations of politics; this is a task for which the Kennedy School is uniquely well-suited. Recent faculty hiring, moreover, now gives the Kennedy School more people working on this shared task than at any point in its history.

The Kennedy School's mission begins with teaching, and the core ethics team this year was Michael Blake, Archon Fung, and Mathias Risse. All entering Master of Public Policy students took a course on political ethics with one member of this team. The course deals with both the philosophical foundations of government and the specific ethical challenges students are likely to face in their later careers as governing officials. Electives give our students an opportunity to explore more specific areas of political ethics, and this year the Kennedy School offered such courses as "American Warfare and the Humanitarian Ethic" (Sarah Sewall), "Human Rights and U.S. Foreign Policy" (Samantha Power), "Human Rights and International Politics" and "Human Rights, State Sovereignty, and Intervention" (Michael Ignatieff), "Citizens, Aliens, Refugees: The Legal Framework of International Human Rights" (Jacqueline Bhabha), "The Politics and Ethics of the Use of Force" (Bryan Hehir and Stanley Hoffmann), "Ethics in Government" (Ken Winston), "Topics in Bioethics" and "Nonconsequentialist Ethical Theory" (Frances Kamm), and "Justice" (Mathias Risse). This set of courses provided Kennedy School students with an unparalleled range of options with which to begin their analyses of political ethics.

The faculty of the Kennedy School has produced some exceptional research analyzing the ethical foundations of political life. Archon Fung wrote two papers this year on the practice of deliberative democracy, drawing on his fieldwork in innovations in participatory governance in the United States. Fred Schauer has presented lectures on the First Amendment, the common law, and how legislatures ought to understand their roles. Dennis Thompson spent

part of his sabbatical year lecturing on the ethics of political campaigns, following up on his recent book *Just Elections*. Michael Ignatieff continued to discuss the issues raised in his recent book *The Lesser Evil*, especially as they apply to the current military intervention in Iraq. Mathias Risse published a series of articles on the best manner of understanding the nature of our obligations to distant foreigners. Ken Winston presented his research on the relationship between ethics and law at universities in the United States, Japan, and China. Samantha Power (former Graduate Fellow in Ethics) won a 2005 National Magazine Award for her article "Dying in Darfur," which was published in *The New Yorker*.

In addition to teaching and writing, the Kennedy School faculty involved themselves in a variety of public projects and events. Arthur Applbaum and Michael Ignatieff created a workshop on the morality of international military intervention. Arthur Applbaum, Michael Blake, Michael Ignatieff and Fred Schauer all presented recent work on this topic, and used this forum to interact with political and military professionals such as General Romeo Dallaire. Fred Schauer testified before the Constitution Subcommittee of the Senate Judiciary Committee on obscenity law and its enforcement. Mathias Risse organized a public conference on Nietzsche's understanding of moral philosophy. Ken Winston continued to organize a faculty seminar on the professions in Asia, which culminated in January in a conference on what professionalism means in modern China. Finally, Sarah Sewall organized a conference on ethics and leadership. The conference, which brought together civilian and military leaders, provided a rare opportunity for these two groups to share ideas about how best to teach ethics to the next generation of military professionals.

It has been, in short, an exciting year, both for politics as a whole and for the Kennedy School in particular. The upcoming year will most likely provide us with fresh political problems and innovations. The School, however, seems well-positioned to help us understand these political changes. The ethical analysis of political life is an ongoing project, and a project in which the faculty of the School will continue to play a key role.

Law

(reported by David Wilkins and others)

This year Heather Gerken, 2003-04 Faculty Fellow in Ethics, received tenure at the School and joins a distinguished group of senior faculty who are alumni of the Ethics Center: Martha Minow, David Wilkins, Dick Fallon, and Carol Steiker. Heather's own work included publishing the project she worked on during her fellowship year at the Center, "Second Order Diversity and Disaggregated Democracy," which appeared in *Harvard Law Review*. This in turn spawned another article, "Dissenting by Deciding," which is forthcoming this year in the *Stanford Law Review*. Both articles will become books.

Heather Gerken and Dick Fallon jointly ran the weekly Public Law Workshop. Similar to the Law and Economics Workshop, the goal is to introduce students to theoretical scholarship about public law and to help those interested in becoming law teachers to develop a research agenda. The format includes presentations of works in progress by outside speakers. A small dinner for the guest speaker, with faculty and student guests, follows each presentation. Faculty from the School and from around the University were in attendance. The fall schedule of speakers included Rachel Barkow, NYU Law School; Cass Sunstein, University of Chicago Law School ("Group Judgments: Deliberation, Statistical Means, and Information Markets"); Robert Post, Yale Law School ("The Structure of Academic Freedom"); William Eskridge, Yale Law School; John Ferejohn, Stanford University; Jeremy Waldron, Columbia Law School ("Torture and Positive Law: Jurisprudence for the White House"); and Steven Calabresi, Northwestern University Law School.

The spring semester's presenters were equally stellar: Pamela Karlan, Stanford Law School; Martha Nussbaum, University of Chicago; Mark Kelman, Stanford Law School; Richard Ford, Stanford Law School; and Mark Tushnet, Georgetown Law School. A highlight of this series was the presentation by Larry Kramer, Dean of Stanford Law School, who discussed *The People Themselves*, his controversial new book on popular constitutionalism.

In the fall semester, Dick Fallon taught the basic Constitutional Law course, and saw the publication by Cambridge University Press of his book, *The Dynamic Constitution*, which introduces Constitutional Law to non-lawyers. In the spring semester, his article "Legitimacy and the Constitution" appeared in the *Harvard Law Review*. The aim of the article is to define what people do and ought to mean when they make claims about the legitimacy or illegitimacy of official action under the Constitution and about the legitimacy or illegitimacy of the Constitution itself.

David Wilkins continued his leadership of the Program on the Legal Profession and the new Center on Lawyers in the Professional Services Industry. In September, the Center held its inaugural conference, bringing together leading general counsels, academics, and partners in law firms to discuss how changes in legal practice are affecting substantive developments in corporate law and other related fields.

Wilkins taught his course on the legal profession, as well as a seminar titled "Cause Lawyers," with Visiting Professor Ann Southworth. They explored the various forms of cause lawyering, comparing lawyers for liberal and conservative causes and examining the intersection between private practice and public service. Among the questions considered were: What is a cause lawyer, and are they fundamentally different from other lawyers? Are lawyers for causes of the political left and right similar in their social backgrounds, professional identities, practice sites, career tracks, financial support, networks, strategies, relationships with clients, and participation in social movements? Are there important differences between cause lawyers working in public interest organizations and those located in traditional law firms? Wilkins and Southworth invited a number of prominent cause lawyers from both the left and the right to share their insights and experiences.

Wilkins continued speaking and writing about legal ethics and diversity. He published a critique of a recent attack on affirmative action in legal education entitled "A Systemic Response to Systemic Disadvantage" (*Stanford Law Review*) and was keynote speaker at the Davis Polk partnership retreat and annual meeting of the Harvard Law School Alumni Association of Europe.

Carol Steiker continues her teaching and research relating to criminal justice. She taught Criminal Law in the fall term and offered a new reading group for first-year law students on mercy and criminal justice, in which the students read a mix of fiction, moral philosophy, and legal cases and scholarship. On research leave in the spring, she pursued projects on capital punishment and on the relevance of mercy to criminal justice. She presented a paper entitled “Seduction of Innocence: The Attraction and Limitations of the Focus on Innocence in Capital Punishment Law and Advocacy” at a conference on Innocence in Capital Sentencing held at Northwestern University School of Law, and at the Rebellious Lawyering conference held at Yale Law School. The paper, coauthored with her brother Jordan Steiker, was published in the *Journal of Criminal Law and Criminology*.

At the invitation of Ethics Center alumna Erin Kelly, Steiker presented a paper, “Mercy and the Institutions of Criminal Justice,” at the Tufts Philosophy Department’s spring lecture series. It will be published in a collection, *Forgiveness, Mercy, and Clemency*, by Stanford University Press (editor Austin Sarat). Steiker is currently editing a collection of essays on famous criminal procedure cases, and drafting a paper rebutting the argument that capital punishment is morally justified if it is proven to save lives through deterrence of homicides.

Among her many activities, Martha Minow published new editions of her case books, *Civil Procedure: Doctrine, Practice and Context*, coauthored with Stephen Subrin, Mark Brodin, and Thomas Main; and Mary Joe Frug’s *Women and the Law*, coedited with Judith Greenberg and Dorothy Roberts. She also worked with Peter Galison on “Our Privacy, Ourselves After 9-11,” in *Human Rights in an Age of Terrorism*, (editor Richard Wilson). Other publications include “Fostering capacity, equality, and responsibility (and single-sex education)”;

“The Greatest Evil: Review of Michael Ignatieff, *The Lesser Evil*”;

Introductory Essay: “Surprising Legacies of Brown v. Board,” in *Legacies of Brown: Multiracial Equity in American Education*, editors Dorinda J. Carter, Stella M. Flores and Richard J. Reddick; “Just Education: An Essay for Frank Michelman”; and “Think Outside the Box: Send Bill Clinton,” *Chicago Tribune* (with Newton N. Minow).

Minow was the Cecil A. Wright Lecturer (“Outsourcing Force”) at the University of Toronto Faculty of Law, and was Keynote Speaker (“A Call to Action: Preventing Genocide In Our Time”) at the Holocaust Center, Boston North and Salem State College, and for the installation of Linda McClain (former Faculty Fellow in Ethics) as the Rivkin Radler Distinguished Professor of Law at Hofstra Law School. Among the conferences she co-organized were “Privatization of Government Services” (Harvard Law School), “Teaching Civics Through Case Studies on Levers of Power” (Harvard Law School, Facing History and Ourselves Project), and “Papers in Constitutional Law.”

In conjunction with the Facing History and Ourselves Project, Professor Minow is working on a fall 2005 conference to mark the 60th anniversary of the Nuremberg trials. She will also hold some joint sessions with the Association of Moral Educators, which will have its annual meeting at Harvard on November 4 and 5. She will deliver the Lawrence Kohlberg lecture to a joint session of the meeting.

Medicine

(reported by Dan W. Brock)

The 2004-05 academic year marked a period of expansion and growth for the Harvard Medical School’s Division of Medical Ethics. Perhaps its most obvious manifestation was the addition of new faculty in the Division. In April 2004, Dan W. Brock joined the Division as its new Director, replacing Allan Brandt who very ably guided the Division as Director from 1996 to 2004. Allan continues as an active and valuable member of the Division. Brock is the Frances Glessner Lee Professor of Medical Ethics in the Medical School. Prior to joining the School, Brock was a University Professor at Brown University in the Philosophy Department and, for many years, Director of the Center for Biomedical Ethics before joining the National Institutes of Health Department of Clinical Bioethics as Senior Scientist. Brock also directs the new Harvard Ethics and Health Program, reported on separately in this annual report.

Also formally joining the faculty of the Division this year was Dr. Robert Truog, a long time participant in the Division’s activities while Professor of Anesthesiology and Pediatrics and Director of the Pediatric Intensive Care Unit at Children’s Hospital. He has assumed the position of Director of Clinical Programs in the Division where he

will spend sixty percent of his time, while continuing his responsibilities at Children's Hospital for the remaining forty percent. Joining Dr. Truog to help develop clinical programs is Christine Mitchell, who now devotes half of her time to the Division. Mitchell, who will continue as Director of the Ethics Program at Children's Hospital, has long and extensive experience in clinical ethics in many of the University-affiliated hospitals. A former Faculty Fellow in Ethics, she will work with Dr. Truog as Associate Director of Clinical Programs. We have increased the time that Mildred Z. Solomon devotes to the Division. Solomon continued to run the Division's fellowship program this year and contributed to building the research program as the Division's new Director of Clinical Research. She has an outstanding record of empirical research in bioethics from her other home at the Educational Development Corporation. Our ability to undertake this expansion was made possible by a programmatic and financial commitment from the Dean of the School, Joseph Martin.

Undergraduate Medical Education: This year Walter Robinson was appointed Director of Medical Education within the Division. Robinson, who was on leave this past year at the Wellcome Trust Centre for the History of Medicine at University College London, will oversee the undergraduate curriculum on his return. The Division offers formal courses for undergraduates as well as other programs in the informal curriculum. Robinson's "selective" course for first year medical students entitled "Medical Ethics in Clinical Practice" was co-taught in the first semester by Professors Brock and Truog. The weekly sessions were case-based, and introduced the students to the core elements of ethical reasoning around issues such as truth-telling, confidentiality, genetic testing, rationing, professional boundaries, cultural differences, informed consent for treatment and research, and end-of-life care. In addition to required readings and class participation, each student wrote a term paper on a topic in bioethics. Two of these papers won the Division's Beecher Award first and second prizes, given each year for outstanding student papers in medical ethics. In the January term, Martha Montello offered a one-month intensive course, "Narrative Ethics: Literary Tests and Moral Issues in Medicine." The

Division also offers opportunities for advanced undergraduates to do intensive independent study with Division faculty.

Beyond formal classroom work, the Division seeks to provide varied exposure to ethics issues to undergraduates. In the Social Medicine Forum, a yearlong program that introduces first-year students to topics in social medicine, the Division presented two seminars. Dan Brock spoke on physician-assisted suicide and end-of-life issues and Allan Brandt spoke on "Cross Exam: Testifying in U.S. v Philip Morris" (an account of his testimony and analysis of the Federal RICO case against the tobacco industry). The Division also sponsors, under the direction of Lisa Lehmann, Faculty Associate in Ethics, a longitudinal ethics track for interested students, with a variety of courses, clinical experiences, and research opportunities to pursue throughout their four years at the Medical School. Four undergraduates, supported by the Division, will pursue summer research in medical ethics in 2005; two will go to the World Health Organization.

The Medical School is reevaluating the entire four-year curriculum, and members of the Division are serving on each of the major committees overseeing this effort. As part of the reform, the Division has proposed a major expansion of its teaching for the School's undergraduates. It proposes: (1) expanding formal course offerings for first and second year students to introduce them to the main issues in clinical medical ethics before they enter the clerkships in their third year; (2) collaborating with clerkship directors at all principal clerkship sites to identify Master Teachers in ethics and professionalism who, with the Division's faculty, would oversee ethics case rounds and the writing of ethics case papers by medical students during their various clerkships; (3) a short course for fourth year students entitled "Preparing for Practice"; and (4) a concentration in medical ethics for students wishing to pursue work in the field at a more advanced level. The overall result of the curriculum reform process remains to be seen, as well as what will be the precise role of medical ethics in the new curriculum. However, we are hopeful that future students will have available a much enriched and strengthened medical ethics curriculum.

Graduate and Professional Education

The Division provides a number of programs that serve the continuing educational needs of health professionals and others both within and outside the Harvard system.

Fellowship in Medical Ethics: The Division's Fellowship in Medical Ethics, led by Mildred Solomon, provides a year-long intensive training and research experience for health professionals. From a strong applicant pool, eight individuals were accepted for this year's fellowship. There are two primary components to the fellowship program. First, the weekly seminar explores a broad range of topics in medical ethics. Dr. Solomon provides continuity in the seminar, and faculty from both the Medical School and the School of Public Health teach sessions. Topics include research ethics, end-of-life issues, organ transplantation, informed consent and surrogate decisionmaking, conflicts of interest, resource allocation, and underlying theoretical work in moral philosophy and theories of justice. Second, each fellow develops a research project that he or she pursues over the fellowship year, and that is intended to result in a publishable paper. Fellows have published papers based on their research projects in such journals as *Journal of the American Medical Association*; *New England Journal of Medicine*; *Nature Medicine*; *Journal of Clinical Ethics*; *Journal of Law, Medicine, and Ethics*; *Perspectives in Biology and Medicine*; and *Medical Journal of Australia*.

While a few of the fellows come from a distance, most of them are from the greater Harvard and Boston medical community. The fellowship is structured to permit physicians, nurses, and other health and academic professionals to integrate their fellowship work into their full-time professional commitments. Former fellows have taken leadership roles in developing ethics programs in virtually all of the University's affiliated healthcare institutions. They also staff medical ethics sections at other healthcare institutions, philosophy departments, and non-governmental organizations both in this country and abroad.

Medical Ethics Faculty Seminar: The Medical Ethics Faculty Seminar, directed again this year by Division faculty member Marcia Angell, brings together healthcare professionals from around the University for monthly presentations and discussions around a single theme. This year's topic was "Moral Erosion: How and When to Say No," and featured speakers who, in various contexts, had

found it necessary to stand against institutional and other pressures to "go along" in ethically troubling situations. Speakers included Tom Beauchamp (Georgetown University), Troyen Brennan (Medical School), David Graham (Food and Drug Administration), Martha Minow (Law School), Joseph Gerstein (Medical School), R. Alta Charo (University of Wisconsin Law School), and Nancy Olivieri (University of Toronto Medical School). The Seminar draws between thirty and fifty participants for each meeting.

Harvard Ethics Consortium: The Consortium, facilitated by Robert Truog and Christine Mitchell, meets monthly and is now in its sixth year. The participants are members of the ethics committees and ethics support services, ethics consultants, academic bioethicists, and fellows in medical ethics from throughout the Medical School's affiliated institutions. The presentations have addressed such issues as whether it is ethically acceptable to inseminate a donor egg with sperm from the father of an infertile woman, so that the child will have a genetic family link to her; when it is ethically justifiable to withhold medically administered nutrition and hydration from a child; and whether a healthcare provider may deny a patient's or surrogate's desire for death-delaying medical treatments that providers consider harmful or ultimately futile. Physicians, nurses and other professional staff members describe cases for which they have sought ethics consultation within their hospital or healthcare facility. This is followed by analysis and commentary from an ethicist, faculty member, or staff member from a different Harvard institution. Between thirty and sixty staff and faculty from a variety of specialties and disciplines attend the Consortium, which provides an important forum for peer review of clinical ethics advice across the University's teaching hospitals.

The *Journal of Clinical Ethics* publishes a regular feature entitled "Cases from the Harvard Ethics Consortium," edited by Christine Mitchell and Robert Truog. Each issue contains several articles by participants in a selected case, including physicians, nurses, social workers, and the patient or family members, accompanied by commentary from an ethicist. These constitute the most in-depth descriptions of real, multi-perspective bioethics cases widely available for teaching clinical bioethics. They pro-

duce broad discussion within the field of bioethics, including at sessions of the American Society for Bioethics and Humanities, which is devoted to publishing Consortium cases. They have also generated widespread awareness of and interest in the University's program in medical ethics. The editors have explored with potential publishers the possibility of a bioethics casebook based on the Consortium.

Program in the Practice of Scientific Investigation:

The Program provides ethics training to postdoctoral research fellows who are concentrating on ethical issues that arise in the context of "wet bench" medical and biological research. The Program is taught on an intensive basis twice a year and covers 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 Medical School and the affiliated hospitals.

Scholars in Clinical Science Program: Dan Brock and Robert Truog organized and helped teach a new eight-week ethics module for the Scholars in Clinical Science Program, a federally funded program for physicians who are preparing for careers in clinical research and who are training at Harvard-affiliated programs. The course covered the historical background to the ethics of clinical research, international codes, informed consent, subject selection and recruitment, ethical issues in research design, conflicts of interest, and special issues related to genetic research and international research. In addition to required readings and class participation, each student wrote a term paper on a topic related to the course.

Harvard Ethics Leadership Council: While all of the University's affiliated hospitals have active ethics programs and consultation services, few opportunities have existed for these programs to mutually benefit from interaction related to shared problems and missions. The Partners-affiliated programs recently initiated such cooperation under Dr. George Thibault and following a series of meetings between Dr. Thibault and Robert Truog, they agreed to expand this collaborative effort, under the leadership of Robert Truog and Christine Mitchell, to include all the University's affiliated hospitals. The first meeting was held on April 4, and a number of topics and areas of mutual interest were identified. These will be addressed through the work of subcommittees and further developed through the regular quarterly meetings of the entire Council.

Harvard Bioethics Course: All of the Harvard-affiliated hospitals share a need to educate and support the clinicians and other staff members who are asked to serve on their ethics committees and consultation services. While excellent courses exist, all require travel to other cities and charge significant registration fees. Beginning this spring, the Division will provide a Harvard Bioethics Course aimed at educating staff of the Harvard teaching hospitals and affiliated institutions, many of who serve on hospital ethics committees and participate in ethics consultations. The course entails two stand-alone two-day sessions: one in the spring on ethical theory and cases, and the other in the fall on ethics committees and consultations. Faculty are drawn from the Division and include colleagues active in ethics at the Medical School's affiliated institutions. We expect the course will be offered annually with changes and improvements based on participants' evaluations and evolving concerns and controversies in clinical bioethics.

Grand Rounds Collaboration between the Division and the Hospitals: Robert Truog has initiated and organized efforts to develop a collaborative program between the Division and the Harvard-affiliated hospitals to bring leaders in bioethics to Boston to give Grand Rounds in one of the clinical departments, and to serve as Visiting Professors at the Division. In February, Professor Paul Applbaum, the first guest, delivered Grand Rounds at Cambridge Hospital on the Therapeutic Misconception. Professor Paul Wolpe from the University of Pennsylvania is scheduled to speak on Neuroethics at the Lahey Clinic on January 18, 2006.

Grand Rounds are currently being organized for the Department of Emergency Medicine at Brigham and Women's Hospital, the Department of Surgery at Beth Israel Deaconess Medical Center, and the Department of Medicine at Children's Hospital Boston.

Medical Ethics Works in Progress: Together with the new Ethics Center at Brigham and Women's Hospital directed by Lisa Lehmann and the Harvard Ethics and Health Program, the Division has begun a new monthly program at which Medical School faculty can present works in progress in medical ethics and receive feedback from a group of their colleagues.

Public Programs

To further medical ethics education at Harvard, the affiliated hospitals, and the community at large, the Division offers a series of diverse public programs, and maintains and widely distributes a calendar of all ethics-related events taking place in the wider Harvard system.

Medical Ethics Forums: The Medical Ethics Forums bring together experts to address a particular topic of interest, devoting the first hour to several speakers, and the second to audience participation. The forums attract wide interest (one was filmed by ABC's Nightline) and draw audiences of between 50 and 200. The first forum, in November, focused on stem cell research and featured George Daley, MD, a national leader in stem cell research at Children's Hospital Boston, Michael Sandel, PhD, Harvard Professor of Government and a member of the President's Council on Bioethics, and Jonathan Moreno, Professor of Bioethics at the University of Virginia and Co-Chair of the National Academy of Sciences Committee on Guidelines for Human Embryonic Stem Cell Research.

In March, a forum on "Abu Ghraib and Guantanamo: Medical Professionalism, Dual Loyalty and Human Rights," included Steven H. Miles, MD, Professor of Medicine and Faculty Member, Center for Bioethics, University of Minnesota Medical School; Leonard S. Rubenstein, JD, Executive Director, Physicians for Human Rights; and Robert Jay Lifton, MD, Lecturer in Psychiatry, Harvard Medical School/Cambridge Health Alliance and Distinguished Professor Emeritus of Psychiatry and Psychology, City University of New York.

The year's final forum, "Soliciting Organs on the Internet," featured panelists Jeremiah Lowney, MD, Medical Director of matchingdonors.com; Douglas Hanto, MD, PhD, Chief of the Division of Transplantation at the Beth Israel Deaconess Medical Center and Chair of the Ethics Committee of the American Society of Transplant Surgeons; Arthur Caplan, PhD, Chair of the Department of Medical Ethics, University of Pennsylvania; and Dan Brock, Division of Medical Ethics. Edited versions of the forums will appear in *Medical Ethics*, a journal published by the Lahey Clinic, and will be distributed to all physicians in Massachusetts as well as to a wider audience.

Ackerman Symposium: Allan Brandt and Robert Truog organized and moderated the Second Annual Ackerman Symposium, sponsored by the Division. "Educating for Professionalism: From Principles to Practice" centered on the impressive consensus evolving within the medical profession regarding professional values, and the simultaneous concerns about the teaching and internalization of these values within contemporary medical education. A distinguished group of researchers and medical educators, including David Rothman, Sharon Levine, Richard Cruess, Sylvia Cruess, and David Mechanic, assessed the current efforts to enhance professional ethics and values in medicine. University faculty served as commentators and discussants. The Ackerman Fund supports programs in Medicine and Culture at, among others, the Medical School and the Faculty of Arts and Sciences.

Other Activities: Each year the Division sponsors two endowed lectures. The George W. Gay Lecture in Medical Ethics (the oldest endowed lecture at the School) was given by Jerome P. Kassirer, MD, Distinguished Professor, Tufts University School of Medicine and a former Editor of the *New England Journal of Medicine*. His topic, "Medicine and Money: Mix with Care," explored the problematic influence of money from large drug companies on various areas of medicine. The Lawrence Lader Lecture on Family Planning and Reproduction, "Facing a Future Without Roe," was given by Kate Michelman, President Emeritus of the National Abortion Rights Action League. It explored the potential implications and effects of the U.S. Supreme Court overturning *Roe v. Wade*. The Division sponsors other lectures throughout the year for students and faculty, including the series at the Fox Hill Village Retirement

Community. The medical ethics issues addressed included stem cell research, end-of-life care, and healthcare rationing.

Ethics and Health Interfaculty Program

(reported by Dan W. Brock)

The first year of the new Ethics and Health Interfaculty Program has been busy and productive. Much of the activity centered on establishing working groups, developing the postdoctoral fellowship program and the guest speaker series, and working on the website. Dan W. Brock (Medical School) directs the program, with a steering committee consisting of Allan Brandt (Faculty of Arts and Sciences and the Medical School), Norman Daniels (School of Public Health), Frances Kamm (Faculty of Arts and Sciences and Kennedy School), Robert Truog (Medical School), and Daniel Wikler (School of Public Health).

Working Groups

With faculty from across the University, we established five working groups to pursue projects in various areas of ethics and health. All the groups have met, beginning in October 2004, and the good attendance at the meetings indicated a high level of interest and commitment. The working groups included:

Research on Research Ethics (Dan Wikler): This group discussed a research program that would help identify the effective and ineffective features of the system of ethical review of research, including Internal Review Boards (IRBs). The inaugural meeting on December 17, 2004, drew fifteen participants, and at least as many others were interested but were unable to attend. Issues around a general meeting of IRBs were discussed. Greg Koski shared information from two presentations he prepared as former Director of the Federal Office of Human Research Protection, regarding “Reactive Hyperprotection” in Human Subjects Research and PEER Program (“Measuring Quality of IRB Review”). As a result of this meeting, a smaller group (Truog, Solomon, Koski, Wikler, O’Rourke, Joffe, Robinson, Sellers) met in April to discuss Greg Koski’s PEER Program.

Mildred Solomon is chairing a series of meetings with a subgroup of the Research Ethics working group to explore ways to enhance the quality of IRB review, and particularly

to determine effective strategies for enhancing IRBs substantive analytic abilities. A first meeting with Greg Koski, Pearl O’Rourke, Bob Truog, Steve Joffe, Dan Wikler and others was held in April, and subgroups are now meeting with the goal of fleshing out one or two specific methods that could be developed, tested and ultimately disseminated as a national resource to IRBs across the country. In addition to designing specific methods, the goal will be to identify funders interested in underwriting the efforts.

Implications of Global Aging (Norman Daniels): This working group met twice (October 2004 and February 2005). In February, members discussed an article by Bergman et al., “Same Patients, Different Systems: Clinical Implications for Care of the Elderly” and “Global Aging and Justice between the Young and the Old.” Three members were awarded a small grant by the Harvard Center for Aging to examine the impact of migration on family support in China. In the fall, the group will develop an agenda for presenting research and facilitating collaborative work on societal aging and equity in health.

Professionalism (Robert Truog and Allan Brandt): This working group met for the first time in February. Attendance was good, and a lively discussion revealed much enthusiasm for the goals, including current interests in professionalism, both for medical education at Harvard (tied to the curricular reform) and elsewhere, and for the profession more broadly. In addition, Sharon Levine, MD, Associate Executive Director, The Permanente Medical Group, Oakland, California, met with the group to discuss possible collaboration.

Priority-Setting (Dan Brock): This working group, cosponsored by the Harvard Institute for Global Health, focuses both on theoretical issues of how scarce resources in a healthcare system should be prioritized (how the burden of disease and health gains can be measured, different concepts of equity in health, and what role cost-effectiveness analysis should play in prioritization), and on more practical policy concerns (how healthcare systems, particularly in developing countries, should decide how to use scarce healthcare resources, including both the substantive tradeoffs they face as well as fair procedures for making choices). Members of the group, whose first meeting was in December, work on these issues in several developing countries and with the

World Health Organization. A follow-up meeting in May, with Vijj Kasemsup, MD, from Thailand, discussed coverage decisions in the new Thai health program.

Genomics (Lisa Lehmann): This working group, meeting for the first time in January, attracted excellent attendance and much interest. The purpose is to bring together faculty from many disciplines and affiliations to work in innovative ways to address important questions concerning the societal implications of advances in genetics. One project being considered is to develop a funding proposal for submission to, among others, the National Institutes of Health for a Center for Excellence in Ethical, Legal and Social Implications (ELSI) research.

Stem Cell Research (Arthur Applbaum): The Program is in the early stages of establishing this working group in collaboration with the Harvard Stem Cell Institute.

Research in Progress Discussion Series

This presentation and discussion series began in April with Steven Joffe, MD (former Faculty Fellow in Ethics) presenting “Preferences for experimental therapy among patients in cancer clinical trials.” He reported results of a study in which cancer patients taking part in a randomized trial were asked whether they were in equipoise (i.e., had no preference) between the two arms of the study, or if they had a preference for either the experimental or the standard arm. Dr. Joffe described the implications of these results in regard to thinking about the ethics of randomized trials. Presentations will continue throughout the academic year on the third Friday of each month.

Speakers Series

We were pleased to offer lectures by several noteworthy scholars in the field of ethics and health. These included talks that were open to the public as well as more informal presentations to our working groups. Speakers included:

Norman Fost, MD, MPH, Professor of Pediatrics and Director of the Program in Medical Ethics, University of Wisconsin Medical School

The Creation of Chimeras in Stem Cell Research

Marion Danis, MD, Department of Clinical Bioethics, National Institutes of Health

Prioritizing Interventions on Social Determinants of Health

James Griffin, PhD, White’s Professor of Moral Philosophy, Emeritus, Corpus Christi College, Oxford
The Right to Life and the Right to Health

Onora O’Neill, PhD, Principal, Newnham College, University of Cambridge
Informed Consent in Genetic Research

Thomas Pogge, PhD, Professor of Philosophy, Columbia University, and Professorial Research Fellow, Centre for Applied Philosophy and Public Ethics, Australian National University
Just Rules for Incentivizing Pharmaceutical Research

John Abramson, MD, Clinical Instructor in Ambulatory Care and Prevention, Harvard Medical School
The Transformation of Medical Knowledge from a Public Good into a Commodity: COX-2s, Antidepressants, and Statins

Postdoctoral Fellowship Program

The postdoctoral fellowship program will begin in September. After a rigorous search, the following three candidates have accepted the invitation to become the first Fellows in the Ethics and Health program: Eric Cavallero, Shlomi Segall and Neema Sofaer. The Fellowships will be for two years. The next group of fellows will join the program in the fall of 2006.

Eric Cavallero received his PhD in Philosophy from Yale University in 2002. He has taught at Yale and the University of Arizona, and has held a Faculty Fellowship in the Center for Ethics and Public Affairs at Tulane University. His research has focused on the structure and moral limits of political sovereignty, global distributive justice, and the ethics of immigration policy. During his fellowship, he will pursue issues in global justice and international law.

Shlomi Segall received his DPhil in Politics in 2004 from the University of Oxford, where he is a Lecturer in Political Theory. His research interests are primarily in normative political and social theory. During his fellowship, he will pursue whether ‘luck-egalitarianism’ can give a plausible account of the just distribution of medical resources.

Neema Sofaer received her PhD in Philosophy from MIT in 2004. She has helped to write briefs for the White House, the National Institutes of Health, and the Development Gateway Foundation/World Bank on topics ranging from health policies for sub-Saharan Africa to building research capacities overseas. She is a member of the Harvard School of Public Health's Institutional Review Board. She is particularly interested in the ethics, regulation and operations of conducting clinical trials in developing countries. She plans to become involved in the project of building IRB capacity overseas.

Health Policy PhD Program

The Ethics and Health Program under Norm Daniels' direction has taken responsibility for the Ethics track of this PhD program. Its requirements and offerings have been revised and strengthened in an effort to increase its attractiveness to graduate students interested in ethics and health.

Student Group

With the Provost's support, we are working with a group of students who have developed a University-wide student group in ethics and health. Their activities this year included organizational meetings, developing a website, and hosting several forums with invited speakers.

Conference

We are in the planning stages of a two-day fall conference entitled "Ethical Issues in Population Health: Mapping a New Agenda." The conference will take place on November 17-18, 2005. All invited speakers have been confirmed. Topics will include: What is Distinctive in a Population Focus? A Bird's-eye Perspective on Bioethics; Society's Responsibility for Health; Health and Human Rights: What Relation to Population-Level Bioethics?; Priority-Setting and Cost-Effectiveness Analysis; Risks and the People Who Bear Them; Inequalities in Health; Social Determinants of Health; Health System Reform; and Populations and Genes.

Website

We have been working with a developer and our website should be up and running for the new academic year 2005-06. The site will contain information on the working groups, the PhD program in Health Policy, the fellowship program as well information on people within the pro-

gram, links to related and useful websites, and a calendar of ethics and health events including information on upcoming lectures and conferences.

Public Health

(reported by Alix Mullin and Jinevra Howard)

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

Courses and Fellowships

The School continues to offer core courses in ethics, which are required for all students. It has broadened its ethics requirement, allowing students to choose among several ethics courses. These include courses on ethics in public health practice, taught by Dan Wikler and Marc Roberts, and ethics in the delivery of healthcare services, taught by Michelle Mello, David Studdert and Troy Brennan.

Since 2002, the School has steadily increased the number of ethics courses offered to its students. This year saw the introduction of "Personal and Social Responsibility for Health" by Dan Wikler, and "Ethics and Health Disparities" by Norman Daniels, both of which satisfy the School's ethics course requirement. "Justice and Resource Allocation," also taught by Norman Daniels, was approved for ethics credit and offered in the spring term. Professor Daniels also taught the ethics module of the Health Policy PhD core seminar.

Ethics also figures prominently in the courses on health and human rights taught by Stephen Marks, Jennifer Leaning and Sofia Gruskin, covering such issues as concepts and methods, complex humanitarian emergencies, issues in health and human rights, and people in war.

Dan Wikler and Richard Cash teach a weekly seminar for Fellows in the Program on Ethical Issues in International Health Research. The course is designed to expose students to the key ethical issues they may encounter in the course of conducting international health research. This year, of the four fellows, two are Chinese, one is Indian, and one is from the Philippines. Information about the Program may be found on the website at <http://www.hsph.harvard.edu/bioethics/>.

In June 2004, the Francois Xavier Bagnoud Center for Health and Human Rights held its annual intensive course on health and human rights, in which 85 attendees from 18 countries participated. Most of the topics, including responses to bioterrorism, vulnerability, treatment of torture survivors, and genetics research, focused on the ethical dimensions of these issues. The course is codirected by Stephen Marks and Michael Grodin (Department of Health Law, Bioethics and Human Rights at Boston University).

Also in June, Jennifer Leaning and Sofia Gruskin lectured on research ethics to recipients of the Third Millennium Foundation Fellowships sponsored by the Harvard University Committee on Human Rights.

Norman Daniels directs the Ethics concentration of the Health Policy PhD program, and leads a year-long Fellows discussion group on Justice and Health. He is also continuing work on a book entitled *Just Health*.

Troy Brennan's course in the responsible conduct of research, "Research Ethics," attracted over 100 students and auditors this year, prompting the need for overflow rooms.

External Training and Workshops

Richard Cash and Dan Wikler were awarded a National Institutes of Health grant for work with the World Health Organization, Ministry of Health of the People's Republic of China, and colleagues in China to build China's capacity for ethical review of health research. The first training course was in Shanghai in August 2004; the second in Beijing in March 2005; and a third is planned for Wuhan in August 2005. Another workshop in Boston was scheduled for June 2005. To assist participants in their teaching, the materials are provided in Chinese on CD-ROMs, along with a text coauthored by our colleague, Professor Qiu Ren-Zong. Past fellows of the program have served as faculty and key personnel in executing the workshop. Several cases, for workshop use, were developed in conjunction with our Chinese colleagues.

The program on Ethical Issues in International Health Research, along with the Ministry of Health of the People's Republic of China, cosponsored a workshop in Anhui, China, in August 2004. Our Chinese colleagues successfully bid to host the biannual World Congress of

the International Association of Bioethics, to be held in Beijing in 2006. They have enlisted our assistance in planning the event.

In the fall, Richard Cash and Dan Wikler were consultants and faculty for a workshop on Research Ethics at the World Health Organization for the Secretariat Committee on Research Involving Human Subjects, and a subsequent workshop on Surveillance and Ethics. Richard Cash was a consultant and faculty for the certificate course on Research Ethics held in Manila, Philippines, in April 2005.

Human Subjects Research

The Human Subjects Administration conducted a broad range of activities during the academic year. In August, Sarah Putney, the Human Subjects Committee Director, joined Dan Wikler and Richard Cash in teaching a workshop in Hefei, Anhui Province, China. She also conducted site visits for two active studies in that province and a seminar for the Institutional Review Board at Anhui Medical University and for the local research staff. Other outreach activities related to international collaborations included hosting the Institutional Review Board chair and administrator from INCIENSA (the Mexican national institute of health), and a site visit to Cuernavaca and Mexico City. Troy Brennan, Chair of the Human Subjects Committee, made a site visit to Chiang Mai, Thailand, and gave a lecture to the School's research team. Lia Haley, Human Subjects Committee Associate Director, and Sarah Putney, joined faculty from Dartmouth, Duke, Muhimbili University College of Health Sciences, and Kilimanjaro Christian Medical Center, to teach two two-day workshops in Tanzania under the heading "Critical Research Ethics Issues in the Era of HIV in Tanzania." These workshops were attended by about 120 Tanzanians and were partially funded by Fogarty grants.

The Human Subjects Committee hosted its first Visiting Scientist, Dr. XiuQin Wang, for four months. Dr. Wang trained in applied research ethics and developed a quality improvement plan for the human research protection program at her home institution in Nanjing, China. A second Visiting Scientist, Dr. Baidaa Mohammed, from Iraqi Kurdistan, followed, and will train with the Human Subjects Committee staff through 2005. A third application, likely to be approved, would bring a senior adminis-

trator from a university in Shanghai, China, for a four month training visit in the fall of 2005.

Sarah Putney drafted the majority of the curriculum for the new online training program in human subjects protections, Harvard Ethics Training in Human Research (HETHR), which is funded by a National Institutes of Health Human Subjects Enhancement grant (Principal Investigator: Provost Hyman). The curriculum is under review by the three IRB chairs at the University, as well as by Dr. Robert Truog, Chair of the University Human Subjects Research Committee. When complete, the program will replace the PowerPoint-based slideshow as the training module for human subjects protections offered to researchers by the University.

The Human Subjects Committee has hired a summer law intern to look at international research ethics regulations and guidelines. The information will be used in a new website tool to allow researchers to see at a glance the regulatory situation in the country in which they intend to work. This project—the Global Research Ethics Guidelines Map (GREGMap)—is supported by the Human Subjects Committee budget and supervised by Sarah Putney.

Finally, the Human Subjects Committee has begun preparing for accreditation of the School by the Association for the Accreditation of Human Research Protection Programs. This initiative is fully supported by the School leadership and the University Provost. The application will be submitted in March 2006 and a site visit made to the School in June 2006.

Collaborative Activities

As previously noted, School faculty joined with Ethics faculty at other Harvard schools in forming the new University-wide Harvard Program in Ethics and Health. Norman Daniels and Dan Wikler are members of its steering committee. A division of the Edmond J. Safra Foundation Center for Ethics, the Program sponsors two-year postdoctoral fellowships, conferences, faculty working groups, and a research agenda that expands the scope of bioethics to include issues arising at the population level, including ethical issues in health policy and in the strategy and practice of global health.

This population-level research agenda was given emphasis in lectures by Dan Wikler at the plenary session of the

International Association of Bioethics (in Sydney, Australia), and by Norman Daniels in the 10th anniversary lecture to the Nuffield Council (in the U.K.). Dan Wikler also addressed the plenary session of the International Society on Priorities in Health Care (in Wellington, New Zealand).

The Program on Ethical Issues in International Health Research, headed by Richard Cash of the Department of Population and International Health, continued its research and training missions at Harvard and abroad. The six postdoctoral and mid-career fellows (half from China, as in previous years; two from India, and one from the Philippines) who participated in weekly seminars led by Professors Cash and Wikler, also interned with the School's Committee for the Protection of Human Subjects. The Program's collaboration with China's Ministry of Health and with the World Health Organization continued, with intensive courses in Shanghai and Beijing, each using cases from Chinese experience and taught jointly with Chinese colleagues and alumni of the program.

Dan Wikler was named Chair of the International Advisory Committee of the 2006 World Congress of the International Association of Bioethics, which will take place in 2006 in Beijing. Along with School of Public Health faculty William Hsiao, Yuan-Li Liu, and Winnie Yip, he serves on a special Harvard-China advisory committee to the Congress leadership. In addition, he will serve as faculty for the 2005 session of the three-week Anglo-Chinese Philosophy Summer School, now in its 20th year.

The School's Ethics faculty continued in advisory and consultative roles for health policy both in the U.S. and abroad. Dan Wikler addressed Institute of Medicine study panels on issues ranging from prison research to the health impact of lifestyle decisions, and joined colleagues at Harvard and abroad in a World Health Organization-brokered consultation with Thailand's Ministry of Public Health on ethical dimensions of health resource allocation.

Michelle Mello has been selected as a Greenwall Foundation Faculty Scholar in bioethics. This three-year career development award will support work on ethical issues in the pharmaceutical industry, which she will conduct under the mentorship of Professors Brock, Daniels, and Wikler.

Conference Participation

Michelle Mello presented a paper, coauthored with David Studdert, on academic medical centers' standards for clinical trial agreements with industry sponsors, at the Office of Research Integrity's Conference in San Diego. Norman Daniels organized the Ethics panel for a public session of the Institute of Medicine's committee on Use of Cost-Effectiveness Analysis in Regulatory Contexts, held in November, and is working with the Institute of Medicine staff on the ethics chapter of that report. Professor Daniels gave a Distinguished Lecture to the Nuffield Council, the national U.K. bioethics council, aimed at guiding it through the next decade. That lecture is under review with the *Hastings Center Report*, and has led Nuffield to consider broadening its mandate to take up issues in population health.

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APPENDIX I

Reports of the Faculty Fellows 2004-2005



Jennifer S. Hawkins*Faculty Fellow in Ethics*

Let me begin by saying that my year at the Edmond J. Safra Foundation Center for Ethics was simply wonderful. The office staff—Jean McVeigh, Mandy Osborne, Kim Tseko, Jaime Muehl, and Alyssa Bella—were incredibly friendly and helpful and made coming into the office each day a real pleasure. Arthur Applbaum and Fred Schauer kept our seminar lively and intellectually engaging, and were also available outside the seminar to talk about our work. My fellow Fellows were a wonderful group and I had useful discussions about my own work with all of them. In short, I can't remember a better year from the standpoint of my academic interests. The Center provided the optimal setting for research and intellectual discussion.

I began the year thinking that I was almost finished with one project and ready to launch into a new one. As it turned out, that was not quite right! Prior to coming to the Center, I had been working on an edited collection of essays on the topic of exploitation and clinical research in developing countries (*Exploitation and the Problems of Multinational Clinical Research*, forthcoming, Princeton University Press). When I arrived, all but two of the external essays had been completed, and my own contribution was drafted, though still in need of some polishing. However, things rarely proceed as one expects. I kept trying to polish it off throughout the fall while also getting my new work up and going. The book chapter, however, was stubborn. In December it finally struck me that I really had two distinct papers, thus explaining my difficulties in the polishing department! So in February I completely re-wrote that material, in the process creating two papers, both of which deal with clinical research ethics. The first—"Exploitation and Research in the Developing World"—is focused on the analysis of 'exploitation' and on the question: Under what circumstances is it appropriate to apply the term to clinical trials? This paper, my contribution to the edited collection, has now been submitted to Princeton University Press. The second paper—"Justice and Placebo Controls"—is an exploration of the basic obligations of researchers and of the extent to which it makes sense to model the researchers' obligations on those of physicians. This paper has also been completed and is now under review with a journal.

Despite the additional time spent on research ethics, I have managed to make good progress on my new project—a series of papers linked by their common attention to the notion of human well-being. The first paper in this series, "Well-Being, Autonomy, and the Horizon Problem," was written in the fall and submitted to a journal before the end of the first term. It is an exploration of the various kinds of obstacles that stand in the way of good prudential judgment on the part of individuals. It aims to draw attention to the fact that these problems are of many different sorts: some internal and psychological, others external, a function of the environment the individual is in. It also argues that a good subset of these problems cannot be solved by the traditional full-information approach to well-being or by any simple addition to these theories. Indeed, one aim of the paper is to lay the groundwork for the claim that one cannot develop a philosophical theory of well-being apart from a psychological theory of good mental health. Such a theory is needed to ensure a kind of healthy evaluative judgment that is (in my view) a necessary (though by no means sufficient) condition of good prudential judgment. I see this paper as the first in a series that explores individual knowledge of the good, and philosophical problems related to such knowledge.

A second paper is now drafted, although in need of more work. I presented part of this paper to the fellows seminar in the spring. This one has a more applied bent to it than the first, and is concerned with the normative question of how to make decisions for people who can no longer make decisions for themselves. There are basically two traditions of thought on this question. According to one view, if it is at all possible, one should try to make decisions in accordance with the values the incompetent person held while still competent. If, for example, she wrote an advanced directive, advocates of this view would insist that all decisions be made in accordance with the directive. The other approach argues that in such cases, since the person is no longer able to make autonomous choices, it is permissible and indeed desirable that those in charge make decisions for her on the basis of their best estimate of where her current interests lie. I am sympathetic to the second line of thinking, in part because I am concerned about the poor choices healthy people make for their later, unhealthy selves. A full defense of this view, however, requires examining the notion of individual good.

My paper begins with Ronald Dworkin's account in *Life's Dominion*, for Dworkin is the staunchest philosophical defender of the view I wish to reject. The paper has two parts. The first (which was presented to the seminar) is a critique of certain specific claims Dworkin makes about well-being. The second is an examination of Dworkin's own claims about "the point of autonomy" (his phrase for the rationale underlying the general presumption in favor of allowing competent adults to make their own choices about how to live their lives). I argue both that Dworkin's view is problematic and that we cannot arrive at a satisfactory account of the point of autonomy until we consider the ways in which autonomy functions as a component of well-being. Once we do that, we shall see that, despite what Dworkin claims, we do not offend against autonomy when we adopt a best interests approach to making decisions for incompetent persons. This paper will be finished in early summer and sent for review to a journal.

All in all this has been a wonderful year for research and writing. Thanks to everyone at the Center who made it possible!

Deborah Hellman

Eugene P. Beard Faculty Fellow in Ethics

This has been a wonderful, stimulating and productive year. The Center provided a perfect environment in which to work. I found the seminar, led by Arthur Applbaum, to be a stimulus for my thinking. The informal discussions with the Faculty Fellows and Graduate Fellows gave me useful feedback and intellectual companionship. The Center staff was helpful, cheerful and full of advice on issues far beyond the basic mission. Finally, I want to thank Eugene P. Beard for funding my fellowship and thus making possible this wonderful year.

Let me begin by describing the work that I have accomplished this year. I am at work on a book, tentatively titled *Discrimination*, in which I aim to articulate a general theory of when discrimination is wrong and for what reasons. During this fellowship year I have completed three chapters of the book. The first—a longer version of which I hope to submit to journals in the near future—argues against the relevance of the actor's *intentions* in determining whether an action that draws distinctions among people constitutes wrongful discrimination. The article, titled "It's Not the Thought that Counts," was presented in a

very early form at the fellows seminar at the end of the fall semester. Following useful critique by Arthur Applbaum, Fred Schauer and the fellows, I revised it substantially and presented it at Legal Theory workshops at Dartmouth College in February and UCLA Law School in March. The participants in these workshops provided more critique, which in turn led to another substantial revision. I then sent the draft to colleagues at other law schools, who pointed out several errors requiring further revision. Before finally putting this piece to bed, I will present it one more time to our informal after-hours group of fellows (those of us still around in May and June). I hope to send it to law journals soon thereafter.

The second chapter, largely completed, is called "The Arbitrariness of Arbitrariness." In it I make the argument that the accuracy of a classification is also irrelevant to its moral permissibility. The intuition that the accuracy of classifications matters morally, and ought to matter legally, in assessing their permissibility is powerful and amply represented in law. For example, the requirement that one must pass the bar exam to practice law is relatively uncontroversial precisely because bar passage is thought to be a fairly good proxy for legal competency. From the highly institutionalized to the relatively informal, this intuition is influential and persistent. When my three year old complains that her preschool class is required to take naps while the four year old group can either nap or play quietly, the answer that appears to satisfy her is that this is because most three year olds need naps while most four year olds do not. Similarly, the business of insurance in all fifty states is governed by the principle of "actuarial fairness" which requires that insurers only draw distinctions between insureds, in terms of rates or levels of coverage, that are supported by data showing that the distinction reflects an actual difference in the likelihood that each insurance purchaser will draw funds from the insurer during the policy period.

In this chapter I want to challenge the intuition that accuracy matters to the moral permissibility of discrimination. To do so, I argue first that many classifications that are morally problematic are fairly accurate. Second, I argue that some inaccurate classifications are not morally problematic. Third, I argue that the degree of fit does not ameliorate the problematic nature of problematic classifications.

I am currently at work on a third chapter of the book, which I hope to finish by the end of my fellowship year. The two chapters described above belong in the first, critical section of the book. There I argue against the dominant answers most often given to the question of when discrimination is wrong. Part II of the book turns to the positive account, in which I lay out and defend my own conception of wrongful discrimination. The first chapter of Part II, tentatively titled “The Deep Conventionalism of Discrimination,” presents the argument that discrimination is conventional in two important senses. First, whether classification on the basis of any particular trait is wrongful depends on whether classification on the basis of that trait carries a negative or derogatory meaning in our culture. For example, because of our particular culture and history, a law or policy that treats women differently from men expresses something about the abilities of women as compared to men than does a similar policy that distinguishes between those whose last names begin with A and those that do not. Because gender is a socially salient trait, use of it in laws, policies and decisions has meaning. Discrimination is conventional in the sense that it is only discrimination on the basis of traits with this social meaning that are problematic.

There is a second sense in which discrimination is conventional. If by discrimination we mean treating people differently on the basis of the presence or absence of some trait, we need also to focus on what the difference in treatment entails. Sometimes the difference is significant only conventionally as well. For example, the fact that in the Jim Crow South blacks were required to sit in the back of the bus exemplifies both dimensions of the conventionalism of discrimination. The fact that people with dark skin have been subject to legal and extra-legal mistreatment for so long affects the meaning that any policy that distinguishes on the basis of skin color could have. Secondly, sitting in the back of the bus itself has meaning, conventionally. That policy wrongfully discriminates because it expresses denigration of people with dark skin.

My work has benefited greatly from the seminar. While some of the topics were familiar to me, others I had focused on only long ago (when I was a Graduate Fellow in 1992-93). I found that the reading broadened the way I thought about my work on discrimination in unexpected

ways. For example, the seminar on the Doctrine of Double Effect helped me to think differently about my chapter on the moral significance of intentions. Arthur was a wonderful seminar leader. He kept the discussion focused, was consistently and productively challenging, and improved my thinking on the many topics we discussed.

The release from teaching and committee obligations provided by this fellowship came at an especially opportune moment for me. I have two young daughters, Julianna, three and a half and Justine, now one. When I arrived at the Center, Justine was just four months old—now she is walking and beginning to talk. The proximity of the Center to my home and to the Harvard-affiliated daycare provided both more time for scholarship and more time with my children than my normal schedule and commute allow. Because I believe deeply that the hours spent caring for children is important and productive work, and because I believe that the time and energy mothers devote to their children has an impact on their productive capacity (and thus on gender equity in the academy), I felt it was important to include that work among my accomplishments for the year. I am especially thankful for the opportunity this fellowship provided to combine motherhood of young children with productive work as a scholar.

I was extremely lucky that the Visiting Professor in the seminar this year was Fred Schauer—someone whose work I especially admire. Fred has a very gentle and thoughtful manner. I especially appreciated Fred’s ability to take each fellow’s project on its own terms and help to make it the best it could be.

The Center staff was terrific. Not only did they help us to navigate the Harvard community, they also provided assistance with a myriad of outside needs from restaurant recommendations to childcare suggestions. Thanks to Jean McVeigh, Kim Tseko, Mandy Osborne, Jaime Muehl, Alyssa Bella and most recently to Stephanie Dant.

During this year at the Center, I have written a substantial portion of my book project. I hope to complete a draft next year when I will be a Fellow at the Woodrow Wilson International Center for Scholars in Washington, D.C.

Simon Keller

Faculty Fellow in Ethics

My year as a Faculty Fellow at the Center for Ethics has been enjoyable and productive. I have benefited from my interactions with the faculty and the other fellows, the friendly intellectual environment, and the time provided to pursue my own research.

The focus of my year has been my work on a book manuscript, tentatively titled *The Trouble with Loyalty*. It is an attempt to distinguish and understand different kinds of loyalty, and to assess the role that the notion of loyalty should play in our thinking about morality. I expect (hope!) to have the manuscript ready by the end of the summer. Of the chapters that I wrote during the year at the Center, two were presented at the fellows seminar.

The first of these is “Four Models of Filial Duty.” Duties of grown children to parents have traditionally been understood as duties of gratitude, duties to repay debts accumulated during childhood, or duties of friendship. I try to show that none of these models of filial duty is satisfactory. Performing one’s filial duty is not like displaying gratitude, discharging a debt or interacting with a friend. A better way of construing filial duty, I suggest, is via the special goods that tend to be uniquely associated with healthy parent-child relationships. I construct a model of filial duty grounded in these considerations, and explore some difficult issues about how the requirements of filial duty are connected to feelings of filial love, piety and loyalty.

I presented a second chapter—“Loyalty to What?”—to the seminar. Here, I try to show that there are certain standards internal to attitudes of loyalty which allow us to see that loyalties to some things are, just on their own terms, problematic. There appears to be some internal respect in which someone who is loyal to concrete, for example, is going wrong. I consider various accounts of what the relevant standards might be, and settle on one according to which loyalty essentially involves a kind of reaching out for reciprocity. Fully spelled out, I argue, the account suggests that loyalty to country is no less problematic than loyalty to concrete; and the attack on loyalty to country that the account yields, I go on to suggest, turns out to be reasonably compelling on independent grounds.

As well as working on my book manuscript, I finished two self-standing articles that incorporate and build upon material from the book. “Friendship and Belief” was accepted by *Philosophical Studies*, and “Patriotism as Bad Faith” was recently published in *Ethics*. I also finished work on an unrelated article called “Freedom!” which will appear in *Social Theory and Practice*.

A very valuable part of my year has been my involvement in the fellows seminar. I learned a great deal, and appreciated the chance to get to know Arthur Applbaum, Fred Schauer and the other Faculty Fellows. I will miss the discussions, and the lunches!

The Center also offers many opportunities to interact with people from other parts of Harvard and beyond. Between the talks by visiting speakers and the various dinners and other events, I have been able to form some philosophical relationships that I hope will last beyond this year. I particularly valued my discussions with Niko Kolodny and Doug Lavin, from the Harvard Philosophy Department, and Liam Murphy, who visited from New York University.

With the time and funding that the Center provided, I was able to make a number of trips to attend conferences or present colloquia papers. I responded to a paper called “Should Peter Singer be an Ethical Meat-Eater?” at a meeting of the Southwest Philosophical Society in New Orleans. I accepted an invitation to give some talks at Davidson College, which included a television interview aired on News 14 Carolina, about what college students should do for their parents. In addition, I went to Richmond, Virginia, to participate in an excellent conference on William Godwin’s account of political justice and also gave a talk on filial duty at Monash University in Australia.

My lasting memory of the Center will be of a stimulating, friendly and dynamic scholarly community. I am thankful to Arthur and Fred, and to the other fellows, for the many enjoyable events and conversations that we have shared during the year. I am also very grateful to Mandy Osborne, Kim Tseko, Jean McVeigh, Alyssa Bella and Jaime Muehl, who make the Center such a pleasant place to work.

Catherine Lu*Faculty Fellow in Ethics*

The story of my year at the Center for Ethics is a mess, in the best sense of that word. It starts and ends in the middle of things. And really, there are two stories, at least.

I spent most of the year working on three chapters of a book project on the idea of moral regeneration in the aftermath of war, oppression and atrocity. The first one explored various worries about the International Criminal Court (ICC) as an institution of moral regeneration. How can the ICC avoid charges either of irrelevant, dangerous, or compromised idealism? How does it propose to reconcile the affirmation of universalist principles in a politically and culturally particularistic world? And how will it balance, prioritize, or reconcile the diverse and potentially divisive tasks of moral regeneration, such as justice and prevention, or deterrence and reconciliation? While I was here, I was able to refine a shorter version of this chapter for publication, as “The International Criminal Court as an Institution of Moral Regeneration: Problems and Prospects,” in *Bringing Power to Justice*, eds. Joanna Harrington, Michael Milde and Richard Vernon (Montreal: McGill-Queen’s University Press, 2005, forthcoming).

As winter deepened, and with the tragedy of the tsunami in the Indian Ocean area fresh in my mind, I began to work on the thorny subject of victimhood. Proponents of various strategies and institutions of moral regeneration typically justify their work in part as contributing to the vindication or fulfillment of victims’ needs, rights or interests. But if moral regeneration is about taking the victims’ view, how to go about fulfilling this task is far from transparent. If we are to take the moral aspect of regeneration seriously, it will be essential to explicate clearly how we are to think about victims, how we even determine who they are, what it means to take their view, and what is involved in giving victims their due. In November, my thinking on these themes benefited from a conversation with students here, through a dinner organized by the University Committee on Human Rights Studies at Harvard, for their ‘Human Rights at Home’ discussion series. I am also looking forward to presenting this chapter at the International Studies Association meetings to be held in late August in Istanbul, Turkey.

In February, I worked on polishing another chapter, on monetary or material reparations as an instrument of moral regeneration after war. Whereas justice as perpetrator accountability obliges perpetrators to pay the costs of injustice suffered by victims, justice as victim restoration produces not only obligations on the part of perpetrators, but also possibly on the part of the wider societies involved. The justice of allocating material reparations to victims then must also involve notions of distributive justice that raise questions about how claims for material reparations by victim groups are to be assessed in relation to wider societal obligations to the generally disadvantaged. I presented this chapter at the International Studies Association meetings in early March in Honolulu, Hawaii, a brief dream between New England snow storms. A shorter version of this chapter will be appearing as “Justice and Reparations after War,” in *Reparations: An Interdisciplinary Examination of Some Philosophical Issues*, Jon Miller, ed. (Oxford University Press, forthcoming).

My book project on moral regeneration is (at the time of this report) still missing a substantive chapter on the relationship between truth, history and remembrance. With luck, that chapter will be written in the next month, so that a fairly complete book manuscript can go in search of a publisher later this summer.

Last September when I first arrived at the Center, I had worked on the final revisions to a piece on legitimacy challenges to the concept and practice of ‘humanitarian intervention,’ understood as the use of military force by states for declared humanitarian purposes. This article will be appearing as “Whose Principles? Whose Institutions? Legitimacy Challenges for Humanitarian Intervention,” in *Nomos: Humanitarian Intervention*, volume 47, Terry Nardin and Melissa Williams eds. (New York: New York University Press, 2005, forthcoming).

Meanwhile, spring lived up to its image this year and produced an unexpected resurrection of sorts. The resurrection occurred in March, when a new seminar series on intervention began, cosponsored by the Center for Ethics and the Carr Center for Human Rights Policy. Stimulated by the first two seminars by Fred Schauer and Michael Blake, as well as by related discussions from our weekly faculty fellows seminar, I decided to resuscitate an old book manuscript on the ethics of intervention that I had kept in my

desk drawer since 2001. By early April, I was able to produce a revised manuscript, *Just and Unjust Interventions in World Politics: Public and Private*, which is now forthcoming from Palgrave Macmillan.

I benefited greatly from stimulating conversations with my fellow Fellows—Simon Keller, Jennie Hawkins, Debbie Hellman, Ken Mack, Angelo Volandes—as well as the guidance of Fred Schauer, and direction of Arthur Applbaum. Wherever my stories go and however they fare in the world, they would not have been possible without the refreshing intellectual energy I felt this year. My thanks also go to the Center’s incredibly helpful and energetic staff—especially Jean McVeigh and Mandy Osborne—as well as Jaime Muehl, Kim Tseko and Alyssa Bella. They spoiled me with many kindnesses so that I could concentrate on creating these messes.

I have found the intellectual life of the Center quite stimulating. The combination of faculty fellow seminars, outside speakers and joint seminars is all that one could ask for in a vibrant intellectual environment.

— Ken Mack, Faculty Fellow in Ethics

Kenneth W. Mack

Faculty Fellow in Ethics

First, I would like to express my gratitude to the Center staff—Alyssa Bella, Jean McVeigh, Jaime Muehl, Mandy Osborne, and Kim Tseko—for creating a wonderfully friendly and helpful environment in which to study, do research and simply come to work every day. The environment at the Center for Ethics was a wonderful change of pace from my regular academic environment (which I also enjoy) and a significant help in getting my work done this year. At the end of this academic year, I will return to my regular position as an Assistant Professor at Harvard Law School. I will describe below how my year at the Center has helped me accomplish several professional goals.

Faculty Fellows Seminar

For me, the faculty fellows seminar was a truly interdisciplinary experience. Most of the seminar readings and discussions focused on political philosophy. I am not a political philosopher, and the seminar thus gave me an opportunity to read and discuss many issues that interest me, but from the perspective of another discipline. For instance, we discussed issues such as collective agency and responsibility, intentionality, and group life within a liberal democracy—all issues that interest me in both my law teaching and my scholarship—in a way that allowed me to view different methodological approaches to these subjects than my own. I found the interaction between Arthur Applbaum and Fred Schauer, the faculty participants, to be quite interesting and useful. Fred and Arthur share much common ground but come to the material from somewhat different methodological perspectives. This, I thought, was quite conducive to producing a wide-ranging and always thought-provoking discussion. I am quite interested in putting some of the material to use in my Property class at the Law School, where intentionality, for instance, is always a core concern in legal analysis.

Research

I spent most of my time this year completing several research projects. In the fall, I finished an article, now under consideration at the *Journal of American History*, on American civil rights lawyering during the 1930s. It analyzes what was essentially a debate about lawyers’ ethics between lawyers affiliated with the NAACP and attorneys affiliated with the Communist Party. My argument differs from much of the literature on this subject, which presumes that the NAACP lawyers were loyal to their clients and that their Marxist critics were using litigation to further a Communist Party-dictated agenda that disserved the interests of actual and potential clients. In the article, I attempt to make sense of the Marxist critique of civil rights lawyering on its own terms, to show how the civil rights lawyers were forced to respond to it, and to show how the model of lawyering that emerged from the NAACP-Marxist conflict integrated elements of the traditional NAACP approach with that of the Communist Party.

I also began and finished a second article, which will be published in the *Yale Law Journal* in November 2005, that examines the intellectual and cultural history of civil rights

lawyering in the three decades preceding the Supreme Court decision in *Brown v. Board of Education*. I respond to a question raised by recent critiques of the Brown litigation, which argue that the litigation was largely ineffective and diverted resources from more effective and democratic forms of social action. The recent critiques raise the question of how to understand the lawyers affiliated with the NAACP, given that it would have been obvious to most observers by the 1930s that litigation would not be the primary means of social change in race relations. In response, I argue that the civil rights lawyers constructed their professional identity through a series of pragmatic compromises that showed an awareness of both democracy-based and utilitarian critiques of reform lawyering, and that their model of lawyering remains relevant in rethinking contemporary reform lawyering.

I presented portions of these works at the Woodrow Wilson International Center for Scholars in Washington, D.C., where Professors Robert W. Gordon (a former Faculty Fellow in Ethics) of Yale University and Daniel R. Ernst of Georgetown Law School offered comments. I also presented part of the work at the fall 2004 annual meeting of the American Society for Legal History in Austin, Texas, where Professor Mark V. Tushnet of Georgetown Law School and Martha Biondi of Northwestern University offered comments.

I also traveled to Washington, D.C. in the fall of 2004 on a research trip to examine primary sources related to these two projects.

Intellectual Life

I have found the intellectual life of the Center quite stimulating. The combination of the faculty fellows seminar, outside speakers and joint seminars is all that one could ask for in a vibrant intellectual environment, which has made this an incredibly busy year. Fortunately I have also found the time to form new collegueships with the Faculty Fellows—Catherine, Simon, Angelo, Debbie, and Jennie—from whom I learned as much as from any other source. It has been a truly productive and intellectually stimulating experience.

Angelo Volandes

Edmond J. Safra Faculty Fellow in Ethics

A typical day in the life of a busy internist is one that is rushed seeing patients, reading the latest *New England Journal of Medicine*, and then seeing more patients. The last nine months have been a rejuvenating respite from the demands of clinical life that has given me the opportunity to reflect on the ethical quandaries that often arise in the patient-doctor relationship. My time at the Edmond J. Safra Foundation Center for Ethics has been an exhilarating and unique experience that I will always treasure. Thanks first to Jean, Mandy, Kim, Jaime, Alyssa, and Stephanie for making the Center flow seamlessly and providing for all the needs of the Faculty Fellows. A hearty thanks also to Arthur and Fred for giving me constructive criticism on the three papers that I have worked on during the year. A special thank you to all of my fellow Fellows—Jennifer, Catherine, Simon, Deborah and Ken—for their engaging discussions. An extra thanks to Jennifer for being such a kind and kindred spirit in pursuing the best care for patients in our conversations, especially our Friday afternoon chats over chai. Finally, this year would not have been possible without the financial support of the Edmond J. Safra Foundation which funded my fellowship and I thank them warmly.

My work at the Center led to three manuscripts that are presently being reviewed at medical and medical ethics journals. The first article, “Patient Preferences in End-Stage Dementia,” explores the role of patient preferences in approaches to end-of-life discussions. Traditionally, the medical establishment has offered invasive medical procedures like CPR and ventilation to patients or their surrogates in cases where the patient is incapacitated. In fact, as many laws are written today in this country, physicians must assume a default in which such procedures are assumed to be desired unless the patient, through either an advance directive or a surrogate, declines such interventions. This default approach has been termed a “presumption for life.”

After an exhaustive review of the data available in the medical literature regarding patient preferences for invasive medical procedures, I found that the overwhelming majority of patients do not want such invasive medical proce-

dures in the advanced stages of dementia. Ironically, offering such options may inadvertently lead to disrespecting the wishes of the majority of patients. What I suggest in this paper is a flipping of the default to one in which invasive procedures are not offered to patients unless patients and surrogates give evidence that patients do want such procedures. In this paper, I also explore a recent argument made by Cass Sunstein and Richard Thaler regarding default rules and the welfare of individuals.

My second paper, "Medicine's Discontent: Medical Ethics in Search of a Public Philosophy," explores the role of consumerism in medicine. Prior to the development of the academic discipline of medical ethics, physicians practiced in a paternalistic fashion. Most decisions for patients were made unilaterally. With the advent of medical ethics, patients' voices played an increasing role in medical decisionmaking, and autonomy soon took hold of the discipline. This paper explores some of the negative effects of an autonomy-based medical ethics, namely consumerism. Market forces and patient preferences play an overwhelming role today in how medicine is practiced at the bedside. Should patient preferences direct medical decisions or can there be a happy medium? This paper explores alternative voices and values that ought to play a larger role in the discussion.

My final paper, "Forced Choice: Requiring Patients to Complete Advance Directives," was written in response to the major news in medical ethics this year, the Terri Schiavo case. End-of-life decisionmaking continues to frustrate physicians when there is no advance directive available. Families will always disagree when deciding care for loved ones at the end of life; advance directives can mitigate such conflicts. Yet despite millions of dollars and a concerted effort on the part of physicians, only 20 percent of patients have completed these helpful forms that would avoid cases like Schiavo, Quinlan, and Cruzan. In this paper, I introduce a novel policy approach in which completing an advance directive is required upon enrolling in an insurance plan. Such a policy would be minimally paternalistic and among the benefits would be avoiding another potential tragedy in which family disputes are resolved in the court system.

Some final events that resulted from my time at the Center included two talks, one given in the winter and another

scheduled for this summer. In December, I took part in a symposium sponsored by the Institute for Human Sciences in Vienna, which explored the meaning of death in society. My part of the symposium explored the traditional meaning of death and contrasted it with the role death plays today in a liberal society. The meaning of death today is malleable and can often be tailored to individual lifestyles. What are the repercussions of this moulding on how physicians ought to understand the role of death in patients' lives?

The second talk will be a collaborative presentation with another Faculty Fellow, Jennifer Hawkins, and is a product of our time here at the Center. After numerous discussions on the failure of advance directives to guide the care of patients with dementia, Jennifer and I will offer two novel approaches for the care of these vulnerable patients. One option is to reverse the default from all medical interventions to that of comfort care unless the patient stated that they wished to have aggressive interventions at the end of life. The second option is to offer a theory of the good and to argue that there are objective criteria that can be applied to all patients in the final days of dementia. Both options would be a major departure from the way care is administered by physicians at present.

This upcoming talk embodies what is unique and special about the Center: next door to you is an engaging mind from another discipline, and through discussions, critiques, and suggestions, much is possible. It is further evidence of the great work that the Edmond J. Safra Foundation Center for Ethics produces each year. But alas, my time has come to a close and now it's back to clinical reality, although a much more informed reality, enriched by a spectacular year!

APPENDIX II

Reports of the Graduate Fellows 2004-2005



Amalia Amaya Navarro*Edmond J. Safra Graduate Fellow in Ethics*

My year at the Center for Ethics has been an extremely enriching experience, both personally and intellectually. I feel privileged to have had the opportunity to be a Graduate Fellow at the Center. I am grateful to the faculty, the staff, the other fellows, and the Edmond J. Safra Foundation, for what has been my most intense year as a graduate student at Harvard.

My main area of research is the philosophy of law. These past months at the Center have been extremely valuable in deepening and widening my knowledge in this area. There were many law-related activities at the Center during the academic year, most importantly the Tanner Lectures on Human Values with Justice Stephen Breyer, as well as other lectures given by several distinguished scholars working in the philosophy of law. These lectures and accompanying dinners gave me a unique opportunity to meet outstanding legal theorists and philosophers of law, and enormously broadened my view of the map of problems that lie at the interface of law and philosophy, and of the different ways in which philosophical inquiry about the law may be pursued.

Well beyond my own interest in the philosophy of law, the interdisciplinary nature of the Center expanded my intellectual interests in exciting ways. I had the opportunity to get to know people from many disciplines and schools, and to consider a wide range of problems and perspectives. The Center has contributed immensely to the expansion of my horizons, in topics ranging from bioethics to education, political theory, international relations, leadership, economics, and philosophy. I have really enjoyed the fact that the Center brings together faculty and fellows from different departments, as well as the variety of perspectives I have been exposed to at the many events sponsored by the Center and other places at the University.

Not only did the Center significantly impact the shaping of my interest in the philosophy of law and in a number of other disciplines, it also made important contributions in helping me move forward with my dissertation. The weekly graduate seminar has been a very friendly setting for discussing my own work, learning about the kind of work that is done by graduate students in other departments,

and talking about the common problems that all graduate students face. Last but not least, it has helped me get used to presenting my work in public. The seminars were always encouraging and useful. Writing a dissertation is often a very lonely experience, and I really appreciated the fact that I had a group of peers with whom I could discuss my work and share the difficulties and the joys of writing.

During the fellowship year, I made much progress with my dissertation. In the fall, I concluded a long chapter that criticizes the dominant Bayesian model of legal proof, examines the current alternative coherence-based theories of fact reasoning in law and finds them wanting, and concludes by suggesting some ways in which a coherence-based theory of legal reasoning about facts may be developed. Such a model, I argue, avoids some of the problems that affect current coherence-based theories of legal proof and may be seen as providing a solid alternative to the Bayesian model. In the spring, I wrote a chapter on the role of normative coherence in legal interpretation. This surveys the current state of the coherence theory in law, diagnoses some problem areas for current coherence models of legal interpretation, and develops a coherence-based approach to legal interpretation that overcomes some of these problems. I also worked on a chapter that further elaborates the main elements of the coherence-based theory of legal reasoning that I defend in my dissertation. By the end of the spring semester, I had an almost complete draft of this chapter. Unfortunately, the year came to an end before I had the chance to discuss the chapter in full in the graduate fellows seminar. But the sustained discussion during this year, both in and outside of the seminar room, has significantly helped me shape the key ideas that I develop in this chapter.

Many thanks to the community of the Center for Ethics for a very enjoyable year, and to the Edmond J. Safra Foundation for providing me with this unique opportunity.

Hélène Landemore

Edmond J. Safra Graduate Fellow in Ethics

This past year at the Center for Ethics has been wonderful and productive in many ways. It was my first year of research for my dissertation and I initially worried that I would not be able to make the most of my time for lack of a precise dissertation topic. In hindsight, however, I am rather pleased with the way my dissertation topic emerged and took shape relatively quickly over the last couple of months. I had enough freedom, especially at the beginning, to explore different research avenues and to realize which one I wanted to investigate. At the same time, I received enough feedback at every crucial stage to save me from wasting time with dead-ends.

Michael Blake was a delightfully smart, funny, and relentless discussion leader who kept us going long past the point where my mind usually starts wandering. I really appreciated that he made our work the focus of the seminar during the second semester. I can imagine that, had I been as advanced in my research as the other fellows were, I would have liked this focus to take place even earlier. As it was, initially having only a vague idea of what I wanted to research (the role of probability in moral and political judgments), I enjoyed the range of philosophical questions we debated in the first semester. I felt that our seminar sessions kept my week structured and stimulating, while exposing me to a wide range of debates, views, and argumentative styles. Dissertation-wise, everything seemed to fall into place toward the end of the semester and I was able to defend my prospectus in mid-December. During this first semester, I also wrote two papers—one on French anti-Americanism and anti-feminism, and another on the headscarf issue in France. I hope to publish both of them.

While the first semester was a time to narrow down the scope of my research and focus on one particular question, the second semester allowed me to rephrase my initial question in a more personal way and to start gathering elements to answer it. In my case the question turned from “Why is aggregative democracy better than deliberative democracy?”—granted, a silly question, but my prospectus committee did not seem to mind!—to “What are the cognitive properties of democratic institutions?” This is when I most benefited from Amalia, Annie, Jappa, Simon, and

Michael’s feedback. I gave them a paper to read that I had presented the week before at the Midwestern Political Science Association and their comments were much more helpful than anything I heard at this professional meeting. Over the semester, they helped me clarify my points and understand passages of the literature on epistemic democracy, corrected my (mis)conceptions of Scanlon, Rawls, and the meaning of legal realism, resisted my majoritarian inclinations, and provided me with enough objections to deal with for the next two years (or at least a full chapter). One thing I wish I had made more use of is the “tossing of new ideas” hour Michael proposed as foreplay for the first half of our seminar during the second semester. In general, I wish I had been less shy about trying out new ideas on this critical, but benevolent audience.

I want to say a word about the other activities at the Center, such as the numerous seminars, lectures, and dinners we attended throughout the year. They were extremely enjoyable and conducive not only to new friendships, but also to new ideas. I am grateful to all the people beside whom I was lucky enough to be seated, and of course to the staff behind these events who made them go so smoothly (thanks in particular to Mandy and Jean for being so patient with my distracted ways).

At this stage, I feel that I have accomplished my goal for the year: find a dissertation topic and have an outline of the main argument. As it is, I even have a draft of two of the seminal chapters and a fair idea of the objections I will have to overcome. I don’t think I would have achieved any of this if it hadn’t been for the time the Center allowed me to spend reading, writing, thinking, and, occasionally, just enjoying life.

Japa Pallikkathayil

Edmond J. Safra Graduate Fellow in Ethics

Thanks in large part to the intellectual and financial support of the Edmond J. Safra Foundation Center for Ethics, I have had an extremely productive year. I spent most of the fall semester working on my prospectus. The opportunity to present my prospectus in the graduate fellows seminar provided me with valuable feedback that has helped me fine tune the direction of my project. My dissertation will focus on when and why coercion is wrong in person-

to-person interactions and what that tells us about the coercive power of the state.

During the course of the year, I also completed a draft of the first chapter of my dissertation. The chapter examines accounts of the problem with coercion that focus on the character of the victim's response. These accounts suggest either that the victim's response doesn't constitute a full-blooded action or that the victim's response doesn't constitute consent to participate in achieving the coercer's aims. I argue that the former kind of account is inadequate while the latter kind of account has the potential to shed light on the problem with coercion. I presented a paper in the graduate fellows seminar in the spring that dealt with some of these ideas and I benefited greatly from the discussion.

Later in the spring semester, I had the opportunity to present another paper in the graduate fellows seminar. This gave me a chance to do some work in an area of philosophy that interests me a great deal but is unrelated to my dissertation, namely bioethics. The paper I presented examined the significance of our genetic relationships, like that of biological parent and child, and the implications of that significance for new reproductive technologies involving gamete donation, surrogate motherhood, and cloning. The discussion was quite interesting and gave me much to think about.

We covered a wide variety of topics in the seminars and I benefited greatly from the exposure to issues and ideas that I might not otherwise have thought about in any detail. Discussions were always lively and illuminating. In particular, I learned a lot from discussions of the philosophy of law led by Amalia Amaya Navarro. Those discussions, along with the Tanner Lectures given by Justice Stephen Breyer and the Center-sponsored talk given by Liam Murphy, enhanced my understanding of an area that is related to my own work but with which I was largely unfamiliar.

Organizing all of the interesting talks, dinners and joint seminars is truly an impressive feat, for which the Center's staff deserves many thanks. The staff also created a delightful working environment and made coming into the Center a pleasure. I am very grateful to the Center for a thoroughly stimulating and thought-provoking year.

Simon Rippon

Edmond J. Safra Graduate Fellow in Ethics

My year as a Graduate Fellow at the Center has been a tremendous experience for me. Under Michael Blake's thoughtful and sympathetic supervision, the graduate fellows seminar has been a breeding ground for new ideas as well as a thorough testing ground for existing ones, and I've looked forward to attending it each week. I've also relished the many occasions during talks and dinners at which I've had the chance to hear from *and be listened to* by a remarkable collection of visiting speakers and faculty, visiting or established, at Harvard; the boost this kind of interaction lends to a graduate student's confidence and professional development should not be underestimated.

I have been able to spend most of my time this year working on my dissertation, which fleshes out an epistemological argument aimed at moral realists and certain moral constructivists. I claim that my argument is in fact quite widely applicable against many standard metaethical positions, and so aims to formulate a plausible sort of constructivism motivated by its immunity to the difficulties raised. On the latter part of the project I still have a way to go, but the year has been very productive in terms of working through various versions of the epistemological argument. What was a shaky outline of an argument at the beginning of the fellowship year is now much closer to becoming the completed core of my dissertation-in-progress.

One of the advantages the Center offers is the chance to collaborate with fellows from a range of academic subjects. In general, the Center has a somewhat more practical ethical focus than the sometimes very abstract discussions unique to philosophy departments. This has been particularly helpful to me because planning a dissertation based on abstract ideas can be very difficult, and in the early stages it can be hard to maintain confidence in one's ideas. Discussions with my seminar colleagues have enabled me to see some more practical applications of my ideas and focus my abstract dissertation topic by working those applications through. One upshot of this type of influence from the Center has been my writing a topical paper defending the use of international law in U.S. constitutional interpretation, and my (not coincidentally) develop-

ing what I suspect will be a lasting interest in legal theory. That paper, which uses a variant of my epistemological argument to justify the invocation of international law, seems to me a very promising one; I aim to circulate it further and hope to ready a publishable draft of it this summer.

One of Michael Blake's best ideas for the graduate fellows seminar was that, some weeks, we would spend the first hour discussing an idea for a paper or a philosophical problem that was only at a germinal stage in the discussion leader's mind. Often this turned out to be fun as well as fruitful, and I took the opportunity in these sessions to raise some problems I had come across in my dissertation work and also to think about something completely different once in a while. From one of those discussions, I have some notes on a possible future paper about how we might better make all votes count in elections.

Next year I will be continuing work on my dissertation and teaching in the Harvard Philosophy Department. I aim to continue to be in touch with my colleagues who have offered me much food for thought at the Center this year, and working very much in collaboration with one or two of the graduate fellows whose work is closely related to mine.

I would like to thank the cheerful and friendly staff who helped make it a genuine everyday pleasure to be at the Center, and, of course, Mrs. Lily Safra and the Edmond J. Safra Foundation for making my memorable and formative year here possible.

Annie Stilz

Edmond J. Safra Graduate Fellow in Ethics

I have had a wonderful year at the Center for Ethics, and the progress I have made is due in no small part to the stimulating intellectual environment I have found here. Thanks are in order to the Edmond J. Safra Foundation for the financial support it provided for my work this year.

Most of my time was spent at work on my dissertation, which addresses the role of political motivation in a legitimate democracy. I argue that a democracy based on the principle of equal freedom may require citizens with particular political motivations, and I inquire into what the

nature of these motivations should be. As a result of the Center's support, I was able to complete two chapters on Rousseau: one on his theory of political freedom, and a second on his account of the moral psychology of citizenship. I presented these to the graduate fellows seminar, and have found the feedback to be invaluable in sharpening my thoughts and helping me revise my work. I also completed a draft chapter on the role of political motivation in Rawls's and Habermas's theories of public reason and deliberation, and the beginnings of a chapter on membership and collective action. In the latter chapter, I argue for a conception of political 'we-ness' that could provide the motivational resources necessary for democratic politics without reference to a pre-existing commonality of culture, language, or ethnicity. There, I argue that political freedom in a democracy should be seen as a good produced through collective cooperative activity, and that commitment to one's own freedom gives one reason to conceive of oneself as a member of a group engaged in this activity. The value of political freedom, I claim, can ground an obligation to regard oneself in a certain light—as a citizen—and this gives one good reason to acquire the intentional states characteristic of full membership. I presented this final chapter at our last graduate fellows seminar this spring and received very helpful comments from the other participants, which I will make much use of as I complete the two final chapters this summer.

As a result of the Center's support, I was able to make great progress on my dissertation, which I will complete this summer, before heading off to Berlin next year for a postdoctoral fellowship at the Free University. Above all, it was a great pleasure to participate in the seminars every week with a group of such gifted and stimulating people as Japa, Simon, Hélène, Amalia, and Michael Blake. We had strident debates about everything from the ethics of the war in Iraq to the moral claims of genetic relationships, to the permissibility of citing legal materials from foreign nations in domestic judicial decisions. One thing that is very special about the seminar is its interdisciplinary nature; I very much enjoyed getting to know several moral philosophers and a legal theorist, and I hope we will keep in touch about our work in the future. Although we came from different backgrounds, in many ways our work overlapped very closely. I now have something interesting to

say on epistemic democracy, coherence theories in law, moral epistemology, and the wronging involved in coercion! Michael made an effort to run the seminar as a dissertation development workshop, and especially in the spring, we had many opportunities to present our work and get feedback. This was really a wonderful opportunity, and it made a tremendous difference to my work. Michael was truly an excellent leader for us this year, and we are all extremely grateful for his dedication to the graduate seminar.

The lecture series and Center events were stimulating and wonderful ways to spend my spare time away from writing. I particularly enjoyed Arthur Ripstein's ideas about a Kantian sovereignty principle as a potential alternative to Mill's harm principle, and Seana Shiffrin's presentation about promising and intimate relationships. Although Ripstein was able to give his presentation entirely without notes, I—the official note-taker—found that several single-spaced pages were not enough to capture the richness of his ideas! The quality of the speakers this year was really a highlight. Finally, I cannot conclude without thanking Arthur Applbaum and the Center staff for being such hospitable hosts this year. Jean, Mandy, Kim, and Jaime were always so friendly and helpful. And I must single out Alyssa Bella for her unfailing energy and dedication to all the graduate fellows. It was much appreciated! In short, I have to thank the Center for providing me with one of the best years I have spent here at Harvard. It will be greatly missed.

APPENDIX III

Report of the Visiting Professor 2004-2005



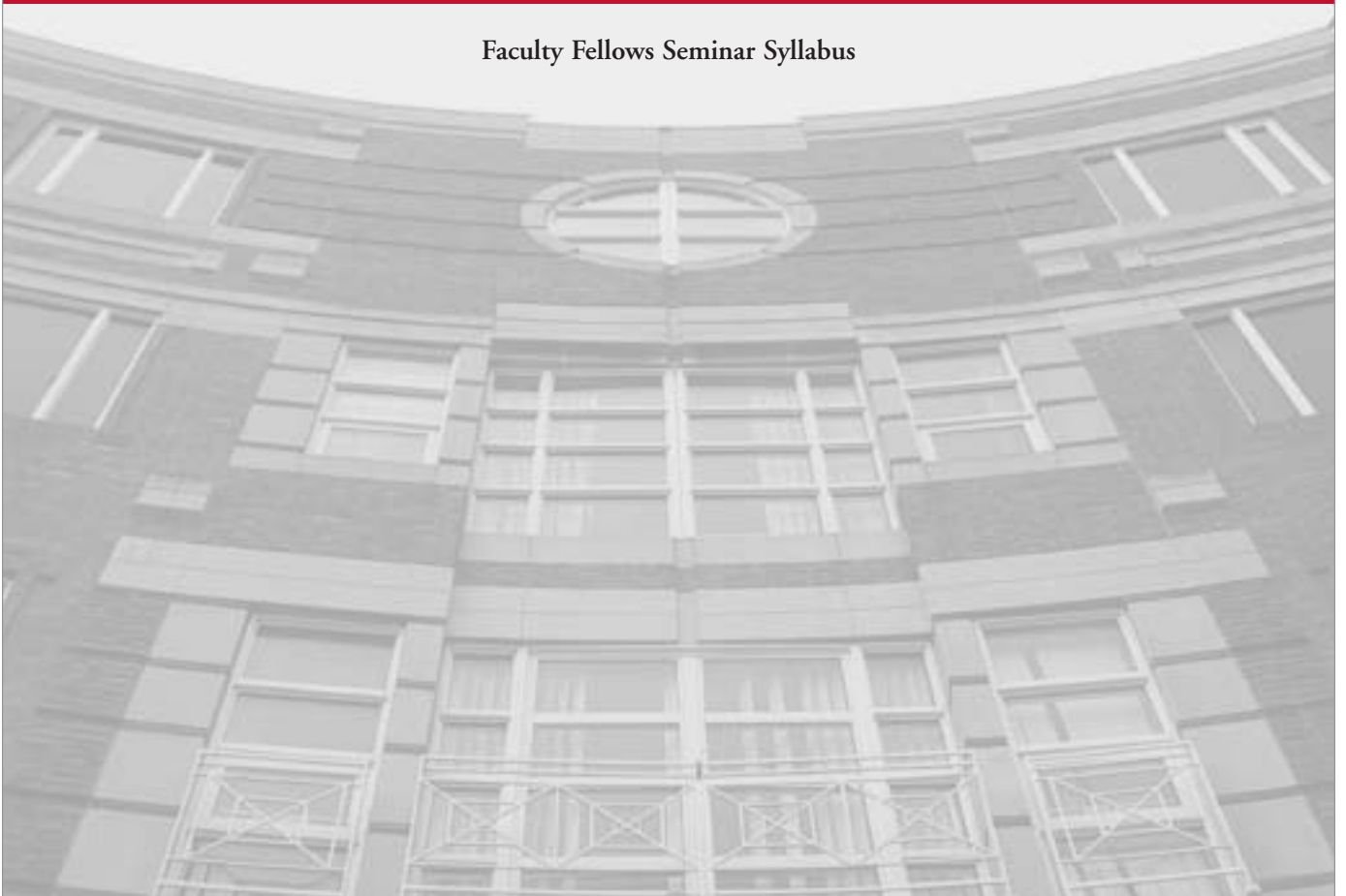
Fred Schauer*Visiting Professor in Ethics*

Participating as Visiting Professor in Ethics for the 2004-05 academic year was a remarkably satisfying professional experience. Although the group consisted of only eight people—a very good size for discussions—the eight of us represented law, history, medicine, philosophy, political theory, and public policy, and came from the U.S., Canada, and Australia, all representing a variety of academic interests and topics. The consequence of this was a wonderful opportunity to participate in a truly interdisciplinary discussion of theoretical topics, many of which tended to cluster around either roles and role responsibility or cross-border moral and political issues. I learned a great deal, found the readings and my colleagues stimulating, and came away from the experience with a renewed appreciation of the way in which philosophical discussion is importantly informed by a diversity of examples, factual questions, and concrete settings.

Although as a Faculty Associate I have been regularly a part of lectures and other Center events for some years, the special role of Visiting Professor made me an even fuller participant in the lectures, joint seminars, and various social events than I had been before, all to my own profit. And the fact that I am the primary dissertation supervisor for one of the graduate fellows put me into even more contact with the Graduate Fellow group. The end result was a feeling of complete participation in the Center in ways that I had not, to my detriment, previously experienced.

APPENDIX IV

Faculty Fellows Seminar Syllabus



FALL 2004

September 21**Cases in Practical Ethics***Presentation: Arthur Applbaum*

"Spaulding v. Zimmerman"

"Hunter v. Norman"

"Three Moments in the Stem Cell Debate"

September 28**The Morality of Roles***Presentation: Arthur Applbaum*Michael Hardimon, "Role Obligations," *Journal of Philosophy* 91:7 (July, 1994), pp. 333-37, 342-63A. John Simmons, "External Justifications and Institutional Roles," *Journal of Philosophy* 93:2 (January, 1996), pp. 28-36Arthur Applbaum, "Are Lawyers Liars? The Argument of Redescription," *Ethics for Adversaries: The Morality of Roles in Public and Professional Life* (Princeton, NJ: Princeton Univ. Press, 1999), pp. 76-109**October 5****Legal Representation***Presentation: Deborah Hellman*Robert C. Post, "Fashioning the Legal Constitution: Culture, Courts and the Law," *Harvard Law Review* 117 (2003), pp. 4-11, 41-77Antonin Scalia, "Originalism: The Lesser Evil," *University of Cincinnati Law Review* 57 (1989), pp. 849-65**October 12****Collective Agency***Presentation: Simon Keller*Thomas Hobbes, "Of Persons, Authors, and Things Personated," *Leviathan*, ed. C.B. McPherson (Baltimore, MD: Penguin Books, 1968), pp. 217-22Christine Korsgaard, "The Unity of Agency," *Creating the Kingdom of Ends* (Cambridge Univ. Press, 1996), pp. 369-74Michael Bratman, "Shared Cooperative Activity," *Faces of Intention* (Cambridge Univ. Press, 1999), pp. 93-108Margaret Gilbert, "What Is It for *Us* to Intend?," *Sociality and Responsibility* (Lanham, D: Rowman & Littlefield Publishers, 2000), pp. 14-36**October 19****Collective Responsibility***Presentation: Kenneth Mack*Dennis Thompson, "The Moral Responsibility of Many Hands," *Political Ethics and Public Office* (Cambridge, MA: Harvard Univ. Press, 1999), pp. 40-65Jeremy Waldron, "Superseding Historical Injustice," *Ethics* 103 (October, 1992), pp. 4-28Eric J. Miller, "Representing the Race: Standing to Sue in Reparations Lawsuits," *Harvard BlackLetter Law Journal* 20 (spring 2004), pp. 91-114

October 26***Intention and Foresight***

Presentation: Catherine Lu

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

Jonathan Bennett, "Intentions," *The Act Itself* (New York, NY: Clarendon Press, 1995), pp. 194-225

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

November 2***Healthcare and Autonomy: Physician Assisted Suicide***

Presentation: Angelo Volandes

Warren Quinn, "Actions, Intentions, and Consequences: The Doctrine of Doing and Allowing," *The Philosophical Review* 98:3 (July, 1989), pp. 287-312

Jeff McMahan, "Killing, Letting Die, and Withdrawing Aid," *Ethics* 103:2 (January, 1993), pp. 250-79

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

November 9***Healthcare and Autonomy: Medical Experimentation***

Presentation: Jennifer Hawkins

Jennifer Hawkins, "Exploitation and Research Ethics" (ms.)

Alan Wertheimer, *Exploitation* (Princeton Univ. Press, 1996), selections

November 16***Generality***

Presentation: Fred Schauer

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

November 30***Presentations of the Fellows***

Presentation: Angelo Volandes

Presentation: Simon Keller

Angelo Volandes, "Violating Autonomy in End-Stage Dementia: A Case of Elder Abuse?"

Simon Keller, "Four Models of Filial Loyalty"

December 7***Presentations of the Fellows***

Presentation: Catherine Lu

Presentation: Kenneth Mack

Catherine Lu, "The International Criminal Court as an Institution of Moral Regeneration: Problems and Prospects," *Great Transformations: Moral Regeneration in World Politics* (ms.)

Kenneth W. Mack, "Class and Mass Politics in the Imagination of the Civil Rights Lawyer 1931-1941"

Selected Canons, *American Bar Association Canons of Professional Ethics*

Optional: Catherine Lu, "Justice and Moral Regeneration: Lessons from the Treaty of Versailles," *International Studies Review* 4:3 (2002), pp. 3-25

December 14***Presentations of the Fellows***

Presentation: Jennifer Hawkins

Presentation: Deborah Hellman

Jennifer Hawkins, "Well-Being, Autonomy, and the Horizon Problem" (ms.)

Deborah Hellman, "Even a Dog Knows the Difference: An Argument Against the Significance of Intent in Assessing the Moral and Legal Permissibility of Discrimination" (ms.)

SPRING 2005

February 8**Constitutionalism and Democracy**

Presentation: Arthur Applbaum

Ronald Dworkin, "The Moral Reading and the Majoritarian Premise," *Freedom's Law: The Moral Reading of the American Constitution* (Cambridge, MA: Harvard Univ. Press, 1996), pp. 7-35

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

February 15**Public Reason**

Presentation: Simon Keller

John Rawls, *Political Liberalism*, Lecture 6 (New York, NY: Columbia Univ. Press, 1993), pp. 212-54

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

February 22**Religious Accommodation**

Presentation: Jennifer Hawkins

Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1986), Ch. 5, 14, 15

March 1**Multiculturalism and Group Rights**

Presentation: Deborah Hellman

Brian Barry, *Culture and Inequality* (Cambridge, MA: Harvard Univ. Press, 2001), Ch. 2

Michael W. McConnell, "Free Exercise Revisionism and the Smith Decision," *University of Chicago Law Review* (fall 1990), excerpts

March 8**Law of Peoples**

Presentation: Catherine Lu

John Rawls, *The Law of Peoples* (Cambridge, MA: Harvard Univ. Press, 1999), pp. 3-10, 35-43, 59-88, 121-28

Charles R. Beitz, "Human Rights as a Common Concern," *The American Political Science Review*, 95:2 (June, 2001), pp. 269-82

March 15**Authority of International Law**

Presentation: Fred Schauer

"Donald P. Roper, Superintendent, Potosi Correctional Center, Petitioner v. Christopher Simmons," U.S. Supreme Court (2005), selections

H.L.A. Hart, "International Law," *The Concept of Law*, pp. 213-37

Frederick Schauer, "Amending the Presuppositions of a Constitution," *Responding to Imperfection: The Theory and Practice of Constitutional Amendment*, ed. S. Levinson (Princeton Univ. Press, 1995), pp. 145-61

Andrew T. Guzman, "A Compliance-Based Theory of International Law," *California Law Review* 90 (December, 2002), pp. 1825-68

March 22**Intervention**

Presentation: Angelo Volandes

Frontline/PBS, "Kosovo"
<http://www.pbs.org/wgbh/pages/frontline/shows/kosovo/etc/cron.html>

IPS-Inter Press Services, "Iraq"
<http://www.ipsnews.net/iraq/timeline.asp>

Michael Walzer, *Just and Unjust Wars* (Basic Books, 1977), pp. 51-63, 86-108

Report of the International Commission on Intervention and State Sovereignty (ICISS), "The Responsibility to Protect" (December, 2001), pp. 1-37

April 5
Foundings

Presentation: Kenneth Mack

John Locke, *Second Treatise of Government*, Ch. VII, §§ 95-99 (pp. 52-3); Ch. XI, § 137 (pp. 72-3); Ch. XIII, § 149 (pp. 77-8); Ch. XVIII-XIX (pp. 101-24)

Christine M. Korsgaard, "Taking the Law into Our Own Hands: Kant on the Right to Revolution," *Reclaiming the History of Ethics: Essays for John Rawls*, ed. A. Reath, et al., (Cambridge, 1997), pp. 297-328

Certification of the Constitution of the Republic of South Africa (*Constitutional Court of South Africa, 1996*), excerpt

April 12
Presentations of the Fellows

Presentation: Angelo Volandes

Presentation: Jennifer Hawkins

Angelo Volandes, "Medicine's Discontent: Medical Ethics in Search of a Public Philosophy" (ms.)

Jennifer Hawkins, "Well-Being" and "Respect or Autonomy" (ms.)

Ronald Dworkin, *Life's Dominion* (Vintage Books, 1994), pp. 199-213, 218-41

April 19
Presentations of the Fellows

Presentation: Deborah Hellman

Presentation: Simon Keller

Deborah Hellman, "The Moral Significance of the Accuracy of Classifications: Ill-Fitting Fit" (ms.)

Simon Keller, "Loyalty to What?" (ms.)

April 26
Presentations of the Fellows

Presentation: Kenneth Mack

Presentation: Catherine Lu

Kenneth Mack, "Rethinking the Origins of the Civil Rights Lawyer and the Significance of Brown" (ms.)

Catherine Lu, "Giving Victims Their Due" (ms.)

May 3
Presentations of the Faculty

Presentation: Arthur Applbaum

Presentation: Fred Schauer

Arthur Applbaum, "Forcing a People to be Free"

Fred Schauer, "The Social Construction of the Concept of Law: A Reply to Julie Dickson"

May 10
Ethics of Teaching and Teaching of Ethics

Presentation: Arthur Applbaum

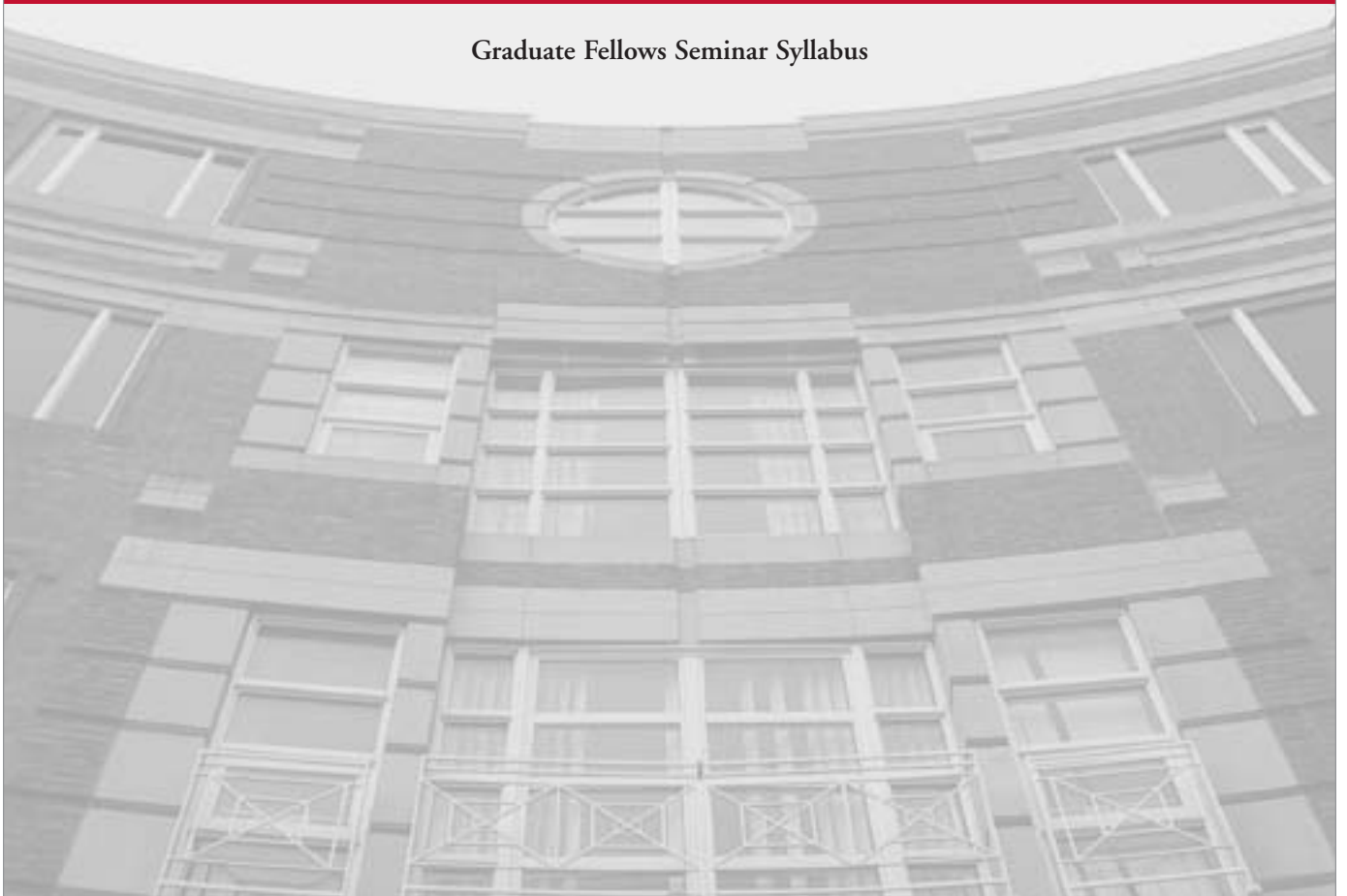
Lionel Trilling, "Of This Time, Of That Place," pp. 755-81

G. Ryle, "Can Virtue Be Taught?" *Education and the Development of Reason*, ed. R. Dearden, P. Hearst, R. Peters (Routledge and Kegan Paul, 1972), pp. 443-73

Immanuel Kant, "Teaching Ethics," *The Metaphysics of Morals*, trans. M. Gregor (Philadelphia, PA: Univ. of Pennsylvania Press, 1971), pp. 266-72

APPENDIX V

Graduate Fellows Seminar Syllabus



FALL 2004

Session 1: September 14**Syllabus Planning***Presentation: Michael Blake***Session 2: September 23****Cases in Professional and Practical Ethics***Presentation: Michael Blake*

"Spaulding v. Zimmerman"

"The Saturday Night Massacre"

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

Session 3: September 30**Ethics of Role I***Presentation: Michael Blake*

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," *Collected Papers* (Cambridge, MA: Harvard Univ. Press, 1999), pp. 20-46 (skim 21-9)

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

Session 4: October 7**Ethics of Role II***Presentation: Michael Blake*

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," *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," *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 14**Reasoning from Generalization***Presentation: H el ene Landemore*

Frederick Schauer, *Profiles, Probabilities, and Stereotypes* (Cambridge, MA: Belknap Press of Harvard Univ. Press, 2003), ix-xi, pp. 1-25, 79-107, 146-54, 181-90

Randall Kennedy, "Suspect Policy," *The New Republic* (September 13, 1999), pp. 30-35

Session 6: October 28**Legitimate Authority***Presentation: Annie Stilz*

Joseph Raz, "Authority and Justification," *Authority*, ed. J. Raz (New York, NY: NYU Press, 1990), pp. 115-41

Thomas Nagel, "Moral Conflict and Political Legitimacy," *Authority*, ed. J. Raz (New York, NY: NYU Press, 1990), pp. 300-24

Frank I. Michelman, "Constitutional Legitimation for Political Acts," *Modern Law Review* 66:1 (January, 2003), pp. 1-15

Session 7: November 4**Moral Blame***Presentation: Japa Pallikkathayil*

Harry G. Frankfurt, *The Importance of What We Care About* (Cambridge: Cambridge Univ. Press, 1988), pp. 47-57

T.M. Scanlon, "Blame," The Jack Smart Lecture, Australian National University (July 30, 2003), pp. 1-32

Session 8: November 18**Public Reason and Religious Values**

Presentation: Simon Rippon

John Rawls, "The Idea of Public Reason Revisited," *The University of Chicago Law Review* 64:3 (summer 1997), pp. 765-83, 794-807 (§§ 1-3, 6-7)

Gregory M. Stankiewicz, "The Controversial Curriculum," *Ethics and Politics: Cases and Comments*, ed. A. Gutmann and D. Thompson, 3rd edition, (Chicago, IL: Nelson-Hall Publishers, 1997), pp. 327-33

Stephen Macedo, "Multiculturalism and the Religious Right," *Diversity and Distrust: Civic Education in a Multicultural Democracy* (Cambridge, MA: Harvard Univ. Press, 2000), pp. 157-65

Bruce W. Brower, "The Limits of Public Reason," *The Journal of Philosophy* 91:1 (January, 1994), pp. 5-26

Session 9: December 2**Pluralism and Coherence in Law**

Presentation: Amalia Amaya Navarro

Joseph Raz, "The Relevance of Coherence," *Boston University Law Review* 72:2 (March, 1992), pp. 273-321

Session 10: December 9**Presentations**

Hélène Landemore, "Condorcet's Gamble: Politics by Numbers, Reason, and Democracy"

Annie Stilz, "Affect and Political Legitimacy"

Session 11: December 16**Presentations**

Japa Pallikkathayil, "Coercive Interactions"

Amalia Amaya Navarro, "Coherence and Legal Reasoning"

SPRING 2005

Session 12: February 3**Intervention**

Presentation: Michael Blake

Ken Roth, "War in Iraq: Not a Humanitarian Intervention" (2004), pp. 1-14

Michael Blake, "Humanitarian Intervention: Leaders and Followers" (2004, for publication), pp. 1-9

Session 13: February 10**Integrity**

Presentation: Amalia Amaya Navarro

Ronald Dworkin, *Law's Empire* (Cambridge, MA: Belknap Press of Harvard Univ. Press, 1986), pp. 164-67, 176-224

Session 14: February 17**Presentation**

Simon Rippon, "Why Moral Non-Naturalism Cannot Be Justified: An Epistemological Argument for Moderate Moral Realism"

Session 15: February 24**Internalism**

Presentation: Annie Stilz

T.M. Scanlon, *What We Owe To Each Other* (Cambridge, MA: Belknap Press of Harvard Univ. Press, 1998), pp. 17-55

Michael Smith, "The Humean Theory of Motivation," *Mind* (new series) 96:381 (January, 1987), pp. 36-61

Thomas Nagel, "Desires," *The Possibility of Altruism* (Princeton, NJ: Princeton Univ. Press, 1970), pp. 27-32

Session 16: March 3**Presentation**

Japa Pallikkathayil, “Consent and the Value of Choice”

Session 17: March 10**Majority Rule and Epistemic Theory of Democracy**

Presentation: H el ene Landemore

H.P. Young, “Condorcet’s Theory of Voting,” *The American Political Science Review* 82:4 (December, 1988), pp. 1231-32

Neal Riemer, “The Case for Bare Majority Rule,” *Ethics* 62:1 (October, 1951), pp. 16-32

David Estlund, “Beyond Fairness and Deliberation: The Epistemic Dimension of Democratic Authority,” *Deliberative Democracy: Essays on Reason and Politics*, ed. J. Bohman and W. Rehg (Cambridge, MA: MIT Press, 1997), pp. 173-204

Session 18: March 17**Presentation**

Annie Stilz, “The Theory of Legitimate Democracy in Rousseau”

Session 19: April 7**Presentation**

Amalia Amaya Navarro, “Normative Coherence, Justification, and Interpretation”

Session 20: April 14**Presentation**

H el ene Landemore, “Condorcet’s Gamble: Truth, Reason, and Democracy”

Session 21: April 21**Presentation**

Simon Rippon, “In Defense of *Roper*: Why International Consensus Should Play a Role in U.S. Law”

Session 22: April 28**Presentation**

Japa Pallikkathayil, “A Tie That Binds: Genetic Relationships and the Quest for Self-Knowledge”

Session 23: May 12**Political Truth**

Presentation: H el ene Landemore

Joseph Raz, “Facing Diversity: The Case of Epistemic Abstinence,” *Philosophy and Public Affairs* 19:1 (winter 1990), pp. 3-46

David Estlund, “The Insularity of the Reasonable: Why Political Liberalism Must Admit the Truth,” *Ethics* 108:2 (January, 1998), pp. 252-75

Session 24: May 19**Presentation**

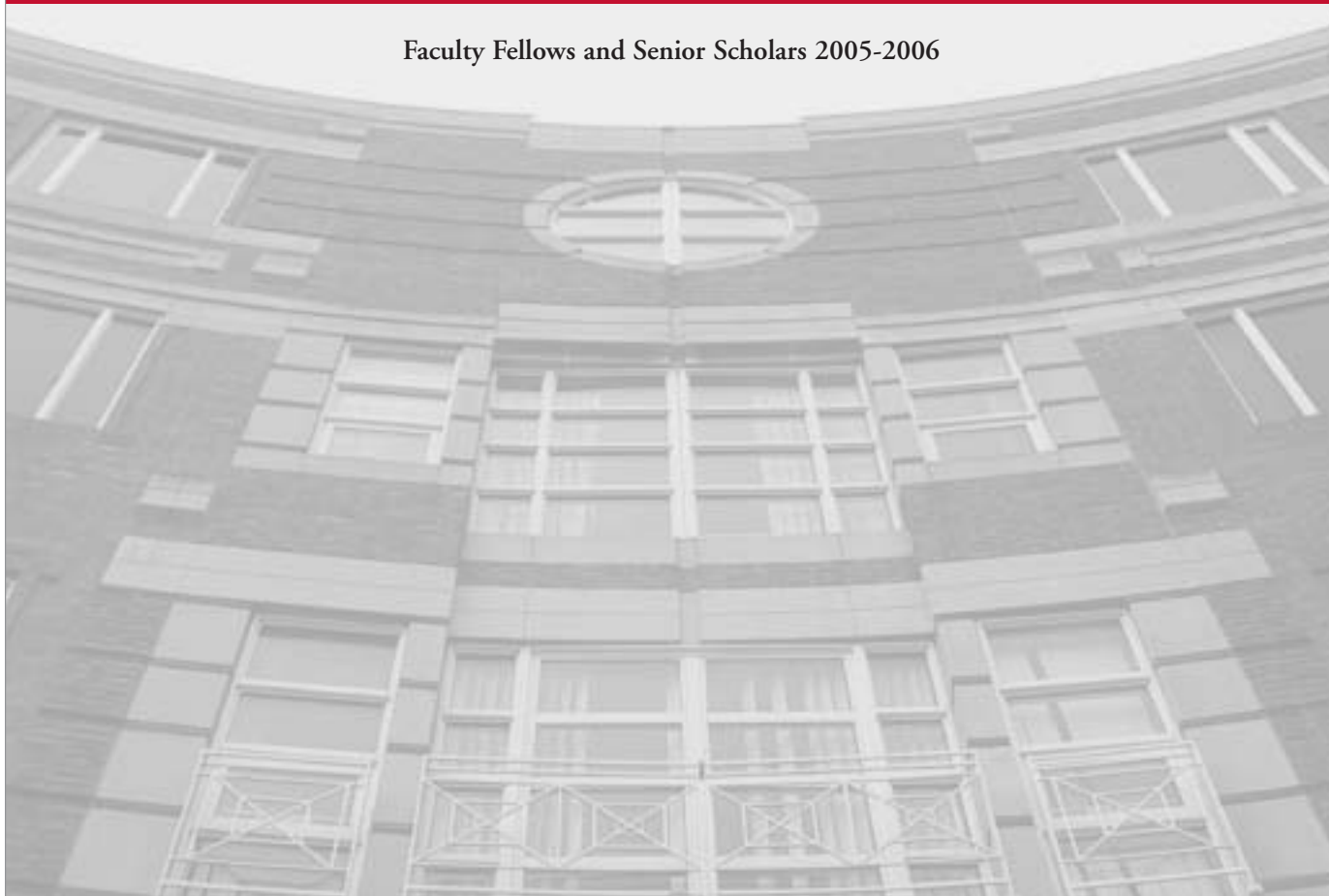
Amalia Amaya Navarro, “A Contextualist Picture of Legal Justification”

Session 25: May 26**Presentation**

Annie Stilz, “Do We Have Obligations of Membership?”

APPENDIX VI

Faculty Fellows and Senior Scholars 2005-2006



JEFFREY B. ABRAMSON, Senior Scholar, is the Louis Stulberg Distinguished Professor of Law and Politics at Brandeis University. He teaches political theory and law, including courses on civil liberties, constitutional law and the history of political thought. He holds a PhD from Harvard College and a JD from Harvard Law School. His most recent book, *We, the Jury: the Jury System and the Ideal of Democracy*, was published by Harvard University Press in 2000. His other publications include *Postmortem: The O.J. Simpson Case: Justice Confronts Race, Gender, Lawyers, Money, and the Media* (Basic Books, 1996); and *Liberation and its Limits: The Moral and Political Thought of Freud* (Free Press, 1984). Professor Abramson has served as law clerk to the late Rose Bird, Chief Justice of the California Supreme Court, and has been an assistant district attorney and special assistant attorney general in Massachusetts.

ELIZABETH ASHFORD is a lecturer in Philosophy at the University of St. Andrews, Scotland. She received her MA at the University of North Carolina, Chapel Hill, and her BA and PhD at Oxford University. Her primary research interests are in moral and political philosophy. Her recent and forthcoming publications include “The Demandingness of Scanlon’s Contractualism,” *Ethics* (2003), “Utilitarianism with a Humean Face,” *Hume Studies* (forthcoming), and “The Duties Imposed by the Human Right to Basic Necessities,” UNESCO Vol. VII, *Freedom From Poverty as a Human Right*, ed. Thomas Pogge (forthcoming). During the fellowship year, in a book on utilitarian and Kantian conceptions of impartiality and of rights, she will argue that the theory that has come to be known as “classical utilitarianism” is, in fact, incompatible with a plausible conception of its key tenets, and that on a more plausible formulation of utilitarianism, it is much more closely allied with Kantian moral theories than it has generally been taken to be.

THOMAS COCHRANE is an instructor in Neurology at Brigham and Women’s Hospital and Harvard Medical School, where he specializes in neuromuscular disease. He received his MD and MBA degrees from Tufts University, and completed his residency training at Massachusetts General Hospital and Brigham and Women’s Hospital. He was a Fellow in Medical Ethics at Harvard Medical School’s Division of Medical Ethics, and is an active member of the Brigham and Women’s Hospital Ethics Committee and consultation service. His research interests are in ethical issues concerning states of consciousness, such as brain death, coma, the vegetative state, and the minimally conscious state. During the fellowship year, Dr. Cochrane hopes to publish a series of papers focusing on specific aspects of these states. **Dr. Cochrane has been named the Edmond J. Safra Faculty Fellow in Ethics.**

ANNA ELISABETTA GALEOTTI, Senior Research Scholar, studied moral philosophy at the University of Pavia, receiving her PhD in 1977. She holds the chair in Political Philosophy at the University of Piemonte Orientale in Vercelli, Italy, where she directs the philosophy courses. She also taught at the universities of Messina and Torino. Professor Galeotti has been a Fellow or a Visiting Professor at King’s College, Cambridge, the University of St. Andrews, the European University Institute in Florence, Claremont College, California, and the Institute for Advanced Study, Princeton. Her research interests include the philosophy of social science, individualism and holism; normative political philosophy, toleration, and multiculturalism; and political psychology, self-deception and truthfulness. Her writings have appeared in, among other journals, *Political Theory*, *Res Publica*, *Ratio Juris*, and *CRISP*. Her most recent book is *Toleration as Recognition* (Cambridge Univ. Press, 2002).

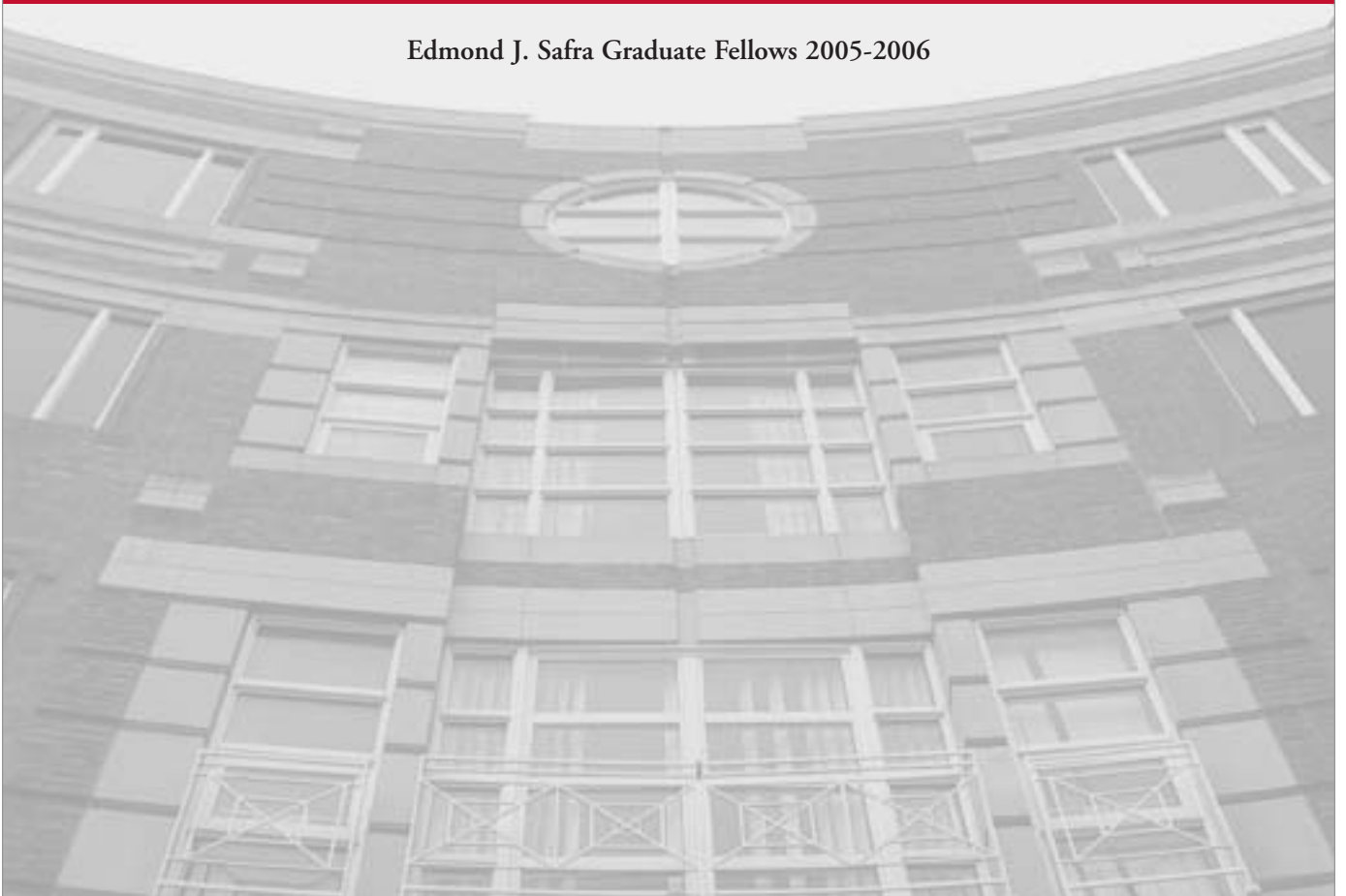
RENEE M. JONES is an Assistant Professor at Boston College Law School, where she has taught since 2002. She received her AB from Princeton University and her JD from Harvard Law School. Before entering academics, she practiced corporate law at Hill & Barlow in Boston. Her scholarship focuses on corporate governance and, in particular, on the federal-state relationship in corporate regulation. Her recent publications include “Rethinking Corporate Federalism in the Era of Corporate Reform” in the *Journal of Corporation Law*, and “Dynamic Federalism: Competition, Cooperation and Securities Enforcement” in the *Connecticut Insurance Law Journal*. During the fellowship year, Professor Jones will work on a series of articles on the relationship between corporate law and the social norms that guide the behavior of the American business elite. **Professor Jones has been named the Eugene P. Beard Faculty Fellow in Ethics.**

MARIA MERRITT is an Assistant Professor of Philosophy at the College of William and Mary. Her main research interests are in virtue theory, moral psychology, medical ethics, and the ethics of research with human subjects. During the fellowship year, she will work on a book that relates scientific psychology to ethical character, focusing on interpersonal aspects of the psychological processes—such as self-evaluation and self-esteem—through which individuals sustain their commitments to ethical values. Her research will extend to problems of medical education involving the shaping of ethical character. Professor Merritt earned a BS in Biology *summa cum laude* from Wake Forest University, first-class honors in Philosophy and Modern Languages as a Rhodes Scholar at University College, Oxford, and a PhD in Philosophy from the University of California, Berkeley. She has been a postdoctoral fellow in the Department of Clinical Bioethics at the National Institutes of Health. A recent publication is “Moral Conflict in Clinical Trials,” *Ethics* (2005).

DANIEL PHILPOTT is an Associate Professor of Political Science and a Faculty Fellow of the Joan B. Kroc Institute of International Peace Studies at the University of Notre Dame. He received his BA from the University of Virginia and an MA and PhD in Political Science from Harvard University. In 2001, he published his first book, *Revolutions in Sovereignty: How Ideas Shaped Modern International Relations*. He currently studies the role of religion in global politics, particularly its effects on democratization, transitional justice, and peace settlements. He is also a Senior Associate of the International Center for Religion and Diplomacy, through which he has conducted faith-based reconciliation in Kashmir since the fall of 2000. During the fellowship year, Professor Philpott will write on an ethics of political reconciliation, one rooted in theology and political philosophy and yielding guidelines for societies facing past injustices.

APPENDIX VII

Edmond J. Safra Graduate Fellows 2005-2006



CHRISTOPHER FURLONG is a graduate student in the Philosophy Department at Harvard. He is in the early stages of a dissertation evaluating the merits of a particular challenge to moral and practical reasoning stemming from the possibility of evolutionary, psychoanalytic and other naturalistic explanations of moral beliefs. In short, the worry is that since we can (or expect to be able to) provide evolutionary or psychoanalytic explanations of why we have the moral beliefs we do, those beliefs are all "subjective," "illusory," or "groundless" in some appropriately threatening sense. Furlong holds a BA in Philosophy from the University of Texas at Austin and has taught Core and philosophy department classes at Harvard in moral theory, Kantian ethics, metaethics, free will, and the later works of Wittgenstein.

RESHMA JAGSI is a Resident Physician in Radiation Oncology at Massachusetts General Hospital. She received her AB *summa cum laude* in Government from Harvard-Radcliffe Colleges, and her MD from Harvard Medical School. As a Marshall Scholar at Oxford University, she earned a DPhil in Comparative Social Policy. Her experience includes serving as Teaching Fellow for an undergraduate philosophy department course, as well as internships for the White House, Congress, a health care advocacy group, and the British Parliament. Her research has focused upon healthcare resource allocation, the ethics and process of medical education, and healthcare decision-making. During the fellowship year, she will examine the ethical implications of direct-to-patient advertising of medical treatment.

ANJA KARNEIN, Visiting Graduate Fellow in Ethics, holds a PhD in Politics from Brandeis University. Her dissertation explores the ethical implications of contemporary biomedicine in Germany and the U.S., and focuses on the historical and socio-political context in which the moral debate is taking place. Her broader interests lie in the difficulties of devising new ethical principles at a time of "moral freefall" when the issues are fundamentally new and experience serves only as a limited guide. Karnein studied political science at the Johann-Wolfgang Goethe University in Frankfurt, Germany, with a concentration in political psychology and the law. During the fellowship year, she will consider how the natural lottery relates to justice, and will explore a number of biomedical practices that interfere with the natural lottery (such as preimplantation genetic diagnosis, and genetic engineering). She has been a Teaching Fellow at Brandeis University for courses in political theory, American government and civil liberties, and at Harvard for Michael Sandel's course, *Justice*.

PAUL KATSAFANAS is a PhD candidate in Philosophy. His interests are in moral philosophy, philosophy of action, and philosophy of mind. His dissertation, which develops an account of the role of self-awareness in human action, lies at the intersection of these three areas. He argues that traditional accounts of human action misconstrue the nature of self-awareness, and therefore draw erroneous conclusions about action. He claims that ethical theories that derive from or make presuppositions about accounts of action inherit these errors. Katsafanas aims to develop a new account of human action, and examine its ethical implications. He holds a BA with honors in Philosophy and Mathematics from Vassar College. At Harvard, he has been a Teaching Fellow for classes in moral reasoning, philosophy of action, virtue ethics, and existentialism.

VLAD PERJU is an SJD candidate at the Law School. His dissertation investigates how successful modern constitutional structures and forms of reasoning are in dealing with the problem of deep and legitimate disagreement that characterizes contemporary democracies. Within a global constitutionalist framework, he works on a theory of the normative grounds for cross-constitutional comparisons and exchanges. His other interests lie in social and moral theory. Perju holds an LLB from the University of Bucharest, a Maîtrise in European Law *cum laude* from the Sorbonne, an LLM *summa cum laude* from the European Academy of Legal Theory, Brussels, and an LLM from Harvard Law School. At Harvard, he was a Fellow at the Project on Justice, Welfare and Economics and is a Byse Fellow at the Law School. He coordinated the Law Teaching Colloquium and was a co-coordinator of the Graduate Forum in Comparative Constitutionalism. He was a Teaching Fellow for courses in comparative constitutional law and the history of constitutionalism, and will teach a workshop on *Conflicts of Values and Constitutional Reasoning* at Harvard Law School.

RAHUL SAGAR is a doctoral candidate in Political Theory in the Department of Government. His dissertation examines the justifications for, and consequences of, state secrecy in democratic societies. Apart from topics in ancient and modern political philosophy, his other academic interests include topics in international relations and Indian foreign policy. He has taught political theory and Indian politics as a Teaching Fellow in the Core Program at Harvard. Prior to coming to Harvard as a Michael von Clemm Fellow in 2001, Sagar received a BA in Politics, Philosophy and Economics (PPE) at Balliol College, Oxford University, in 2000.

APPENDIX VIII

Public Lecture Series 2005-2006



FALL 2005

OCTOBER 6
Thursday

Anita L. Allen-Castellitto

Henry R. Silverman Professor of Law
University of Pennsylvania

Morality and Mental Illness

UNIVERSITY TANNER LECTURES
ON HUMAN VALUES 2005-2006

NOVEMBER 2, 3 & 4
Wednesday – Friday

Professor James Q. Wilson

Ronald Reagan Professor of Public Policy,
Pepperdine University School of Public Policy

Polarization in America

Wednesday and Thursday, 4:30 p.m.
Lowell Lecture Hall

Oxford and Kirkland Streets

Lecture 1: Politics and Polarization
Lecture 2: Religion and Polarization

Friday, 10:00 – 12:00 noon

Wiener Auditorium, Kennedy School of Government

Seminar with Professor Wilson and Commentators
Alan Wolfe, Professor of Political Science; Director, The
Boisi Center for Religion in American Public Life, Boston
College; and **Lizabeth Cohen**, Howard Mumford Jones
Professor of American Studies, Harvard University

DECEMBER 8
Thursday

Rae Langton

Professor of Moral Philosophy, Massachusetts
Institute of Technology

***Speaker's Freedom and Maker's
Knowledge: The Case of Pornography***

SPRING 2006

FEBRUARY 27
Monday*

Atul Gawande, MD

Assistant Professor, Department of Health Policy &
Management, Harvard School of Public Health

Topic: To be announced

**Please note that Dr. Gawande's lecture will be on a Monday.*

APRIL 13
Thursday

Philip Pettit

William Nelson Cromwell Professor of Politics and
University Center for Human Values, Princeton University

Responsibility Incorporated

Unless otherwise noted, lectures will be held at
4:30 p.m. in Starr Auditorium, Kennedy School
of Government.

Additional events may be scheduled; please see
website for details: www.ethics.harvard.edu or
call 617-495-1336.

The main mission of the Center is to advance teaching and research on ethical issues in public life, thereby helping to meet the growing need for teachers and scholars who address questions of moral choice in business, government, law, medicine, and other public callings. By bringing together those with competence in philosophical thought and those with experience in professional education, the Center promotes a perspective on ethics informed by both theory and practice.

— **Dennis F. Thompson, Director**

Dennis F. Thompson

Director

Arthur I. Applbaum,

Acting Director 2004-2005

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Robert D. Truog

Faculty Associates

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Derek Bok

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Troyen Brennan

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Alfred D. Chandler, Jr.

Norman Daniels

Leon Eisenberg

Catherine Z. Elgin

Richard H. Fallon, Jr.

Lachlan Forrow

Charles Fried

Howard E. Gardner

Marc Hauser

J. Bryan Hehir

Stanley Hoffmann

Michael Ignatieff

Frances M. Kamm

Andrew L. Kaufman

Christine M. Korsgaard

Lisa Lehmann

Jane Mansbridge

Frank I. Michelman

Mark H. Moore

Lynn Sharp Paine

Lynn M. Peterson

Thomas R. Piper

Mathias Risse

Marc J. Roberts

Walter M. Robinson

Nancy Rosenblum

James Sabin

Elaine Scarry

Frederick Schauer

Amartya Sen

Tommie Shelby

Carol Steiker

Lloyd Weinreb

Daniel Wikler

David B. Wilkins

