



Harvard University

The Edmond J. Safra Foundation
CENTER FOR ETHICS

ANNUAL REPORT 2006–2007

**Harvard University
Edmond J. Safra Foundation
Center for Ethics**

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This report is intended to be read in conjunction
with *Ethics at Harvard 1987-2007*, published to
mark the Center's 20th anniversary.





Report of the Director

Dennis F. Thompson

PAGE ONE OF OUR FIRST ANNUAL REPORT displayed a cartoon expressing what we considered many people thought about ethics teaching and research. Whatever the attitude may have been then, it is surely more hopeful now. The 240 ethics educators who since 1987 have spent a year in the Center, and the countless number of students and colleagues whom they have enlisted in the cause, are making sure that the study of practical ethics is taken seriously. It is the cynics who are now at risk of finding themselves tossed into the dustbin of history.

No one who attended the magnificent conference celebrating the Center's 20th anniversary in May could doubt that practical ethics is flourishing. Approximately 250 former fellows, faculty associates, higher education leaders and friends returned for the two-day event. They came from all over the U.S. and from Austria, Canada, England, Greece, India, and Italy just for this occasion. They reminisced about their fellowship year, reargued old disputes and engaged in new ones. Veterans of many Harvard gatherings said they had never seen anything like the warm and lively spirit on display at this reunion of fellows. (The program and transcripts of the remarks of Derek Bok, Lily Safra and Neil Rudenstine begin at page 44.)

The event began with a keynote address by Faculty Associate Amartya Sen who, in his teaching and writing, exemplifies at the highest level the kind of contributions that our fellows aspire to make. In a lecture entitled "Can Justice Help Practice?" he argued that "an appropriately formulated theory of justice that makes room for plurality and incompleteness, that concentrates on the comparative

rather than the transcendental, and that insists on open rather than closed impartiality can make something of a contribution to the foundation of our practical pursuits. There is indeed something to work for there. It is not... a hopeless enterprise." (Report begins at page 45.)

Indeed, many would say that his talk, and the panel that followed the next morning, demonstrated clearly that the prospects for the enterprise of practical ethics are hopeful. A panel of now distinguished former fellows—Ezekiel Emanuel, Amy Gutmann, Lawrence Lessig, and Samantha



Power—commented on Sen's lecture, and extended the theme of theory and practice to politics, education, bioethics, and law and the internet. Another panel on Saturday—featuring Al Carnesale, Elizabeth Kiss, and Steve Macedo—took up some of the most controversial issues of "university ethics," including affirmative action, political correctness, disinvestment, the role of athletics, and

commercialization of research. Also on Saturday, Neil Rudenstine gave a wry and appreciative history of the early days of the ethics effort at Harvard, while praising the accomplishments of the director, the faculty and the fellows. As Harvard's president he had regarded the Center, Harvard's first major interfaculty initiative, as the model for what became one of the leading themes of his historic presidency—bringing the University together. Today Harvard has 17 interfaculty initiatives.

The celebratory dinner on Friday evening drew a galaxy of distinguished guests, including Bok, Rudenstine, Harvard Corporation member Nannerl Keohane, and Lily Safra, our principal benefactor. Former deans Graham Allison,



Derek Bok and Dennis Thompson

Al Carnesale, Bryan Hehir, Joseph Nye, and John MacArthur, who had been present at the Center's creation, returned for the celebration. After dinner, the podium belonged to Derek Bok, who as President took the first steps that led to the creation of the Center in 1987. His decision to return as interim president may not have been mainly motivated by a desire to preside over our anniversary celebration, but I would like to believe that this was one of his reasons. He concluded with this tribute to the assembled faculty and fellows: "Looking back on my years of presiding over Harvard, it really is, quite honestly, hard for me to think of anything I am prouder of than the work that...you have done to take an idea and turn it into a living and significant reality."

Bok made sure that the idea will continue to live, and indeed develop even more fully, by appointing Fred Schauer as our new Director. (The announcement of the appointment is at page 59.) Schauer has been active in the Center for many years, including a year as the Senior Scholar in the faculty fellows seminar. He is an internationally respected scholar in law, and one of the leading experts on free speech. His own teaching and research, ranging unusually broadly, tracks remarkably well the Center's goal of bridging theory and practice. Having previously accepted the prestigious George Eastman Visiting Professorship at Oxford next year, he will take

up his duties at the Center in 2008-09. We are fortunate that Arthur Applbaum has agreed to serve as Acting Director in the interim.

I could not be more pleased about the appointment of Schauer. I have known him well for many years (we share interests even beyond those of the Center). I am confident that he will not only maintain the Center's high intellectual standards but also advance its mission in new and creative ways. I look forward to watching, and at least occasionally participating, as he deploys his remarkable talents to lead the Center vigorously into its third decade.

The celebratory conference was not the only exciting event of this our 20th year. The public lectures continued to enlighten and provoke us. To mark the anniversary, all of the lecturers were former fellows. (See the description in the section on "Public Lectures" below.) New courses were launched, new faculty appointed and old faculty promoted, important books and articles were published, op-eds were written (and appeared in publications ranging from *The Financial Times* to *Die Zeit*), and ethical discussion, if not ethical conduct, rose to even higher levels. Here is just a sampling of this year's achievements of former fellows:

David Brendel's *Healing Psychiatry: Bridging the Science/Humanism Divide* was published by MIT Press.

Jim Fleming and **Linda McClain** were appointed to the faculty of Boston University Law School.

Renee Jones received tenure at Boston College Law School.

Frances Kamm's *Intricate Ethics: Rights, Responsibilities, and Permissible Harm* was published by Oxford University Press.

Elizabeth Kiss, founding Director of the Ethics Center at Duke University, was appointed President of Agnes Scott College.

Ken Mack was awarded an Alphonse Fletcher Jr. Fellowship for his work exploring civil rights history, race, and the law.

Jerry Menikoff was appointed Director of the Office of Human Subjects Research at the National Institutes of Health.

Samantha Power was named Anna Lindh Professor of Practice of Global Leadership and Public Policy at the Kennedy School of Government.

Matt Price won a Best Dissertation Award in the Government Department as well as a Certificate of Distinction for Excellence in Teaching from the Derek Bok Center for Teaching and Learning.

Sanjay Reddy's "The False Dilemma of the Sweatshop" op-ed (with Christian Barry) was published in *The Financial Times* on July 24, 2006.

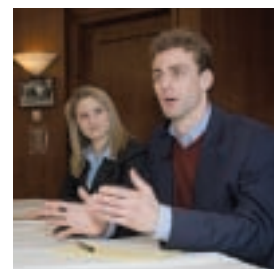
Rahul Sagar was awarded a Certificate of Distinction for Excellence in Teaching by the Derek Bok Center for Teaching and Learning.

Yuli Tamir was appointed Minister of Education and Culture in the government of Israel.

Angelo Volandes was appointed to the faculty at Harvard Medical School, and the Department of Medicine at Massachusetts General Hospital.

One of the Center's contributions to undergraduate education (in addition to the important indirect effect through the faculty we support) is the program offering Lester Kissel Grants in Practical Ethics, awarded competitively each year to Harvard College students to carry out summer projects. The grants are made possible by a gift from the late Lester Kissel, a graduate of Harvard Law School and longtime benefactor of Harvard's ethics programs. This year, the second of the program, drew an even larger number of excellent applications, more of them deserving of support than we could actually award. The interests of the students ranged even more widely than last year, and the quality was no less high. The winners included two students in Government, two in Social Studies, one in Philosophy, one in Anthropology, and one in Psychology. Their projects cover subjects ranging from the ethics of policymaking in Peru and South Africa to a study evaluating the causality and intention in moral and non-moral versions of

the Trolley Problem. Three of the students will carry out their projects on internships or foreign study. Each grant supports living and research expenses up to \$3,000. (See page 66 for their names and a brief description of their projects.)



Jillian London and Keith Hemmert

I am pleased to report that two of last year's grantees, Jillian London and Keith Hemmert, were invited to present their work in the fall at the annual meeting of the Association for Practical and Professional Ethics in Cincinnati.

Among the other highlights of the year was the visit in December of our principal donor, Lily Safra, and members of the board of the Edmond J. Safra Philanthropic Foundation. Mrs. Safra hosted the graduate fellows, several faculty and her board members at a dinner that maintained the high standards of conversation we have come to expect, but much higher standards of culinary experience than we are accustomed to. The next day Mrs. Safra and the board members joined the graduate fellows seminar, led by Arthur Applbaum with the rigorous assistance of Frances Kamm. According to all reports, the visitors had done their homework and engaged thoughtfully and eagerly in the discussion. For Mrs. Safra, this occasion was only the latest in a series of graduate fellows seminars in which she has enthusiastically taken part over the years.

The Current Faculty Fellows

This class of fellows will hold a special place in the memory of my time in the Center. They are of course the best class ever (as I say about every class, and though you may think this is not logically possible, I still say it about every class even in retrospect). But what is distinctive is that this group, in an important sense, is my class. I am (finally) graduating from the Center. At reunions, I shall march with this class, and have my annual giving contributions count toward our class goal.



Faculty Fellows Seminar Members Back row, left to right: Arthur Applbaum, Sarah Conly, Philip Pettit, Corey Brettschneider, Jed Purdy Front row, left to right: Archon Fung, Dennis Thompson, David Wendler, Becca Brendel, Sanjay Reddy

When not thinking about their future obligations to the annual giving fund, this class of fellows was thinking about their contributions to current ethical teaching and research. The pre-seminar lunches were, as always, a constant occasion for commentary—and a source of wise advice for public figures, who showed no signs of heeding it. A reporter sat in on one of the lunches in March and reported: “...the conversation bounced from the “Scooter” Libby verdict to...approaches to rehabilitating sex offenders, and then on to pornography, journalistic ethics, and the propriety (or impropriety) of maintaining a friendship with someone whose values don’t match one’s own.” Since the fellows included a holder of a Karate black belt, a poet of American culture, and an obsessive oenologist, the reporter rightly assumed that she may have missed even more exotic discussions in previous weeks. (The full story can be found at page 46.)

The fellows seminar series began, as most have in the past, with several actual cases, notably the old but still ripe chestnut “Spaulding v. Zimmerman.” The first part of the year featured the annual tour of several areas of practical ethics (political, medical, legal, and the like). In the spring, the fellows chose the topics collectively (through a deliberative process that had to be brought to a close by a disputed voting procedure). Although this year, as in the past,

many of the topics were familiar, the arguments and insights were fresh. That is one reason that after more than 450 fellows seminars I have been rarely bored and almost always enlightened each Tuesday afternoon. (This year’s syllabus begins at page 26.)

This year we also brought the faculty and graduate fellows together for several joint seminars. Philip Pettit led a session on the ethics of torture, Rebecca Brendel on the biological basis of morality, and Arthur and I on the ethics of teaching and the teaching of ethics. The interactions among fellows, who were at different stages of their careers, added an illuminating dimension to the discussions, and proved to be a valuable addition to our intellectual life—one that I hope will be continued and expanded in the future.

The range of disciplinary backgrounds of this year’s faculty fellows was unusually broad, several fellows having degrees or training in more than one field. Among the fields represented were anthropology, biology, economics, law, medicine, philosophy, and political science.

Holding degrees in both medicine and law, **Rebecca Brendel**, a psychiatrist at Massachusetts General Hospital and an instructor at Harvard Medical School, brought both areas of expertise to bear on a wide variety of ethical issues. As she notes in her report, the Center experience encouraged her to take up new questions. She is now writing about the biological basis of morality, examining the relevance of neuroscience to moral action, and focusing on the implications for criminal responsibility in the law.

“This incredibly productive and exciting year has been invaluable in helping me to merge my clinical and academic interests in psychiatry, ethics, and law.”

— Rebecca Brendel

As a result of our discussions at lunch (presumably not the lunches themselves), she also began a paper on the ethics of dealing with hunger strikers.

Another double-degree fellow (political science and law), **Corey Brettschneider**, completed a book titled *Democratic Rights*. He also began work on a new project about public values in private life. To advance his thinking on the project, he led a session on religious freedom and public reason, which turned out to be mutually beneficial. He returns to teach at Brown next year—where, he learned this spring, he has been promoted to tenure.

Sarah Conly, our black belt philosopher from Bowdoin College, admirably filled the role of house consequentialist. (We have found that consequentialists should count for one and not more than one.) Conly is interested not only in developing her own version of consequentialism (emphasizing the limited rational capacities of moral agents), but also in applying it to strategies for improving moral education. She finished several articles, which will form the core of her new book, *Against Privacy*.

Another lawyer who is equally talented as an intellectual historian, **Jedediah Purdy**, further developed his “freedom-promoting approach to property,” and began work on a second project on American ideas of freedom. His aim is “to persuade some lay readers, as well as some scholars, to think in a fresh way about the connection of individual freedom and dignity and membership in the national community.” The manuscript is under contract at Knopf where the editors no doubt see the potential for another best-selling book by this talented writer. Purdy returns to Duke as a newly promoted Associate Professor, and will be a visiting professor at Yale Law School the following year.

An economist with proficiency in anthropology and philosophy, **Sanjay Reddy** spent part of the year examining the possibility of “realistically utopian economic institutions in the global order.” He completed a coauthored book on international trade and labor standards (to be published by Columbia University Press). He also published a number of articles in journals of law, philosophy, and economics, all with a more pronounced normative dimension than is found in most writing by economists.

“Efforts to mix theory and practice abound, but they usually fail. The seminar succeeded in this regard by selecting the right participants—all of whom had demonstrated abilities in both realms—and then by relentlessly focusing our minds on the intersection of the two—at the point of professional and applied ethics.”

— Archon Fung

David Wendler, a permanent member of the Department of Clinical Bioethics at the National Institutes of Health, is a philosopher and biologist. He continued his writing about the ethics of conducting research on individuals who cannot give informed consent, and completed a draft of a book on the treatment of children in medical experiments. He is developing a rationale for using children that is based on the idea that participating in an experiment for the good of others (even if of no medical benefit to the children themselves) can actually be good for them.

Joining the seminar for the year were two Senior Scholars. **Philip Pettit**, the Laurance S. Rockefeller University Professor of Politics and Human Values at Princeton, brought clarity and insight to our discussions, while striking out in new directions on his project on collective agency, in turn partly inspired (as he suggests) by conversations with fellows and faculty in the Center.

Archon Fung, who teaches at the Kennedy School, has been writing on the impact of civic participation, public deliberation, and transparency in public and private governance. He demonstrated by the example of his own comments in the seminar how one can creatively combine normative and empirical thinking in the study of values.

The fellows and scholars left their mark on the Center in their worthy contributions not only to the seminars, but also to the many events at the Center and cosponsored activities throughout the University. The fellows were individually productive, and (as they note in their reports) their productivity was stimulated and enhanced by their interactions with the other fellows as well as the faculty

associates of the Center. New friendships were formed and, equally important, new intellectual collaborations took root. Their individual reports offer the most instructive view of the intellectual life of the Center during the year. (They begin at page 16.) The Fellows will continue to teach and write about ethical issues—and lead at least some of their colleagues to do the same—as they return to their home institutions.

The New Faculty Fellows

The applicants for next year's faculty fellowships represented 56 colleges and universities. Overseas applications came from 17 countries: Australia, Brazil, Canada, China, England, France, Germany, India, Israel, Mexico, Nepal, Netherlands, Northern Ireland, Scotland, South Africa, Sweden, and Switzerland. They ranged in age from 27 to 62 years, with an average age of 39 years. As in previous years, approximately half the applicants came from philosophy, followed by law, government, business, medicine, religion, and history. A substantial number of applicants declared other fields of specialization (sometimes in addition to their primary field), including neuroscience, gender studies, and public policy. The fellows were selected by our University-wide Faculty Committee, which I chair. The other members are Arthur Applbaum (Kennedy School), Martha Minow (Law School), Tim Scanlon (Philosophy), Bob Truog (Medical School), Michael Sandel (Government), and Joe Badaracco (Business School).

The new class brings an unusual mix of perspectives. Imagining what their discussions will be like next year almost tempts me to try to rescind my resignation. (Their brief biographies begin at page 62.) For the first time in the Center's history, two fellows represent business ethics (one with full time experience in management consulting, and both with backgrounds in philosophy). **Daniel Baer** is a project leader in the Boston Consulting Group, and was a student of Henry Shue at Oxford where as a Marshall Scholar he received a DPhil in international relations. **Nien-hê Hsieh**, a former graduate fellow with a degree in economics, was promoted this spring to tenure at the Wharton School at the University of Pennsylvania. There are also two lawyers with quite different orientations—one with considerable practical experience and the other with a

"The new class of fellows brings an unusual mix of perspectives. Imagining what their discussions will be like almost tempts me to try to rescind my resignation."

— Dennis Thompson

degree in political theory. **Karen Naimen**, who teaches international law at New York University, has served as deputy counsel to the United Nation's Volcker Commission. **Alice Ristroph**, who received her doctorate and law degrees from Harvard and now teaches at the University of Utah, is interested in physical violence (or perhaps we should say "the use of law to regulate physical violence by both private and public actors"). A professor of religion and a moral philosopher round out this fascinating group. **Eric Gregory**, who studied at Oxford as a Rhodes Scholar and at Yale where he received his PhD, teaches religion at Princeton. **Ryan Preston** has just finished a philosophy dissertation at New York University on civic trust, in which he develops a new justification for the right not to be harmed. He has deferred taking up an assistant professorship at the University of North Carolina, one of several offers he received after a whirlwind series of interviews. (Insiders told us that Preston was in greater demand on the philosophy market than any newly minted PhD they could remember.) Joining the seminar as a Senior Scholar is **Edward Hundert**, who has returned to Harvard part-time to lead the teaching of the required course in ethics for MD students (who have already given him some of the highest ratings of any instructor in the School). Hundert had been a dean of student affairs at Harvard before he became Dean of the medical school at the University of Rochester and then President of Case Western Reserve University.

The Edmond J. Safra Graduate Fellows

(Reported by Arthur Applbaum)

This year's class of graduate ethics fellows was the Center's seventeenth. Nearly ninety fellows have now passed through the program. It was a joy to see alumni from early classes and from universities in faraway countries return for the

grand birthday party—all still as nimble-minded (though not all quite as nimble-toed) as they were in graduate school. Our graduates continue to secure academic posts in the world's leading universities and are now, in increasing numbers, rising to senior faculty positions in the humanities, the social sciences, law, medicine, and business.

The five Edmond J. Safra Graduate Fellows met for three hours each week with me and Littauer Professor of Philosophy and Public Policy Frances Kamm in a seminar that ranged widely across topics in moral and political philosophy. (See page 36 for the syllabus.) In the fall, we concentrated on topics in moral philosophy of particular relevance to practical and professional ethics such as the morality of roles, the nature of group agency, and questions about individual and collective responsibility. In the spring we followed a curriculum in political philosophy with a special emphasis on questions in international justice and legitimacy. As always, the fellows had ample opportunity to present their own work. Each also prepared and led sessions on topics outside of their fields of expertise. This year a number of sessions were held jointly with the Faculty Fellows on topics such as torture, coercion, and the teaching of ethics (for the latter, only humane and voluntary methods were considered).

One of the year's highlights was a return visit of Lily Safra to the graduate seminar. The topic of the day, skillfully led by Graduate Fellow Michael Kessler, was dangerous speech. We were joined by a number of members of the board of the Edmond J. Safra Philanthropic Foundation, including Harvard's President Emeritus Neil Rudenstine. No concessions were made for our guests on the Athenian standards of our dialogue, though we did relax the usually Spartan standards of our lunches. Many very sharp points by both fellows and guests were made, but none did lasting damage, I'm relieved to say.

Each year we try to pick a class that is both eclectic in their intellectual backgrounds but also connected in their interests. We succeeded admirably on both counts, as is clear from both the following brief summary of the fellows' work and from their reports, which begin at page 31.

Michael Kessler, a PhD candidate in philosophy, is developing a Kantian account of public reason and the justifiable grounds for state action. In one paper, he probed the limits of toleration and accommodation that should be extended to religious groups in a liberal state. In another paper, Michael questioned the permissibility of noncoercive policies of public advocacy that appeal to paternalistic and perfectionist reasons.

Isaac Nakhimovsky, a student of political theory in the Government Department, is carving out a career as an interpreter of the German idealist who followed Kant, Johann Gottlieb Fichte. Isaac presented two papers on Fichte's *Closed Commercial State*, exploring Fichte's ideas about the social contract, property, and political economy. Isaac also is preparing the first English translation of Fichte's *Addresses to the German Nation* for Hackett Publishing Co.



Graduate Fellows Seminar Members Back row, left to right: Michael Kessler, Frances Kamm, Arthur Applbaum, Carlos Soto, Isaac Nakhimovsky Front row, left to right: Galit Sarfaty, Cora True-Frost

Galit Sarfaty, a lawyer and anthropologist, is completing an ethnography of professionals in the World Bank, studying how a human rights agenda is interpreted and taken up in different ways by the bank's economists, political scientists, and lawyers. She also presented a study of how an indigenous tribe in Canada is designing a government that integrates Canadian and international law while also adapting cultural norms and customary practices. In the fall, Galit will be a fellow in the Law School's Program on the Legal Profession and a visiting scholar at the American Academy of Arts and Sciences.

Carlos Soto, who is taking an extended break from his medical studies at Harvard Medical School to complete a PhD in philosophy, presented two papers: a critical assessment of the view that suicide necessarily violates respect for persons, and an account of the authority of advance directives in end-of-life care. Carlos puzzles over whether the prior will or the present interests of severely impaired patients should govern.

Cora True-Frost, a scholar of international law and human rights, is a recent graduate of the Law School's LLM program. Her work this year explored the increasing frequency of United Nations Security Council resolutions that effectively legislate international law, and assessed normative arguments about what would make such norm promulgation legitimate and accountable. Cora will be a Climenko Fellow and lecturer at Harvard Law School next year.

The incoming 2007-08 class of graduate fellows are every bit as talented and promising. They include two philosophers, a political theorist, an international legal scholar, an intellectual historian, and an historian of science. Their biographies begin at page 64.

The Public Lectures

Our lecture series, supported by a fund from the estate of Obert Tanner, continued to feature talks by outstanding scholars who are invited to bring theoretical reflection to bear on ethical issues in public life. A lively and extended discussion with fellows, faculty and the speaker follow each lecture. To mark the Center's 20th anniversary year, we featured only former fellows of the Center in the series. The lectures, each summarized by one of our fellows, are

on the Center's website. The speakers, their affiliations, and their topics were:

Robert Gordon, Chancellor Kent Professor of Law and Legal History, Yale University
"Can Lawyers Produce the Rule of Law?"

Moshe Halbertal, Professor of Jewish Thought and Philosophy, Hebrew University
"Violence and the Sacred: On Sacrifice and the Political Order"

Elizabeth Kiss, President, Agnes Scott College
"Righting Wrongs: The Problems and Perils of Transitional Justice"

Sanford Levinson, W. St. John Garwood and W. St. John Garwood, Jr. Centennial Chair in Law and Professor of Government, University of Texas at Austin
"The Ethics of Torture"

As already noted, the 20th anniversary conference also featured panels with former fellows, and included a keynote lecture by founding senior fellow Amartya Sen. (The program for the event can be found at page 44.)

The Center again cosponsored, with the Office of the President, the Tanner Lectures on Human Values. As my final act as Tanner Committee chair, I was pleased to be able to extend our invitation to Mary-Claire King, American Cancer Society Research Professor of Medicine

"In the spirit of interfaculty collaboration, faculty and students from across the University, as well as members of the wider Cambridge-Boston community, participate in the discussions...The [lecture] series has served as a model for several of the successful University-wide forums for intellectual interchange now flourishing at Harvard and other universities."

— Dennis Thompson

and Genome Sciences at the University of Washington, Seattle. Her topic for the Tanner Lectures, “Genomics, Race and Medicine,” was timely, and by all accounts the two presentations were insightful and stimulating. The commentators for the occasion were Evelyn Hammonds, Professor of the History of Science and of African and African American Studies, whose current work focuses on the intersection of scientific, medical, and socio-political concepts of race in the United States; Jennifer Hochschild, Henry LaBarre Jayne Professor of Government and Professor of African and African American Studies, who teaches on racial and ethnic politics, American political thought, power in American society, and inequality and social policy; and Robert Truog, Professor of Medical Ethics, Anesthesiology, and Pediatrics at Harvard Medical School and a former fellow, and now a member of the Center’s Faculty Committee.

Faculty Fellow Sarah Conly, and Francesca Mari, a graduate student in the English department, were the rapporteurs for the event and prepared the summaries that were sent to President Bok and to the Tanner Foundation. (These summaries are posted on our website.)

Ethics in the Schools

When the Center began two decades ago, few faculties at Harvard offered practical ethics courses and fewer had faculty qualified to teach the courses. Today each school has its own faculty who specialize in ethics. In virtually all of them there is a required ethics course for students in the core programs. Most of the ethics faculty have spent time in the Center in the past, and all find a friendly home away from home in the Center in the present. Perhaps it could be said that the Center has been the breeding ground for an ethics insurgency that has spread throughout the University. To put it in less subversive terms, we have offered advice and encouragement, educational programs, structures for interdisciplinary collaboration, and steady support for the recruitment and development of faculty teaching ethics throughout the University.

Several years ago the fellows gave me a jeweled crown emblazoned with the title “Ethics Czar.” And in the early years of the Center I was not only aware of, but also involved in, almost every ethics-related activity at Harvard.



“It was clear from the start that although this was a centralized program, its success would depend on finding and training individual faculty who were not only committed to ethics but who also had credibility among their professional school colleagues...”

— John McArthur, former dean, Harvard Business School, in *Ethics at Harvard 1987-2007*

One sign of the great progress the study of ethics has made at Harvard is that no one individual could easily know about, let alone participate in, even half of the activities now taking place at the University. For reports of the work in each School, we rely on our faculty colleagues, who are providing the crucial leadership that is making the study of ethics at Harvard yet more rewarding and exemplary than it has been in the past. Some of the highlights of their remarkable achievements over the years are described in the 20th anniversary publication of the Center, which accompanies this report.

The Future

Mark Twain once said: “It’s noble to be good, and it’s nobler to teach others to be good—and less trouble.” Fortunately, our mission is more modest: we teach others how to think about being good. That is trouble enough, and it remains a challenge. In the past two decades the faculty and fellows of the Center have risen to that



Jean McVeigh and Dennis Thompson

challenge and have made great strides in ethics education and scholarship. They will continue to do so.

But much remains to be done. The ethics movement is only decades old, and its leaders are still too few in number (and in some cases perhaps too long in years). The need for more courses, more research and more outreach to the public requires more faculty, more scholars and more communicators of all ages. That means more resources. The goal of encouraging younger scholars, inspiring new leaders of ethics in every profession, and strengthening cross-faculty collaboration at Harvard and other institutions is open-ended, and so therefore are our financial needs. A high priority is an endowment for the remaining five Faculty Fellowships. Another is the need for additional professorships to appoint faculty specializing in ethics. Also, as the Center's activities grow, so should its physical space. A whole building would perhaps be excessive but a few more rooms of its own would be welcome.

I shall no longer be leading the ethics efforts in the Center, but I hope that I may be allowed to reserve the right to continue to argue with fellows and faculty about ethics on future occasions, of which I trust there will be many. The past 20 years have been enormously rewarding, chiefly because of the contributions of the faculty, fellows and staff with whom I have been privileged to work. It is rare in

academic life to have the opportunity to create a new institution and advance a new field with the support of so many talented and accomplished colleagues. I have also been unusually fortunate in the support provided by a dedicated staff, led over the years by the extraordinary Jean McVeigh.

I have unbounded confidence in the future of the Center and its faculty and fellows. I have no doubt that it will continue its core activities at the same high level of quality, and will grow and progress under its new leadership. We could not wish for a more energetic, imaginative and accomplished leader than Fred Schauer, who with the estimable support of Arthur Applbaum and our Faculty Associates, will carry the mission forward to even greater successes. Ethics programs and faculty are now firmly rooted in nearly all of the schools at Harvard, and in the many colleges and universities throughout the U.S. and the world where our fellows teach and write. The Center's financial future is secure, thanks to a bequest from Lester Kissel, and the extraordinary gift from the Edmond J. Safra Philanthropic Foundation in 2004. Thanks to Lily Safra, the Center now has a substantial endowment that will support its activities in perpetuity, enabling the work of the Center to continue at least for as long as Harvard continues. We can all take pride in what the Center has accomplished, and look forward with confidence to the great achievements yet to come.



Members of the Ethics Center 2006-07

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**

THE FELLOWSHIPS



REPORTS OF THE FACULTY FELLOWS AND SENIOR SCHOLARS

Rebecca Brendel

Edmond J. Safra Faculty Fellow in Ethics

My year as a faculty fellow has been an extraordinary one. Coming into the year, I had hoped to expand my academic work at the intersection of law, psychiatry, and ethics. My initial research proposal focused on physician-assisted suicide and end-of-life issues. By the end of the year, the vibrant and enthusiastic culture of the Center and the group of fellows contributed to my embarking on exciting academic work that I hope to continue over the next year (at least) when I return to my full-time clinical practice.

I will divide my experience into two parts, based on major life events. In 2006, very pregnant, I completed two chapters for a textbook on AIDS psychiatry. My coauthor on this work was Mary Ann Cohen, a seasoned AIDS psychiatrist and ethicist at Mount Sinai Hospital in New York. In these chapters, I focused on the unique characteristics of patients with HIV/AIDS as a platform to think and write about end-of-life issues and care in one chapter, and ethical issues, medical decisionmaking, and privacy/confidentiality issues in the second. I also coauthored chapters on suicide, abuse and neglect, and end-of-life issues for a new Massachusetts General Hospital textbook on psychiatry.

The fall was also busy with teaching and speaking engagements. I taught in a year-long, common-law based course on law and psychiatry, and lectured on topics in psychiatry and law to residents and fellows at Massachusetts General Hospital. I also expanded my work on privacy and confidentiality when I was invited to speak on confidentiality issues in the treatment of minors at a medical center outside of Boston.

By the middle of October I could no longer travel, so in my absence my work was presented by colleagues. My work on privacy and confidentiality in employment evaluations was presented by my Massachusetts General Hospital colleagues at the American Academy of Psychiatry and Law annual meeting in Chicago. My work on the Health Insurance Portability and Accountability Act, ethical

dimensions of treating patients with impaired decisional capacity, and the off-label (non-FDA approved) use of medication was presented at the annual meeting of the Academy of Psychosomatic Medicine. In addition, my commentary on the legal and ethical aspects of a challenging clinical case was presented at a workshop.

In early December my second son was born on schedule, which prevented Dennis from having to make an exception to his long-standing 100 percent attendance rule at faculty fellows seminars. My son's arrival was welcomed by the Center with a "future ethicist" shirt, and he is among good company in wearing it with Corey Brettschneider's new daughter.

After the winter break I returned to the Center and began work in preparation for my presentation at a joint seminar of the graduate and faculty fellows on "The Biological Basis of Morality." My initial sense when I agreed to present on the topic was of a presentation complete with PET and functional MRI images of the brain, locating which portions of the brain are activated by different ethical dilemmas. Ultimately, this topic took a different turn, opening the door to a new project for the coming year. I shaped the topic to address the question of whether, and if so how, neuroscience research could be relevant to determinations of moral action, with the particular example of legal determinations of criminal responsibility.

My practice in forensic psychiatry, in which evaluation of a defendant's state of mind at the time of an alleged offense



Rebecca Brendel

is a frequent referral question, combined with theoretical work and neuroscience research, have shaped an exciting new academic project going forward. Specifically, I am currently investigating how neuroscientific advances may help inform our moral notions as they apply to the understanding of *mens rea* under criminal law. In the future, I hope to embark on additional work on the moral implications of common law jurisprudence on *mens rea*.

A testament to the vibrancy of the fellowship and the unique collegiality the Center fosters is that it provides opportunities, such as lively lunch discussions, to explore and expand on topics of interest. For example, a discussion on the topic of hunger strikes turned out to be one where my professional background and academic interests would again intersect. At the time, an MIT professor was on a hunger strike after having been denied tenure. A discussion ensued about what the university should do and how the situation should be handled. As a forensic psychiatrist, I am often asked to evaluate an individual's ability to make competent decisions when those decisions seem to represent poor choices. In addition, in my work as a consulting psychiatrist in a local correctional institution, I have been asked to evaluate inmates who were hunger-striking.

For my spring work-in-progress I presented a new paper on hunger strikes about what role psychiatrists might play in determining the capacity of an individual to continue on a hunger strike, and what criteria psychiatrists should use in making those determinations. I am currently revising that paper in hopes of submitting it for publication this year. Also this spring I coauthored chapters on the role of psychiatrists in the criminal justice system, including ethical challenges, and on malpractice for a comprehensive psychiatry textbook. My coauthors on these chapters were Ronald Schouten and Judith Edersheim; both are psychiatrists and lawyers and have been instrumental in my clinical practice and academic work.

After an incredibly productive and exciting year, I wish I could spend another at the Center to work on the challenging projects that emerged. My fellowship year has been invaluable in helping me to merge my clinical and academic interests in psychiatry, ethics, and law. I am most grateful to Dennis, Arthur, the Center staff, and my co-fellows

"The Center has provided a real boost not only to our careers but to our ability to think about the most important issues. Without question this was the best professional and personal year of my life."

— Corey Brettschneider

for an exciting and productive year. I look forward to future learning and collaboration with them all.

Corey Brettschneider

Faculty Fellow

When I entered graduate school, the stimulation from the wave of ideas flowing around me was so strong that it was palpable. Until this year I thought that kind of intellectual energy could come only from the excitement of entering academia for the first time. Within days of arriving at the Center, however, I experienced that feeling again. Great discussion and ideas were abundant on seminar days, spilling from lunch to the seminar and then out into the hall. My fellow fellows, Dennis, and Arthur all continually provided suggestions and insights on writing projects, as well as a great collegial atmosphere. With characteristic good humor and ribbing, fellows Sarah Conly, Jed Purdy and Cora True-Frost anointed me the "happiest fellow" towards the end of the year. I'll spare readers of this report the Gilbert and Sullivan lyrics that go with the title, but the label does capture my overall great feeling about the Center.

In addition to being enjoyable the year was also productive. It saw the completion and publication of one project and the start of a new one. I was able to use part of the fall to complete my book, *Democratic Rights: The Substance of Self-Government*. In addition, I completed a related article, "The Rights of the Guilty," that was published in *Political Theory*. My main work this year was devoted to a new book project tentatively titled *Reframing the Public/Private Distinction: Public Values in Private Life*. The Center was the ideal place to get my new project off the ground. My fellow fellows, Dennis, and Arthur all provoked me to delve deeper into my topic, while simultaneously providing



Corey Brettschneider

encouragement. Several seminars were particularly helpful in developing my views of the public/private distinction. The sessions on religious freedom and public reason helped generate ideas that will form the core of two chapters. The comments I received in presenting my paper on responses to hate groups helped me to improve the piece and showed me more clearly how this piece fit into my wider project.

I would also like to thank other faculty affiliates of the Center who went beyond the call of duty in including me in the wider life of the University. Nancy Rosenblum took time to read my work and to invite me not only to the political theory seminar in the Government Department but also to the fantastic conversations over Chinese food that followed. Frank Michelman took the time to read the entire manuscript of *Democratic Rights* and offered helpful detailed comments that made the final submitted manuscript much better than it would have been otherwise. He also invited me to his terrific course on South African Constitutional law, which he co-taught with Richard Goldstone, one of the founders of that new constitutional democracy. I benefited too from the chance to sit in on a graduate seminar led by Amartya Sen, Richard Tuck, and Tim Scanlon. Like the Center, this seminar was a real model of interdisciplinary collaboration.

My current project makes the argument that we should view the boundaries between public and private as porous.

Among the wonderful things about the year was the way these two spheres intermingled. In November my wife and I were blessed with the birth of our first child, Sophie Brettschneider. So as not to risk that she would feel left out of our deliberations, Sophie was presented with an “honorary fellow onesie” by Jean, Kim, Magda, and Stephanie at the holiday party. This was characteristic of the general welcoming and wonderful atmosphere the entire staff created throughout the year. I am very thankful to them for all of their hard work and kindness.

I would also like to say how happy Alli and I were to be included in the celebration of the Center’s 20th year. The tributes to Dennis, Arthur and the staff just reinforced what we all knew—that the Center is truly a wonderful place that has provided a real boost not only to our careers but to our ability to think about the most important issues in life. Finally, I note that Brown granted me tenure at the end of the year, which was certainly welcome news and a relief. But even this great news comes as just one of many highlights during my year as a fellow. Without question this was the best professional and personal year of my life.

Sarah Conly

Faculty Fellow

I had a fabulous year in Cambridge, and by the end of it I had actually figured out what I was doing. This has set the agenda for the work I will be doing for at least the next few years, and after having published as articles segments of the research I did at Harvard, I intend to produce a book, *Against Privacy*, based on an expanded application of the thesis.

I came to Harvard to work on improving our understanding of moral agency. How do we decide what to do when faced with a morally fraught situation? Historically, those in philosophy, my discipline, and many in the non-academic world, have stressed the need to reason properly in order to decide what action is morally correct. We have lauded the uniquely human ability to make autonomous choices, where we evaluate without prejudice and act in accordance with that evaluation. The ideal is one of autonomous reflection, where we rise above our own prejudices, above peer pressure, even above cultural

constraints, to see what reason, untrammelled by fear, hatred, or custom, would direct. While everyone acknowledges that this is not easy, it is taken as the standard to which we should aspire, and which we are capable of achieving. Sadly, however, experience shows that this ideal has not led us to the behavior we want. We act badly too often, even those of us who have had every benefit of education and affluence. This suggests that the model of autonomous decisionmaking is not one that is working for us, and it is time to re-think our approach.

In my work this year I have argued that we need to revise our picture of moral decisionmaking. We have continued to recommend methods of moral problem-solving which require dependably good instrumental reasoning, despite the failure of these recommendations to reliably produce acceptable behavior. What we need to function better, especially when we find ourselves outside the parameters of our normal moral lives, is a recognition of our frailties as agents, and a recognition that these frailties may just be something we are stuck with. The work of legal theorists like Cass Sunstein, social scientists like Jon Elster, and the research of Harvard psychologists Josh Greene, Marc Hauser, and Mahzarin Banaji, have offered plenty of evidence that we are constrained in our thinking in particular circumstances—that we are, in fact, flawed relative to the ideal of reasoning—and that we must work around this “bounded rationality” instead of trying to avoid it. We need to acknowledge this evidence from the social and natural sciences that some flaws of reasoning are not within our power to rectify. Given this, we need to include the fact of our poor instrumental reasoning when we develop strategies for making moral decisions, and develop ways we can nonetheless achieve at least minimally decent behavior.

There are various ways we might do this. Social education seems to play a paramount role, and in particular I adapt some of the work of Fred Schauer in order to discuss the possibility of adopting rules of behavior which might guide us in those sorts of situations in which we know humans are poor instrumental reasoners. This area of moral education was the primary focus of my work at Harvard.

However, once we accept that flaws in instrumental reasoning mean that the common notion of individual autonomy faces insurmountable obstacles in its application, this provides the theoretical grounds for policies which generally provide social guidance to individual decisions. The two seminar presentations I gave at the Center during the year, one on Thomas Nagel’s (and others’) belief in the privacy which should be accorded to the non-professional life of public figures, and the other on the acceptability of licensing requirements for parents, both allowed me to explore the permissible intrusion of the state into the private life of the individual, through legislation or education. So did the paper on gender, and public education as a means of minimizing gender difference, which I gave at the Workshop on Gender and Philosophy at MIT. Towards the end of the semester I started to work on exploring the appropriate parameters of state limitations on the free exercise of religion. (I will be presenting this paper at the 23rd World Congress on Philosophy of Law in Krakow, Poland, in August.) The pervasive theme of my work has essentially been an attack on privacy, as that term is used to denote a particular realm of the right to liberty. It is this, the renewed, realistic understanding of moral decisionmaking, and the application of this understanding to appropriate governmental and educational policies, which will be the subject of my book.



Sarah Conly

So, it has been a fruitful year. In the fall I benefited from sitting in on a graduate philosophy course on Rights and Liberty, taught by Tim Scanlon, Amartya Sen, and Richard Tuck, and in the spring by participating in a law course on Virtue Ethics taught by Martha Nussbaum. I also enjoyed attending the Boston University ethics group, where I was able to present my own work as well as reading and discussing other contemporary philosophical and psychological works. I attended all the lectures sponsored by the Center, as well as many talks sponsored by the Harvard Philosophy Department, and was able to attend programs in the Schools of Medicine and Public Health. Lastly, I benefited greatly from collegial interaction, especially from the effervescent and insightful Corey Brettschneider, and the frighteningly knowledgeable but always gracious Martha Nussbaum. This has been the most intellectually stimulating year I have had.

Archon Fung

Senior Scholar

Of the many intellectual delights that Harvard University has to offer, this year at the Center for Ethics has been for me the most rewarding by far. Dennis Thompson and Arthur Applbaum have created a program that is uniquely effective in the professional development of ethics scholars. Though I was a diner and not the chef, their recipe seems to work its magic by combining disparate ingredients in just the right measure.

The most obvious of these is the cast of characters, and they were characters, that made up our group of faculty fellows and senior scholars. Given what must be a rigorous selection process, it is unsurprising that they are, to the last one, quite brilliant. Somewhat more surprising is that they were not at all cut from similar molds; each is brilliant after his or her own fashion. Sarah stuck to her utilitarian guns (exotic in these parts) despite some counter-argument and much more teasing. David showed us how unease with contemporary norms—especially in medical ethics—should come not just from intellectual restlessness but more powerfully from empathy with patients and subjects. Sanjay pressed us—usually around 2:45pm—to ask deeper questions and the right ones. Corey’s searching liberal spirit

“Beyond the fellows, the Center created a rich experience by synthesizing opposites: theory and practice; humor and discipline; the formal and informal.”

— Archon Fung

was exceeded only by his earnestness. Jed’s eloquence was a Tuesday afternoon jazz session. Becca never failed to keep it real with the insight of hard clinical experience. Philip’s clarity and precision will remain the envy of us all forever. Good friends we made, and I look forward to continuing to learn from you all.

Beyond the fellows, the Center created a rich experience by synthesizing opposites: theory and practice; humor and discipline; the formal and informal. Efforts to mix theory and practice abound, but they usually fail. The seminar succeeded in this regard by selecting the right participants—all of whom had demonstrated abilities in both realms—and then by relentlessly focusing our minds upon the intersection of the two—at the point of professional and applied ethics. The cumulative effect of examining issues in deliberative ethics, torture, international law, political ethics, medical ethics, research ethics, and the ethics of persuasion week after week was to leave no doubt that the most pressing and fruitful work lies where theory and practice meet.

But I certainly would not have stuck with it, or invested the energy in it that I did, were it not for the combination of humor and discipline with which Dennis and Arthur led this endeavor. They held the group together through levity, warmth, and a generosity of mind in reading our work and responding to our (mis)readings of others. The faculty fellows are a busy lot whose time and attention are without exception in very high demand. Yet the activities of the Center always rose to the top of everyone’s to-do list. Dennis and Arthur set a strong, full-compliance, norm of complete participation from the outset. It turned out to be, for me at least, a very beneficial constraint that fostered the creation of our small and intense intellectual community.

The Center also succeeded by deliberately combining the informal with the formal. Every seminar was preceded by lunch, and every public lecture followed by dinner. This combination makes sense not just because the spirit requires flesh—which it certainly does. The subjects we considered and habits of thought that we used when we socialized with one another informed and improved our philosophy seminars. We got to know each other’s ethical perspectives and impulses over many meals, and that in turn created an openness, mutual understanding, and intellectual trust that made the seminars more rigorous and deep.

My time at the Center allowed me to complete an article on the ways that democratic theory should interact with empirical political science that will be published in the *American Political Science Review*. I also completed and released a book on contemporary developments in information-based regulation titled *Full Disclosure: The Perils and Promise of Transparency* (Cambridge University Press, with Mary Graham and David Weil). But the main benefits of my year here will come over time as I reflect upon the people I befriended and the ideas we discussed.

None of this would have been possible without the dedication and painstaking attention of those who do the work so that we can play: Stephanie Dant, Magdalena Halford, Erica Jaffe, Kimberly Tseko, and of course Jean McVeigh.



Archon Fung (right) is joined at the 20th anniversary celebration by former graduate fellows Simon Keller and Amalia Amaya Navarro (second and third from left) and Martin O’Neill (second from right).

Philip Pettit

Senior Scholar

My thanks go to Dennis Thompson for providing a wonderful base and a galvanizing research context for my year away from teaching. I am now winding things up—a little sad, but very satisfied at what I feel that I have learned during the year and been able to get done.

I have just sent off the page proofs for my book on Hobbes. It is to be published by Princeton University Press in September, under the title *Made with Words: Hobbes on Language, Mind and Politics*. I did the final revisions on this book in the early part of the year, benefiting greatly from exchanges with Richard Tuck, Frank G. Thomson Professor of Government.

I also managed during the year to finish the first draft of a joint book, planned with Christian List, L.S.E, on *Agency Incorporated*, which will probably appear with Oxford University Press. This sets out an account of how groups can function as agents in their own right and investigates normative questions that are opened up by that analysis. I was greatly helped with one issue in that book by Arthur Applbaum; he raised questions we should address, and hadn’t. I also prepared the final draft of a related article, “Responsibility Incorporated,” which has just appeared in *Ethics*; this was given as a lecture for the Center in April 2006. That relates in good part to Dennis’s own work and was greatly facilitated by discussions in the wake of my lecture.

Those are both projects that were underway before I came. But even more exciting for me was that I was prompted to begin exploring some new ideas in democratic theory—not surprisingly, given the prominence of the theme in these parts. These use the work on group agency and look at how far we may think of the rule of the people as an exercise in quasi-corporate control. I presented a short paper based on that work to Amartya Sen’s Justice, Welfare and Economics group and had many discussions in the wake of that event, including one particularly useful exchange with Frank Michelman, Robert Walmsley University Professor at the Law School. I was able to thrash out aspects of these ideas with Archon Fung and with a number of the fellows—such

a nice and well-chosen group—in particular, Corey Brettschneider. In thinking about them I was greatly helped by many of our weekly seminars, which were extremely enjoyable and educative events. And the weekend workshop that Dennis and I both attended, organized by Jenny Mansbridge, was just terrific for helping me on this front.

The Center is a wonderful institution and I am happy to sign up as yet another philosopher on the roll of debtors. I learned enormously from Dennis and Arthur and a range of their Harvard colleagues, as well as from the others who were here as Center fellows. I took particular pleasure in being able to attend the 20th anniversary celebrations, though of course we all regret Dennis's departure. Still, the Center will be in good hands with Fred Schauer and Arthur Applbaum. Ad multos annos.

I cannot finish this report without adding a word on the staff of the Center. In forty years as an academic, I have never worked in a happier, more pleasant environment. That is entirely due to Jean McVeigh, her colleagues, Stephanie Dant and Kim Tseko, and the others who were here for part of the year. I would like to take this opportunity of thanking them for their absolutely unfailing friendliness, and complete efficiency. They are a dream team.

So thank you, and farewell. I have had a great year, as has Tori, and I am hugely, sloppily grateful to all of you for having made it possible.



Philip Pettit enjoys an exchange with former graduate fellow Amalia Amaya Navarro at the 20th anniversary reunion lunch.

Jedediah Purdy

Eugene P. Beard Faculty Fellow in Ethics

My aim for the year was to develop two manuscripts. The first, titled *Property as Freedom*, explores how property has figured in debates about the meaning of freedom and ways of realizing it socially. This book also sets out a normative approach to property institutions, which I call “freedom-promoting.” My treatment of this approach draws on several strands of argument: contemporary behavioral economics, innovations in welfare economics (particularly the work of Amartya Sen), concrete debates around property institutions (including intellectual property and microfinance schemes), and the historical precedent of Adam Smith's reformist political economy. While parts of the manuscript are derived from earlier-published work, much of it is new, and what I have published before is mostly rewritten. *Property as Freedom* is now in the hands of Yale University Press, which issued a contract for it in 2005, and which should send it to reviewers soon if it has not already.

My other manuscript, on American ideas of freedom and their legacies in political culture, consumed my summer and fall last year and will be my main focus this summer (which I plan to spend in California). The briefest statement of the idea behind this manuscript is that Americans' commitment to an individualist idea of freedom and dignity have posed a problem for developing a politically effective idea of national community and social membership, particularly an account of the role of the state in a complex society. I have recently returned to that manuscript after four months away from it, and am happy to find that I have a fairly clear sense of what I need to do to submit it to Knopf (where it is under contract) by the delivery date of September 1, 2007. While the next three months will be dense with writing, the path seems more or less clear. In fact, in May I was able to complete a draft of a pivotal chapter on the history of American presidential language. This book is in search of a title. “American Freedoms” is a placeholder. “A Chosen Country,” from Jefferson's first inaugural address, has not quite persuaded me. “A Jealous Affection,” from Edmund Burke's discussion of American ideas of freedom in his canonical speech on conciliation with the American colonies, strikes me as a little too Latinate.



Bryan Garsten (former graduate fellow) and Jed Purdy.

The manuscripts have different audiences and stakes. In *Property as Freedom*, I hope to persuade teachers and scholars of property law to understand their topic as having an integral relation to human values, particularly the multifarious value of freedom. Because the legal academy is so deeply invested in civic persuasion and in training professionals, I hope partial success will contribute to influencing lawyers and others to understand property (and other aspects of private law) in terms of a rich and progressive conception of freedom. In the Knopf manuscript, I hope to persuade some lay readers, as well as some scholars, to think in a fresh way about the connection of individual freedom and dignity and membership in the national community. My first aim here is diagnostic and interpretive: while those who accept my account might think differently about issues ranging from personal identity to electoral strategy and political justification, I am less concerned to press those implications on readers than to bring them into the watershed of the interpretation itself.

Both manuscripts have benefited from exchanges with Philip Pettit, whom I found intellectually and personally generous throughout the year. My work also benefited from seminar presentations, particularly our spring session, in which I presented, and others generously read, a long and probably overambitious book chapter. My only regret was that these sessions were somewhat restricted by our decision to present two fellows' work in each. I would selfishly have benefited from a longer discussion of my work

and, also selfishly, from more time on some of the work of my colleagues. Because so much of our energy in the year is inevitably concentrated on our own writing, I would encourage devoting a larger share of the fellows' seminar to ongoing work.

The year in Cambridge was productive in other respects. I visited at Harvard Law School in the spring, teaching a seminar on the themes of *Property as Freedom*. This was a great chance to meet some of the Law School faculty and stay engaged in some of the conversations of the legal academy. I also found teaching productive for my writing (so much so that I also volunteered as co-leader of a seminar on "legislative and popular constitutionalism" in the fall, joining Robert Post and Reva Siegel as one-cook-too-many). Staying in the law-school mix probably contributed to an offer to visit at Yale Law School, which I received in late April. I'm very excited about this, and plan to spend the 2008-09 academic year in New Haven. (The offer came a little late—next year I'm scheduled to teach a first-year section of Property in the fall at Duke.)

Cambridge is also a good town for me in general. I have always been able to write productively here, and I've found that true again during this year. I have friends here, too, from my earlier schooling, and have enjoyed renewing some acquaintances and making others.

I am very grateful to have been able to spend the year here. I sincerely thank the faculty, staff, and affiliates of the Center for generosity, trust in my ability to make good use of the year, and good company all year.

"The year was productive in other respects. I visited Harvard Law School in the spring, teaching a seminar on the themes of *Property as Freedom*. This was a chance to meet Law School faculty and engage in some of the conversations of the legal academy."

— Jed Purdy

Sanjay Reddy*Faculty Fellow*

As expected, I found my year at the Edmond J. Safra Foundation Center for Ethics to be most productive and helpful. I benefited from the example of Dennis Thompson and Arthur Applbaum, who were conscientious and thoughtful interlocutors, exhibiting high intellectual virtues in the faculty seminars which they led. Dennis made sure to permit every voice to be heard, while presenting a steady flow of interesting questions for discussion. I will take with me wherever I go this example of how to lead and shape a discussion. The kindness and personal attention provided by Dennis, who took the time and effort to get to know each of us, to gently inquire about our ideas and to present thoughtful suggestions concerning our careers, was really quite touching and beneficent, and also provided an example which I will long carry with me.

The faculty fellows seminar offered an opportunity to consort with peers from diverse intellectual and personal backgrounds. I found the opportunity to learn from peers as diverse as a practicing psychiatrist, a bioethicist, moral and political philosophers, and a legal scholar to be both broadening and deepening. I am grateful to my fellow fellows and the senior scholars for their good nature,



Sanjay Reddy with Julia Harrington at the 20th anniversary celebration.

“Dennis made sure to permit every voice to be heard, while presenting a steady flow of interesting questions for discussion. I will take with me wherever I go this example of how to lead and shape a discussion.”

— Sanjay Reddy

intellectual seriousness, and personal generosity. The joint seminar was a valuable innovation which I hope will be continued. The graduate fellows, and others who attended the joint seminars, such as Frances Kamm, provided a valuably fresh perspective as well as welcome alternative views. The discussion of the relation between theory and practice at the 20th anniversary conference was valuable and gave me greater confidence that moral and political philosophers are headed in the right direction. It was also marvelous to have access to the intellectual resources of the University. I refreshed or deepened valuable and lasting intellectual relationships with a number of faculty in the University.

During the fellowship year, I coauthored a book on international trade and labor standards (to be published by Columbia University Press), and published a number of articles on different topics in journals of law, philosophy, and economics, all incorporating some dimension of normative reasoning. From this point of view, the year can be counted as having been highly successful. I gave a number of talks during the year at various universities and professional conferences for lawyers, philosophers, and economists (primarily relating to topics in global distributive justice). The support provided by the Center staff, and in particular by Stephanie Dant, Kim Tseko and Jean McVeigh, was splendid.

The fellowship gave validation to my interests in ethics, which as an economist, I am sorely lacking. At a more mundane level, I greatly enjoyed the opportunity to walk along the Charles River, to which the Center offered such ready access, in the fall and in the spring. I thus will leave Harvard and return to my home institution both perma-

nently enriched and newly impoverished. I can only offer my sincere thanks to the Center and its staff for making possible this extraordinary opportunity for personal and intellectual development.

David Wendler

Faculty Fellow

Spending the year as a faculty fellow at the Center has been so wonderful that I assume it must represent a once-in-a-lifetime experience. As a result, over the past several weeks, I have found myself wishing that I had a soul to offer in exchange for a second lifetime in which to do it all again. I should perhaps point out that I was not the only one in our group entertaining such thoughts, as evidenced by the fact that our last meetings included numerous discussions on devious ways to extend our fellowships into a second year.

The range of options available to faculty fellows at the Ethics Center forces one to make difficult choices, and live with countless opportunity costs. For me, the most difficult choice was deciding whether to spend the bulk of my time focused on the book project I had slated for myself, or try to take advantage of all that the Center, Harvard, and the Boston area have to offer. I chose the former course. This choice has resulted in my missing important lectures, interesting courses, and fabulous concerts. It also provided me with substantial time for my own work, enough that I have been able to finish a complete draft of the book. Undoubtedly, many hours of editing lie ahead, but without the fellowship year I may never have been in a position to finish.

The book looks at the question of whether it is acceptable to enroll children in clinical research that does not offer a compensating potential for clinical benefit. This type of research is very important for improving pediatric medical care, but raises important ethical concerns. A number of commentators have addressed the question, but no one has given a complete or fully satisfactory account. My project develops an account based on when it can be in an individual's interests broadly construed to contribute to important

projects. I argue that it can be in one's interests even when one does not fully consent to making the contribution and, more controversially, even in some cases where one does not understand that one is making a contribution at the time one makes it.

The faculty fellowship at the Center helped me to achieve this goal in four ways. First, simply having an extended period of time away from the demands of work provided the opportunity for a lot of writing. Second, the intellectual stimulation of my colleagues at the Center kept my brain in gear and going, allowing me to make the most of the opportunity. Third, the works in progress and conversations with other fellows allowed me to clarify my thoughts and craft my arguments. Fourth, the Center staff, welcoming, helpful, and engaged, provides all the support one could ask for, and much more help than one deserves. The only assignment I have left for them is to convince the new director to consider accepting fellowship applications from previous fellows!



David Wendler with graduate fellows Cora True-Frost and Galit Sarfaty.

FACULTY FELLOWS SEMINAR SYLLABUS

FALL 2006

September 19

Cases in Practical Ethics

“Spaulding v. Zimmerman,” adapted version

Rationing Ethics: *HHS Pandemic Influenza Plan*, Appendix D; and E. Emanuel and A. Wertheimer, “Who Should Get Influenza Vaccine When Not All Can?” *Science* (May 12, 2006)

Academic Ethics: “Bioethicists Find Themselves the Ones Being Scrutinized,” *New York Times* (August 2, 2001); Stanley Fish, “Conspiracy Theories 101,” *New York Times* (July 23, 2006); and Gretchen Ruethling, “A Skeptic on 9/11 Prompts Questions on Academic Freedom,” *New York Times* (August 1, 2006)

Campaign Ethics: A. Gutmann and D. Thompson, eds., *Ethics and Politics*, 4th ed. “Crafty Communications”

Espionage Ethics: Nadine Gordimer, “Crimes of Conscience” in *Crimes of Conscience* (1991)

September 26

Public Reason

Presentation: Corey Brettschneider

John Rawls, “The Idea of Public Reason,” in *Political Liberalism* (1993), pp. 212-22, 249-51
(Optional: “The Idea of Public Reason Revisited,” in *The Law of Peoples* (1999), pp. 131-40, 146-48, 164-79)

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

Gregory Stankiewicz, “The Controversial Curriculum,” in *Ethics and Politics*, 4th ed. (2006), A. Gutmann and D. Thompson, eds., pp. 458-29

Dennis Thompson, “Public Reason and Precluded Reasons,” *Fordham Law Review* (2004), pp. 2073-88

October 3

Legal Ethics

Presentation: Jedediah Purdy

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

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

Meir Dan-Cohen, “Decision Rules and Conduct Rules: On Acoustic Separation in Criminal Law,” *Harvard Law Review* (January 1984), pp. 630-37, 645-49, 665-78

Cass R. Sunstein, “Problems with Rules,” *California Law Review* (July 1995), pp. 1006-08 (“Bentham and Acoustic Separation”)

October 10

Medical Ethics

Presentation: Rebecca Brendel

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

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

P. T. Menzel, “Double Agency and the Ethics of Rationing Health Care: A Response to Marcia Angell,” *Kennedy Institute of Ethics Journal* (1993), pp. 287-92

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

Norman Daniels and James Sabin, *Setting Limits Fairly: Can We Learn to Share Medical Resources?* (2002), pp. 1-22

October 17

Political Ethics

Presentation: Sarah Conly

Elizabeth Markovits, "The Trouble with Being Earnest: Deliberative Democracy and the Sincerity Norm," *Journal of Political Philosophy*, 14:3, September 2006, pp. 249-51, 266-69

Thomas Nagel, "Concealment and Exposure," and "The Shredding of Public Privacy," from *Concealment and Exposure* (2002), pp. 20-27

Eldon Soifer and Bela Szabados, "Hypocrisy and Consequentialism," *Utilitas* (July 1998), pp. 1-4, 9-11, 13-16

Dennis Thompson, "Hypocrisy and Democracy," in *Restoring Responsibility* (2004), pp. 209-26

A. Gutmann and D. Thompson, eds., "Standard of Candor," in *Ethics and Politics*, 4th ed.

Optional: Judith N. Shklar *Ordinary Vices*, Cambridge, MA: Harvard University Press, 1984, pp. 67-78, 86

October 25

Joint Seminar: Torture Ethics

Presentation: Philip Pettit

A. Gutmann and D. Thompson, "Interrogating Detainees," in *Ethics and Politics*, 4th ed., pp. 60-69

David Sussman, "What's so Bad About Torture?" *Philosophy & Public Affairs*, 33 (2005) pp. 1-8, 19-28

Charles Krauthammer, "The Truth about Torture?" *Weekly Standard*, December 5, 2005

W. Bradley Wendel, "Legal Ethics and the Separation of Law and Morals," *Cornell Law Review*, 91 (2005) pp. 67-8, 93-8, 116-28

October 31

Deliberative Ethics

Presentation: Archon Fung

Amy Gutmann and Dennis Thompson, *Why Deliberative Democracy?* (Princeton University Press, 2004), pp. 1-7, 13-21, 48-56

William Simon, "Three Limitations of Deliberative Democracy," in *Deliberative Politics*, eds. Stephen Macedo (Oxford University Press, 1999)

Lynn Sanders, "Against Deliberation," *Political Theory* (1997), pp. 347-76

Melissa Williams, "The Uneasy Alliance of Group Representation and Deliberative Democracy," in *Citizenship in Diverse Societies*, eds. Will Kymlicka and Wayne Norman (Oxford University Press, 2000)

"The BC Citizens Assembly," KSG case study (Archon Fung)

November 8

Joint Seminar: Ethics in War

Presentation: Dennis Thompson

Michael Walzer, *Just and Unjust Wars* (Basic Books, 1977), pp. 53-64, 80-108

Michael Walzer, *Arguing About War* (Yale University Press, 2004), pp. 3-22, 67-81

Michael Walzer "The Ethics of Battle: War Fair," *The New Republic*, July 31, 2006

November 14

Research Ethics

Presentation: David Wendler

B. Freedman, "Equipoise and the ethics of clinical research," *New England Journal of Medicine* (July 16, 1978), pp. 141-5

Emily L. Evans and Alex John London, "Equipose and the Criteria for Reasonable Action," *The Journal of Law, Medicine & Ethics* (2006), pp. 441-50

Richard Ashcroft, "Equipose, Knowledge and Ethics in Clinical Research and Practice," *Bioethics* (1999), pp. 314-26

C. Weijer, S. H. Shapiro, K. C. Glass and M. W. Enkin, "For and against: Clinical equipose and not the uncertainty principle is the moral underpinning of the randomised controlled trial," *British Medical Journal* (2000), pp. 756-8

November 28

International Ethics

Presentation: Sanjay Reddy

Rainer Forst, "Towards a Critical Theory of Transnational Justice," *Metaphilosophy* 32 (January 2001)

Leif Wenar, "Contractualism and Global Economic Justice," *Metaphilosophy* 32 (January 2001)

Charles Beitz, "Does Global Inequality Matter?" *Metaphilosophy* 32 (January 2001)

Optional: John Rawls, *The Law of Peoples* (Harvard University Press, 1999), pp. 2-5, 12-19, 25-27, 82-85, 105-20, 124-6

Thomas Nagel, "The Problem of Global Justice," *Philosophy & Public Affairs* (March 2005)

Andrew Hurrell, "Global Inequality and International Institutions," *Metaphilosophy* 32 (January 2001)

December 6

Joint Seminar: Coercion

Presentation: Philip Pettit

Philip Pettit, "Keeping Republican Freedom Simple: On a Difference with Quentin Skinner," *Political Theory*, 30:3 (June 2002), pp. 339-56

Alan Wertheimer, *Coercion*, (Princeton University Press, 1987), pp. 5-10, 23-31, 202-41

SPRING 2007

February 6

Licensing Parents

Presentation: Sarah Conly

Stanley Fish, "To Resign or Not to Resign," *New York Times* (January 28, 2007)

Hugh LaFollette, "Licensing Parents," *Philosophy and Public Affairs*, 9:2 (winter 1980), pp. 182-97

Lawrence Frisch, "On Licentious Licensing: A Reply to Hugh LaFollette," *Philosophy and Public Affairs*, 11:2 (spring 1982), pp. 173-80

Laura Purdy, "Can Having Children Be Immoral?" from *Should Parents be Licensed? Debating the Issues*, ed. Peg Tittle (2004), pp. 143-51

Garrett Hardin, "The Tragedy of the Commons," from *Ethics and Population*, ed. Michael Bayles (1976), pp. 11-12

Sissela Bok, "Population and Ethics: Expanding the Moral Space," from *Population Policies Reconsidered: Health, Empowerment, and Rights*, eds. Gita Sen, Adrienne Germain and Lincoln Chen (1994), pp. 19-25

February 13

Desert

Presentation: Philip Pettit

Joel Feinberg, "Justice and Personal Desert," *Doing and Deserving* (1970), pp. 55-87

George Sher, "Rawls's Attack on Desert," *Desert* (1987), pp. 22-36

Brian Barry, "Chance, Choice and Justice," *Liberty and Justice* (1989), pp. 142-58

February 20**Fellows' Work in Progress**

Presentation: Sarah Conly and David Wendler

Sarah Conly: "Irrationality, Moral Agency, and Consequentialism"

David Wendler: "Is it Ethical to Enroll Children in 'Non-Beneficial' Clinical Research?"

February 27**Religious Toleration in Liberal Society**

Presentation: Corey Brettschneider

Susan Okin, "Is Multiculturalism Bad for Women?" in *Boston Review* (Oct/Nov 1997), pp. 1-16

Michael McConnell, "Free Exercise Revisionism and the Smith Decision," *University of Chicago Law Review* 57 (1990), pp. 1109-14, 1129-53

Bob Jones University v. United States of America, 461 U.S. 574 (1983), pp. 1-17

Amicus Brief of the Mennonite Church in *Bob Jones University v. United States of America*, 461 U.S. 574 (1983)

March 6**Moral Basis of International Law**

Presentation: Jedediah Purdy

Hans Kelsen, *Law and Peace in International Relations: The Oliver Wendell Holmes Lectures 1940-41* (1971), pp. 11-14, 29-30, 48-51, 54-5

H.L.A. Hart, *The Concept of Law*, 2nd ed. (1997), pp. 207-12, 216-32

March 13**Fellows' Work in Progress**

Presentation: Jedediah Purdy and Sanjay Reddy

Sanjay G. Reddy "International Debt: The Constructive Implications of Some Moral Mathematics" (December 6, 2006)

"Zambia loses 'vulture fund' case," *BBC News* (February 20, 2007)

Jedediah Purdy, "A Chosen Country"

March 14**Joint Seminar: Biological Basis of Morality**

Presentation: Rebecca Brendel

Sandra Blakeslee, "Watching How the Brain Works as it Weighs a Moral Dilemma," *New York Times* (25 September, 2001), D3

Patricia Smith Churchland, "Moral Decision-making and the Brain," in *Neuroethics: Defining the Issues in Theory, Practice, and Policy*, ed. Judy Illes (2006), pp. 3-16

Stephen J. Morse, "Moral and Legal Responsibility and the New Neuroscience," in *Neuroethics: Defining the Issues in Theory, Practice, and Policy*, ed. Judy Illes (2006), pp. 33-50

Joshua Greene and Jonathan Cohen, "For the law, neuroscience changes nothing and everything," *Philosophical Transactions, Royal Society, London: Biological Sciences* (2004), pp. 1775-85

Jeffrey Rosen, "The Brain on the Stand," *New York Times Magazine* (March 11, 2007)

March 20**Consent**

Presentation: Dave Wendler

Cynthia Stark, "Hypothetical Consent and Justification," *The Journal of Philosophy*, 97:6 (June 2000), pp. 313-14, 317-34

Daniel Brudney, "Hypothetical Consent and Moral Force," *Law and Philosophy*, 10:3 (August 1991), pp. 257-62

Ronald Dworkin, "The Original Position," *Reading Rawls: Critical Studies on Rawls' A Theory of Justice*, ed. Norman Daniels (1989), pp. 16-22

Dan Brock, "Ethical Issues in Exposing Children to Risks in Research," *Children as Research Subjects: Science Ethics and Law*, eds. Michael Grodin and Leonard Glantz (1994), pp. 90-3

Judith Jarvis Thomson, *The Realm of Rights* (1990), pp. 180-8

April 3**Fellows' Work in Progress**

Presentation: Corey Brettschneider and Rebecca Brendel

Corey Brettschneider, "Beyond Rights: Liberalism's Responses to Hateful Viewpoints"

Optional: Corey Brettschneider, "The Politics of the Personal: A Liberal Approach," *American Political Science Review*, 10:1 (February 2007), pp. 19-31

Rebecca Brendel, "Hunger Strike"

April 10**Relevance of Empirical Social Science for Ethics**

Presentation: Sanjay Reddy

Hilary Putnam, *The Collapse of the Fact-Value Dichotomy and Other Essays* (2002), pp. 28-64

John R. Searle, "How to Derive 'Ought' from 'Is'," *The Philosophical Review*, 73:1 (January 1964), pp. 43-58

Judith Jarvis Thomson, "Remarks on Causation and Liability," *Philosophy and Public Affairs*, 13:2 (1984), pp. 103-33

April 17**Ethics of Persuasion**

Presentation: Archon Fung

U.S. Department of the Army, *Psychological Operations: Field Manual No. 33-1*, Appendix: PSYOP Techniques (August 31, 1979)

Thomas Scanlon, "A Theory of Freedom of Expression," *Philosophy and Public Affairs* (1972), pp. 204-5, 213-21

Bernard Yack, "Rhetoric and Public Reasoning: An Aristotelean Understanding of Public Deliberation," *Political Theory*, 34:4 (August 2006), pp. 417-8, 421-3, 426-33

Anthony Pratkanis and Elliot Aronson, *The Age of Propaganda: The Everyday Use and Abuse of Persuasion* (New York: Henry Holt, 2001), pp. 28-40

N. Craig Smith, "Marketing Strategies for the Ethics Era," *Sloan Management Review*, 36:4 (Summer 1995), pp. 85, 87-95

April 25**Joint Seminar: Teaching Ethics**

Derek C. Bok, "Can Ethics Be Taught?" *Change* 2 (October 1976), pp. 26-30

G. Ryle, "Can Virtue Be Taught?" in *Education and the Development of Reason*, eds. R.F. Dearden, P.H. Hirst, R.S. Peters (Routledge and Kegan Paul, 1972)

REPORTS OF THE GRADUATE FELLOWS AND SENIOR SCHOLAR

Frances Kamm

Senior Scholar

For another year I had the privilege of participating in the seminar for graduate ethics fellows run by Arthur Applbaum. (It was, however, the first time that a student whose work I am supervising was also a fellow.) It is said that I keep people in the seminar on their toes (which makes me sound like a ballet teacher) but in fact the highly demanding nature of the readings and uninhibited discussion of new topics helps me as well. An example: an anthropologist-lawyer fellow working on a study of how the World Bank deals with human rights made me more curious about the issue when I was involved in a conference of philosophers and economists at that institution. My one suggestion for the seminar is that things could be made a bit easier for fellows who are not philosophers by having a short reading list available, introducing them to philosophical ethics, prior to the start of the fall meetings.

The special graduate fellows seminar in which Mrs. Lily Safra and members of the Edmond J. Safra Philanthropic Foundation participated was extraordinary and just as free-wheeling as regular weekly meetings. Joint seminars where graduate fellows and faculty fellows met together dealt with some very interesting topics. The one on torture was particularly useful for me as I taught the topic this spring in a graduate course on moral philosophy and war.

It was nice to see that a picture of a woman faculty member was added to the images of distinguished people on the Center's website homepage. But it was a real shock to hear that Dennis Thompson was graduating from the Center that he built and through which he has had impact far and wide. The 20th anniversary celebration was really a celebration of his efforts. I was particularly impressed by the handwritten letter by John Stuart Mill to Herbert Spenser that Dennis was given as a gift. But where, I asked myself, was the envelope? I hope to find it, or at least the FedEx form that would have been used by Mill and signed by Spenser on arrival. I hope in this way to show my thanks for being allowed to participate in the Center.



Cora True-Frost and Frances Kamm

Michael Kessler

Edmond J. Safra Graduate Fellow

Given the stated interdisciplinary aims of the Center for Ethics, I expected my year there to revolve primarily around learning how disciplines other than philosophy tackle hard issues in the domain of public ethics. While this was certainly a component of my experience as a graduate fellow, this was not the most important. This year I learned a great deal about how to speak about the central questions in moral and political philosophy such that the problems which we are all working on can be brought into better relief. After interacting with both the graduate and faculty fellows this year I have gained a new appreciation for the ways in which great ethical progress emerges when those concerned with such issues learn how to think together.

Concern for ethics and public life is something that we at the Center all share and, as such, our various areas and methods of research are fundamentally directed at a shared goal. My year as a graduate fellow has taught me about the ways in which the practice of philosophy can be conducted so as to be maximally compatible with the work in ethics being done in other disciplines. This is not something that I could have achieved without the generous support of the Edmond J. Safra Foundation Center for Ethics.

I would like to thank Arthur Applbaum and Frances Kamm for leading our graduate fellows seminar. Both Arthur and Frances displayed a genuine commitment to the graduate fellows and to our work. While no argument

went unchallenged, I was treated as a peer and benefited a great deal from being in their philosophical crosshairs. I was fortunate to present some of my own work to them and the feedback I received has been invaluable in shaping my dissertation project. I was able to successfully defend my dissertation prospectus in the spring semester in large part because of the conceptual strides I made under their guidance. It has been a truly unique philosophical opportunity to spend this year with them and I feel that I am a better thinker as a result.

I would also like to thank Philip Pettit, Senior Scholar in Ethics, for his philosophical presence in our joint seminars. I also learned a great deal from having the opportunity to interact with him and see him interact with others. My fellow Fellows—Galit, Cora, Carlos and Isaac—were an absolute delight to see on a weekly basis. Isaac and I presented on the same panel at the annual meeting of the New England Political Science Association. Our time together in the seminar was very rewarding. I feel like we should have t-shirts made up to congratulate ourselves for successfully avoiding the crossfire which was a regular feature of our weekly meetings. I would also like to thank the staff at the Center, Jean, Kim, Erica, Magda, and especially Stephanie for her tireless work in addressing the lacunae in my music collection. Finally I would like to express my sincere gratitude to the Center's generous donor, Mrs. Lily Safra. Her care and concern for the life and work of the Center, and we graduate fellows in particular, is genuinely



Michael Kessler and Isaac Nakhimovsky greet Lily Safra at the 20th anniversary celebration.

"After interacting with both the graduate and faculty fellows this year I have gained a new appreciation for the ways in which great ethical progress emerges when those concerned with such issues learn how to think together."

— Michael Kessler

heartwarming. I am honored to have been a small part of this wonderful project.

One thing I have learned following the 20th anniversary event this spring is that no one ever really leaves the Center. I take some comfort in this knowledge as I prepare to make the long trek across Harvard Yard to the philosophy department to work towards completing my dissertation. With the progress I have made in my research and writing this year, that sometimes chimerical goal seems much more attainable.

Isaac Nakhimovsky

Edmond J. Safra Graduate Fellow

I am grateful to everyone at the Center for a tremendously enlightening stay, and to Mrs. Lily Safra and the Edmond J. Safra Philanthropic Foundation for providing me with their generous support. I would especially like to thank the wonderful staff—Jean, Stephanie, Erica, Magda, Kim—for giving me so many occasions to appreciate their unwavering friendliness and thoughtfulness. Arthur and Frances were inspiring leaders of the graduate fellows seminar. I greatly appreciate the encouragement they gave, as well as the examples of analytical clarity and philosophical precision. Carlos, Cora, Galit, and Michael were terrific companions and brilliant discussion partners all. I learned a great deal from each of them. I feel that my horizons have expanded significantly after a year-long intensive immersion in case-based reasoning and through numerous exchanges with our resident panel of human rights lawyers. I will miss all the intellectual fireworks on display at our weekly sessions. I also very much enjoyed the chance to participate in the joint seminars with Dennis Thompson and the faculty fellows.

Thanks to all for this encouragement and stimulation. I am happy to report that I made considerable progress on my dissertation over the course of the year. I was able to present drafts of chapters at the Government Department's Political Theory Workshop, at the annual meeting of the New England Political Science Association, and at the Seminar in the History of Ideas at the University of Lausanne. In the fall semester I published an article in *History of European Ideas* (on Vattel's theory of international order), and in the spring semester I submitted a second article (on natural liberty and property rights in J.G. Fichte's *Closed Commercial State*) for review. I have also begun work on a new edition and translation of Fichte's *Addresses to the German Nation* for Hackett Publishing Company. All in all, my year at the Center was a wonderful experience which has carried me to within striking distance of finishing my dissertation. I am embarking on a year-long stay in England with a dissertation completion fellowship and many fond memories.

Galit Sarfaty

Edmond J. Safra Graduate Fellow

A graduate student's life could be a lonely existence, which makes the graduate fellowship at the Center all the more valuable and enriching. What I have appreciated most from my experience this year is the opportunity to meet such fascinating, thoughtful and caring people. The other graduate fellows not only served as great colleagues with whom I could share my ideas, but they also became good friends. Given our diverse disciplinary backgrounds, the weekly seminar was a true learning experience for everyone. We could always count on Professors Arthur Applbaum and Frances Kamm to be fully engaged in every discussion and give us honest and thorough feedback on our work. During the occasional joint seminars, we also had a chance to interact more closely with Dennis Thompson, Philip Pettit, Archon Fung, and the faculty fellows, all of whom challenged us to think deeply about pressing ethical issues. Last but not least, the Center's staff—Jean McVeigh, Stephanie Dant, Kim Tseko, Erica Jaffe, and Magdalena Halford—provided so much warmth and friendliness as they organized countless events and dinners throughout the year.



"The lecture by Robert Gordon...made me more interested in the role of lawyers in development. I plan to expand that section of my dissertation..."

— Galit Sarfaty

The Center was a perfect place to meet wonderful people and also get a lot of work done. During my year, I revised a paper that was accepted in the *Harvard International Law Journal* and wrote a paper based on my dissertation on the World Bank and human rights. I greatly benefited from conversations at the Center, particularly with Cora True-Frost, who shared many of my interests. The lectures and dinners provided an excellent opportunity to hear about a variety of issues, which often informed my research. For example, the lecture by Robert Gordon on rule of law projects abroad made me more interested in the role of lawyers in development. I am planning to expand the section of my dissertation on this area and hopefully conduct more research in the future.

In line with my growing interest in the legal profession, I have secured a fellowship next year at Harvard Law School's Program on the Legal Profession, under the leadership of David Wilkins. I will also be a Visiting Scholar at the American Academy of Arts and Sciences and a Visiting Fellow at Harvard Law School's Human Rights Program. I am grateful to the staff and fellows of the Center for giving me this opportunity to have such a productive and fulfilling year.



Carlos Soto

Carlos Soto*Edmond J. Safra Graduate Fellow*

I am extremely grateful to have had the opportunity to be a graduate fellow at the Center this past year. The generous financial support provided by the Edmond J. Safra Philanthropic Foundation and the valuable feedback I

received on work presented in the graduate fellows seminar helped me to make significant progress. I managed to produce a draft of my prospectus and drafts of two papers that will constitute a substantial part of my dissertation.

My dissertation is largely concerned with end-of-life care. The first paper I presented in the graduate fellows seminar deals with the Kantian objection to suicide, assisted suicide, and voluntary euthanasia performed for the sake of a person's interest or good, namely, that they violate a requirement of respect for persons. I argue that the Kantian position is mistaken and has numerous implausible implications. I explore alternative accounts of the requirement of respect for persons that are compatible with assisted suicide and voluntary euthanasia when death would serve a person's good. I raise challenges to these alternatives and attempt to refine them in order to meet these challenges. The second paper I presented in the seminar focuses on the moral authority of advance directives. I seek to determine the proper scope of the right to refuse life-saving aid—a moral and legal right attributed to all competent adults. May we deny, via an advance directive, simple life-saving treatment to ourselves in some future incompetent state, even if we are happy and want, in fact demand, to go on living? I explore whether concern for the interests of the incompetent self and problems related to informed consent undermine the authority of past choice to deny such aid. Arthur, Frances, and the other graduate fellows provided thoughtful criticisms and challenges to these papers, and suggested helpful ways of further developing and strengthening them.

The weekly seminars were also valuable and enriching. We discussed a variety of fascinating topics and problems

to which I previously had little to no exposure and probably would not have had the occasion to explore in any depth had I not spent the year at the Center. Arthur and Frances regularly provided penetrating analysis of the problems at hand, and it was enjoyable and enlightening to observe the intellectual rigor with which they guided our discussions. Cora, Galit, Isaac, and Michael were thoughtful and insightful, and I benefited from their questions and comments in our weekly meetings. Having an opportunity to learn about their work was also informative and interesting, work broadly ranging from Fichte's political theory to the World Bank's organizational culture to the legal status of the Security Council and its resolutions. I am glad and honored to have been a member of this diverse, intelligent, and friendly group of fellows.

I would like to thank Dennis Thompson for the joint seminars he conducted as well as the senior scholars and faculty fellows for the perceptive contributions they made during these seminars. And finally I would like to express my appreciation for the exceptionally warm and cordial staff—Jean, Stephanie, Erica, Magda, and Kim. Thank you for organizing all of the lectures and dinners, and for the work you all did for the 20th anniversary celebration—it was terrific.



Cora True-Frost

Cora True-Frost*Edmond J. Safra Graduate Fellow*

Thanks to my participation in the Edmond J. Safra Foundation Center for Ethics this year, my research and methods have expanded in unanticipated and welcome ways. At a broad level, the interdisciplinary nature of

the Center has mitigated much of my disciplinary provincialism. While the language of law remains my mother tongue, thanks to the patient and persistent tutelage of Frances Kamm and Arthur Applbaum, as well as my engagement with seminar colleagues—Carlos Soto, Galit Sarfaty, Isaac Nakhimovsky and Michael Kessler—I am now more conversant in a wide range of philosophical topics and methods beyond those immediately related to

my research in international law, international organizations and human rights.

My research in international law took a huge step forward this year. As a direct result of our weekly seminars, my research reflects far greater sensitivity to the moral and political philosophical issues related to my fields of interest, including legitimacy, coercion and the authority of international law. I began the fellowship with a number of ideas for projects, and during this year I was able to break one project into three and focus more narrowly on different themes. I completed a paper entitled “The Security Council and Norm Adoption” and was able to present the paper at a number of different venues during the fellowship. In this paper (forthcoming in the NYU *Journal of International Law and Politics*) I seek to fill a gap in constructivist and rational-choice based accounts of how international organizations come to adopt the norms they are reported to diffuse by analyzing the process by which the Security Council has consumed norms.

The graduate seminar inspired me to undertake an entirely new project and to make my first ever attempt to grapple with aspects of Thomas Nagel’s account of global justice. When I presented the paper in November, carefully prepared suggestions by Frances, Arthur and seminar colleagues were helpful in illuminating different concerns I would need to address to fully develop my contribution in this area. As I return to this paper to further develop it over the course of my career, I will remain grateful for their thoughtful consideration of my arguments.

The second paper I presented, “Accountability in International Peace and Security,” engages in a normative assessment of accountability concerns related to lawmaking by international organizations. In this paper, I examine what pragmatic accountability approaches might adequately respond to situations when individuals are impacted by such lawmaking. Again, I received helpful feedback from my fellow seminar participants, each of whom had read my paper very thoroughly. My work on the second draft has already been significantly impacted by the comments I received from my Center colleagues.

At a more general level, my research agenda has also been shaped and deepened by our seminar discussions, as moral and political philosophy questions now inform my approach to the projects I plan to undertake in the future. Interacting with Arthur, Frances, Carlos, Galit, Isaac and Michael on a weekly basis was the most distinctive and enriching component of this year’s experience both for me and my research. Since I was not enrolled in a graduate program, the Center served as my core source of stimulation, scholarly engagement and community. Each week I looked forward to the seminars in which I and my fellow Fellows would test new ideas and discuss current events and topics in moral and political philosophy. On an informal basis, Arthur, Frances and the faculty and graduate fellows generously gave of their time to discuss my work and ideas outside the seminar. I am grateful to them. I am also indebted to Dennis Thompson for his leadership and to the Center staff for their support and for making this year such a rewarding one.

This fellowship year, I was able to participate regularly in the International Relations and International Law seminar at the Weatherhead Center for International Affairs, and to attend conferences on international law at Yale and in Washington, D.C., as well as a conference on feminism and war. Participating in the joint seminar sessions and question and answer sessions which accompanied the lectures also stimulated my thinking about transitional justice, torture and rule of law. One of the most concrete results of my fellowship year is that I have secured a Climenko Fellowship and Lecturer in Law position at Harvard Law School for 2007-09.

At the recent 20th anniversary celebration and tribute to Dennis Thompson, I understood more clearly that I am a part of a wider community of Ethics Fellows with diverse research interests. I am very grateful for the professional friendships I have formed this year as a Graduate Fellow. I anticipate these friendships and the scholarly engagement and stimulation they have provided me will be one of the enduring parts of the legacy of my fellowship year.

GRADUATE FELLOWS SEMINAR SYLLABUS

FALL 2006

Session 1: September 14**Syllabus Planning****Session 2: September 21****Cases in Practical and Professional Ethics***Presentation: Arthur Applbaum*

"Spaulding v. Zimmerman"

Frederick Schauer, "Hunter v. Norman"

"Three Moments in the Stem Cell Debate"

Kazuo Ishiguro, *The Remains of the Day* (New York: Vintage Books, 1989), pp. 31-44, 103-17, 138-9, 146-54, 164-9, 199-201

Session 3: September 28**Ethics of Role***Presentation: Arthur Applbaum*

Michael Hardimon, "Role Obligations," *Journal of Philosophy* 91:7 (July, 1994), pp. 333-7, 342-63

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

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

Session 4: October 5**Moral Dilemmas and Moral Objectivity***Presentation: Michael Kessler and Carlos Soto*

J.J.C. Smart and Bernard Williams, "A Critique of Utilitarianism," in *Utilitarianism: For and Against* (1973), pp. 96-100

Immanuel Kant, "On a Supposed Right to Lie from Philanthropy" in *Practical Philosophy* (1996), pp. 611-15

Bernard Williams, "Subjectivism: First Thoughts" in *Morality: An Introduction to Ethics* (1972), pp. 13-19

Gilbert Harman, "Moral Relativism Defended," *The Philosophical Review* 84:1 (January 1975), pp. 3-22

T.M. Scanlon, "Relativism," in *What We Owe to Each Other* (1998), pp. 328-61

Session 5: October 12**Freedom and Responsibility***Presentation: Michael Kessler*

Gideon Rosen, "Skepticism about Moral Responsibility," *Philosophical Perspectives* 18:1 (December 2004), pp. 295-313

Terence Irwin and Gail Fine, eds., *Aristotle: Selections* (1995), pp. 376-80

Harry Frankfurt, "Alternate Possibilities and Moral Responsibility," in *The Importance of What We Care About* (1988), pp. 167-76

Gary Watson, "Responsibility and the Limits of Evil," in *Responsibility, Character, and the Emotions: New Essays in Moral Psychology* (1987), pp. 256-86

Session 6: October 19***Killing and Letting Die***

Presentation: Carlos Soto

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

Frances Kamm, selection from "Nonconsequentialism," in *The Blackwell Guide to Ethical Theory*, ed. Hugh LaFollette (2000), pp. 205-15

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

Joint Session: October 25***Torture Ethics***

Presentation: Philip Pettit

Amy Gutmann and Dennis Thompson, "Interrogating Detainees," in *Ethics and Politics*, 4th ed. (Thomson Wadsworth, 2006), pp. 60-9

David Sussman, "What's So Bad About Torture?" *Philosophy & Public Affairs*, 33:1 (winter 2005), pp. 1-8, 19-28

Charles Krauthammer, "The Truth About Torture," *Weekly Standard*, December 5, 2005

W. Bradley Wendel, "Legal Ethics and the Separation of Law and Morals," *Cornell Law Review*, 91 (2005), pp. 67-8, 93-8, 116-28

Session 7: November 2***Group Agency***

Presentation: Isaac Nakhimovsky and Cora True-Frost

Thomas Hobbes, "Of Persons, Authors, and Things Personated," in *Leviathan*, ed. C.B. MacPherson (1982), pp. 217-22

Philip Pettit, "Groups with Minds of Their Own," in *Socializing Metaphysics: The Nature of Social Reality*, ed. Frederick F. Schmitt (2003), pp. 167-93

Joel Feinberg, "Collective Responsibility," in *Doing and Deserving: Essays in the Theory of Responsibility* (1970), pp. 222-34, 236-9, 240-51

Joint Session: November 8***Ethics in War***

Presentation: Dennis Thompson

Michael Walzer, *Just and Unjust Wars* (Basic Books, 1977), pp. 53-64, 80-108

Michael Walzer, *Arguing about War* (Yale University Press, 2004), pp. 3-22, 67-81

Michael Walzer, "The Ethics of Battle: War Fair," *The New Republic*, July 31, 2006

Session 8: November 16***Corporate Social Responsibility***

Presentation: Galit Sarfaty

Milton Friedman, "The Social Responsibility of Business Is to Increase Its Profits," from *The New York Times Magazine* (September 1970), pp. 1-8

Steven R. Ratner, "Corporations and Human Rights: A Theory of Legal Responsibility," *Yale Law Journal*, 111:3 (December 2001), pp. 461-75, 496-526

Session 9: November 30***Presentations***

Carlos Soto, "The Moral Status of Suicide"

Cora True-Frost, "Security Council Legislation: International Peace and Security and the Puzzle of Global Power"

Session 10: December 5*(Joined by Mrs. Lily Safra)****Dangerous Speech****Presentation: Michael Kessler*

Village of Skokie v. National Socialist Party of America, Supreme Court of Illinois (1978), in *Philosophy of Law*, 4th ed. (1991), eds. Joel Feinberg and Hyman Gross, pp. 311-14

Peter Bergen and Paul Cruickshank, "Clerical Error," *The New Republic* (August 2005), pp. 10-12

Home Secretary of the United Kingdom, "Exclusion or Deportation from the UK on Non-Conducive Grounds: Consultation Document" (August 2005)

Frederick Schauer, "The Phenomenology of Speech and Harm," *Ethics* 103:4 (1993), pp. 635-53

John Rawls, *Political Liberalism*, pp. 340-56

Joint Session: December 6***Coercion****Presentation: Arthur Applbaum*

Philip Pettit, "Keeping Republican Freedom Simple: On a Difference with Quentin Skinner," *Political Theory*, 30:3, (June 2002), pp. 339-56

Alan Wertheimer, *Coercion* (Princeton University Press, 1987), pp. 5-10, 23-31, 202-41

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Session 11: February 1***Presentations***

Frances Kamm, "Comments on Alan Gibbard's Tanner Lectures"

Galit Sarfaty, "International Norm Diffusion in the Pimicikamak Cree Nation: A Model of Legal Mediation"

Session 12: February 8***Presentations***

Michael Kessler, "Testing the Limits of Religious Toleration"

Isaac Nakhimovsky, "Liberty and Property" in Fichte's *Closed Commercial State*

Session 13: February 15***Political Legitimacy****Presentation: Carlos Soto*

Joseph Raz, "Authority and Justification," *Philosophy & Public Affairs* 14:1 (winter 1985), pp. 3-29A

John Simmons, "Justification and Legitimacy," *Ethics* 109:4 (July 1999), pp. 739-71

Session 14: March 1***Constitutionalism and Democracy****Presentation: Cora True-Frost*

Ronald Dworkin, *Freedom's Law: The Moral Reading of the American Constitution* (Cambridge: Harvard University Press, 1996), pp. 15-35

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

John Rawls, *A Theory of Justice* (1971), pp. 350-62

Session 15: March 8**Public Reason**

Presentation: Galit Sarfaty

Brian Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism* (Cambridge: Harvard University Press, 2002), pp. 32-40, 166-7, 171-3, 179-87

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

Wisconsin v. Yoder, 406 U.S. 205 (1972)

Joint Session: March 14**Biological Basis of Morality**

Presentation: Rebecca Brendel

Sandra Blakeslee, "Watching How the Brain Works as it Weighs a Moral Dilemma," *New York Times* (25 September, 2001), D3

Patricia Churchland, "Moral Decision-Making and the Brain," in *Neuroethics: Defining the Issues in Theory, Practice, and Policy*, ed. Judy Illes (2006), pp. 9-16

Stephen J. Morse, "Moral and Legal Responsibility and the New Neuroscience," in *Neuroethics: Defining the Issues in Theory, Practice, and Policy*, ed. Judy Illes (2006), pp. 33-4, 44, 47-9

Joshua Greene and Jonathan Cohen, "For the Law, Neuroscience Changes Nothing and Everything," *Philosophical Transactions, Royal Society, London: Biological Sciences* (2004), pp. 1775-85

Jeffrey Rosen, "The Brain on the Stand," *New York Times Magazine*, March 11, 2007

Session 16: March 22**Global Distributive Justice**

Presentation: Isaac Nakhimovsky and Galit Sarfaty

Charles Beitz, "Rawls's Law of Peoples," *Ethics* 110:4 (July 2000), pp. 669-96

Thomas Nagel, "The Problem of Global Justice" *Philosophy & Public Affairs* 33:2 (2005), pp. 113-47

Session 17: April 5**The Authority of International Law**

Presentation: Cora True-Frost

Oona Hathaway and Ariel N. Lavinbuk, "Rationalism and Revisionism in International Law," 119 *Harvard Law Review* 1404 (2006)

Harold Koh, "Why Do Nations Obey International Law?" 106 *Yale Law Journal* 2599 (1997)

H.L.A. Hart, "International Law," *The Concept of Law* (1961), pp. 208-31, 255-57

Session 18: April 12**Human Rights**

Presentation: Michael Kessler and Isaac Nakhimovsky

T.M. Scanlon, "Human Rights as a Neutral Concern," in *The Difficulty of Tolerance: Essays in Political Philosophy* (Cambridge University Press, 2003), pp. 113-23

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

Joshua Cohen, "Minimalism About Human Rights: The Most We Can Hope For?" *The Journal of Political Philosophy* 12:2 (2004), pp. 190-213

Session 19: April 19

Law of Peoples

Presentation: Michael Kessler

John Rawls, *The Law of Peoples* (Harvard University Press, 2001), pp. 36-8, 50-1, 59-81, 89-104, 121-8

Joint Session: April 25

Teaching Ethics

Presentation: Dennis Thompson

Derek C. Bok, “Can Ethics Be Taught?” *Change* 2 (October 1976), pp. 26-30

G. Ryle, “Can Virtue Be Taught?” in *Education and the Development of Reason*, eds. R.F. Dearden, P.H. Hirst, R.S. Peters (Routledge and Kegan Paul, 1972)

Session 20: May 3

Presentations

Galit Sarfaty, “The Marginality of Human Rights at the World Bank”

Carlos Soto, “The Moral Authority of Advance Directives”

Session 21: May 10

Presentations

Michael Kessler, “Authority and Advocacy”

Isaac Nakhimovsky, “The Political Economy of the General Will: Liberty and Property” in Fichte’s *Closed Commercial State*

Session 22: May 17

Presentations


Arthur Applbaum, “Forcing a People to be Free”

Cora True-Frost, “The Security Council and Norm Consumption”

20TH ANNIVERSARY CONFERENCE AND CELEBRATION







“The Center’s 20th Anniversary year culminated in a grand celebration on May 18 and 19, with a major keynote address by Amartya Sen, a panel of former fellows (Zeke Emanuel, Amy Gutmann, Elizabeth Kiss, Larry Lessig, Samantha Power), and a festive dinner for alumni and friends at the Charles Hotel, where Dennis Thompson was honored for his work with the Center. Former faculty and fellows from many universities here and abroad (including Austria, England, Greece, India, Israel, and Italy) came for the celebration. Distinguished guests included interim President Derek Bok, Harvard Corporation member Nannerl Keohane, and former President Neil Rudenstine. Former Harvard deans Graham Allison, Al Carnesale, J. Bryan Hehir, Joe Nye, and John MacArthur (who was present at the Center’s creation) returned for the celebration. Mrs. Lily Safra, member of the board of the Foundation that has endowed the Center, toasted the Center and its achievements. In his remarks to the alumni and friends, President Bok commented: “Looking back at my years of presiding over Harvard, it really is quite honestly hard for me to think of anything that I am prouder of than the work that...many of you have done, to take an idea and turn it into a living and significantly reality.”

— From the Center’s web report of the 20th Anniversary Celebration



20TH ANNIVERSARY PROGRAM

FRIDAY, MAY 18TH

1:30-3:30

REGISTRATION

Collins Rotunda, Taubman Building, Kennedy School

4:15

KEYNOTE ADDRESS

Amartya Sen

Thomas W. Lamont University Professor
Professor of Economics and Philosophy

Can Justice Help Practice?

Arthur M. Sackler Museum Lecture Hall, Harvard University

6:30-9:00

COCKTAILS AND DINNER

Charles Hotel Ballroom, Cambridge

Remarks by President Derek Bok and Mrs. Lily Safra

SATURDAY, MAY 19TH

9:00

BREAKFAST

Taubman Conference Center

10:00-12:00

KEYNOTE PANEL DISCUSSION

Justice: True in Theory but Not in Practice?

Moderator: Dennis Thompson

Amartya Sen and former members of the Center

Ezekiel Emanuel, Director, Center for Bioethics, National Institutes of Health

Amy Gutmann, President, The University of Pennsylvania

Lawrence Lessig, C. Wendell and Edith M. Carls Smith Professor of Law, Stanford University Law School

Samantha Power, Anna Lindh Professor of Practice of Global Leadership and
Public Policy, Kennedy School of Government

12:15

REUNION LUNCH

Regatta Bar, Charles Hotel

Remarks by Former President Neil Rudenstine

2:15-4:00

UNIVERSITY ETHICS: A PANEL DISCUSSION

Moderator: Arthur Applbaum, Professor of Ethics and Public Policy, Kennedy School

Albert Carnesale, Chancellor Emeritus and Professor, University of California Los Angeles

Elizabeth Kiss, President, Agnes Scott College

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

KEYNOTE ADDRESS

Amartya Sen**Can Justice Help Practice?***Elizabeth Gehrman, Harvard Gazette, May 24, 2007*

In 1976, in the education journal *Change*, President Derek Bok famously asked, “Can ethics be taught?” At the time, few universities and even fewer faculty specialized in ethics; philosophers rarely applied their moral insights to real-world problems; and doctors, lawyers, businesspersons, and policymakers usually had little or no ethics training, even as the world was becoming increasingly complicated in matters of often long-ranging moral import.

By 1986, though, Bok was starting an initiative that would ultimately help to change all that. He brought Dennis Thompson to Harvard as the founding director of the University Center for Ethics and the Professions, an institution that last week celebrated its 20th anniversary as the now endowed Edmond J. Safra Foundation Center for Ethics. A yearlong series of special events culminated over the weekend of May 18-20 with a conference that featured Nobel laureate Amartya Sen, Lamont University Professor and professor of economics and philosophy, giving the keynote address, and with the panel discussions “Justice: True in Theory but Not in Practice?” and “University Ethics” featuring pre-eminent scholars from the fields of law, medicine, government, politics, and philosophy.

Sen discussed a wide range of topics regarding ethics, a subject on which he said—paraphrasing Edmund Burke—“It is difficult to speak, and impossible to be silent.” He parsed how theory gives rise to practice, noting that “agreement on theory is not, in general, a prerequisite of agreement on policy” while at the same time, “a theory need not be so rigidly structured that it always guarantees an invariably definitive conclusion about the rightness of actions.” Recalling the French Revolution and America’s current war in Iraq, he noted that “the need for removing moral disagreement in theory may not, in fact, be compelling,” adding, “Indeed, the guillotine is not the only way of moving from theory to practice.”

He argued for a more commonsense approach to political philosophy, and recalled his late colleague John Rawls, the

widely influential philosopher and Harvard professor whose 1958 paper “Justice as Fairness” came, said Sen, “as a shaft of light” that offered Sen a “sense of bliss [that] has not dimmed over the years.” Rawls contended, Sen noted, that “the issue of fairness comes first, and our principles of justice have to be derived from what could be justified as fair.”

Sen addressed three main questions: What do we want from a theory of justice? How can we make room for lasting disagreements in ethical matters? and, How is fairness linked to justice? This last, he pointed out, requires that we not be moved by vested interest or by local parochialism when determining questions of global justice as well as of “local or national justice in a global world.” He compared the transcendental and comparative approaches to justice, saying, “You cannot get anything like the richness of a comparative approach from identifying a transcendental possibility: You may conclude that Leonardo da Vinci is the best painter whose works you have seen, but it won’t tell you how to rank Picasso against Braque. ...Indeed, the concentration on the transcendental approach has had, I would argue, a seriously negative effect on practical issues of justice in general and global justice in particular.”

Finally, he addressed the important roles for the initiative taken by activist individuals, through whom “global democracy is, in a very limited form, already being pur-



Former fellows and guests at the Keynote lecture

sued, without waiting for the emergence of a gigantic global state.” Debate and discussion, he added, “may not lead to agreements on all the issues that worry people, but there is a domain of agreement, with the possibility of further cultivation of agreed arrangements. The future of the world would greatly depend on that cultivation, and an appropriately formulated theory of justice that makes room for plurality and incompleteness, that concentrates on the comparative rather than the transcendental, and that insists on open rather than closed impartiality can make something of a contribution to the foundation of our practical pursuits. There is indeed something to work for there. It is not, I would argue, a hopeless enterprise.”

Far from hopeless, in fact, if the influence of the Safra Center is any indication. In its two decades the Center has hosted more than 100 outstanding scholars and teachers as faculty fellows and an equal number of younger academics in graduate fellowships. The fellows, chosen from Harvard and other leading universities around the nation and abroad, spend a year taking courses, attending colloquia, writing cases, and doing clinical work in an effort to seed and sustain ethics-related course development and research throughout the University and beyond. Many have gone on to positions of influence not only in the United States but worldwide, including, for example, Israeli Minister of Education Yuli Tamir and Ezekiel Emanuel, an HMS professor who served under President Clinton and later established a bioethics department at the National Institutes of Health.

Others—among them, University of Pennsylvania President Amy Gutmann, who started Princeton University’s ethics center; Melissa Williams, founding director of the new Centre for Ethics at the University of Toronto; and Elizabeth Kiss, who created Duke University’s ethics center—have taken on prominent academic roles.

“Looking back on my years of presiding over Harvard,” said Bok, “it really is, quite honestly, hard for me to think of anything I am prouder of than the work that Dennis and the faculty and fellows have done to take an idea and turn it into a living and significant reality.”

Ethics in Practice

Elizabeth Gudrais, Harvard Magazine, May-June, 2007

Every Tuesday afternoon at the Kennedy School of Government, over lunch, a group of 10 people debates ethical questions that, in one form or another, have fascinated, puzzled, and plagued humanity for millennia. One Tuesday in March, for example, the conversation bounced from the “Scooter” Libby verdict to a *New York Times* series on approaches to rehabilitating sex offenders, and then on to pornography, journalistic ethics, and the propriety (or impropriety) of maintaining a friendship with someone whose values don’t match one’s own.

The group’s membership changes each year, but typically includes doctors, lawyers, and political scientists (who bring a pragmatic perspective) and philosophers (who contribute a more open-ended theoretical approach). All are beneficiaries of a yearlong fellowship that allows them to interact, learn from one another, and integrate the practical and the theoretical—just one of many programs sponsored by the Edmond J. Safra Foundation Center for Ethics, which celebrates its twentieth anniversary this spring.

The fellows’ mission mirrors the Center’s fundamental goal: providing a forum for articulating universal principles of ethics, and for creating a framework to apply them in specific professional contexts. Besides providing a training ground for ethics educators, the center supports curriculum development for ethics education in all the University’s schools and programs. It sponsors a lecture series. A grant program for undergraduate thesis research on ethics-related topics began this year. All this takes place in 1,100 square feet of leased space in the Taubman Center that holds little besides a conference room and offices for the fellows and the small staff. “People say, ‘Is this it?’ ” notes Jean McVeigh, who has been the center’s administrative director almost since its inception. In a way, she adds, the limited space is a blessing. “The hope is that the smallness”—and the intimacy it creates—“will allow the fellows to feel like they can just bring any idea, no matter how crazy, to the table.”

But the Center’s reach spans far beyond its four walls. Over the years, more than 200 fellows—graduate students from

within the University, and professors from elsewhere—have passed through. Those fellows return to their respective institutions and share what they’ve learned: the questions they’ve asked, and the conclusions they’ve reached. “It’s almost like spreading the gospel,” McVeigh says. There are former fellows in South Africa, Israel, Canada, England, Australia, and India. (One is now the Israeli minister of education.) The center has spawned ethics education programs nationwide, including centers founded by alumni of Harvard’s program at Duke, Princeton, the University of Toronto, and the National Institutes of Health. The fellows keep in touch with one another and with center staff, and many will return for the anniversary festivities on May 18 and 19. “Nobody ever goes away,” McVeigh says. “It’s like a family.”

The celebration is bittersweet: the Center’s founding director, Whitehead professor of political philosophy and professor of public policy Dennis F. Thompson, steps down this year. Then-University president Derek Bok appointed him to the post in 1986.

Bok had seen the need for a systematic focus on ethics as early as 1976, when he published an article in *Change* magazine decrying the topic’s absence from the curricula of most professional schools. One could study business or one could study philosophy, but essentially, the twain never met. Bok had a vision for bringing them together. “I didn’t know of any place in the U.S. that did that,” he says. “So we created it here.”

But bringing Thompson to Harvard took seven years and considerable persuasion on Bok’s part. Bok believed that Thompson embodied a rare combination: an eminent scholar in an established discipline who also had a strong interest in ethics education, a topic that many in the academic world still regarded with skepticism and suspicion. At the time, however, Thompson chaired the politics department at Princeton and was developing a political ethics course that applied political theory to public policy problems. (His books include *Just Elections; Restoring Responsibility: Ethics in Government, Business, and Healthcare; Political Ethics and Public Office; and Ethics in Congress*.) Nothing against Harvard, but “I was quite happy at Princeton,” Thompson remembers. Bok persisted, and finally Thompson relented.

The Center’s mission statement asserts: “Widespread ethical lapses of leaders in government, business, and other professions prompt demands for more and better moral education.” Limiting ethics considerations to a simple code of behavior for one’s particular profession, it says, reinforces “parochial and technical conceptions of professional life,” and fails to recognize that professionals must weigh ethical considerations every day as new situations arise. The center supports programs that exercise professionals’ ethical muscles, that train them to navigate situations where it isn’t clear how the Hippocratic Oath or a lawyers’ code of conduct might apply, or where a professional code and a more general moral sensibility seem to point in opposite directions. The center also urges broadening the definition of ethical behavior beyond decisions made by individuals, so people learn to apply ethical principles to actions that institutions take and to the cultures that institutions create.

Thompson is exceedingly modest, but he will allow that the Center was the first major interdisciplinary ethics program at any university, and the first such program to integrate so deeply into all the professional disciplines. (It was also the University’s first interfaculty initiative.) “When I arrived here, I was alone,” Thompson says. “I was sitting in a makeshift office with a staff of two people. Basically, it was a barren landscape, ethically speaking.” His biggest challenge was gaining the trust of leaders in the programs where he hoped ethics education would take hold. In the Center’s first annual report, Thompson wrote that his job “called more for the skills of an anthropologist (as I tried to understand the exotic cultures of the various schools into which I ventured) and for the temperament of a politician (as I tried to mobilize support and implement policies).”

Much has changed since. The Medical School, Law School, Kennedy School, and Business School all have full-fledged ethics programs, and the center has assisted in the creation of dozens of ethics themed courses at the College through the years. Nearly every degree-granting program now has some ethics requirement. At Harvard and beyond, Thompson likens the spread of ethics education and applied ethics to a virus—one with only salutary effects, of course. The discipline has gained such currency that

Thompson says he has trouble keeping track of everything that's happening, even within Harvard. "It's really quite exciting," he says.

The Center "created academic legitimacy for those of us interested in ethics," professor of medical ethics Robert D. Truog wrote in a letter to Thompson after learning of Thompson's decision to step down. When Truog spent a year at the Center on a fellowship in 1990-91, he wrote, "The opportunity to associate myself with some of the most respected scholars at Harvard made it impossible for my physician colleagues to ignore the validity of my interests." Truog now serves on the faculty committee that selects the Center's fellows each year.

As to whether professionals behave more virtuously than they did before the Center existed, Bok says he can't attest to that. But, he says, "At least we can be sure that many more people are aware of ethical issues that arise, and are able to think about them more clearly and more carefully."

Two decades after Bok chose the Center's first director, he is heading the committee to choose the second, expected to be announced soon. Bok says he has sought someone with dedication and diplomatic skills on a par with Thompson's, noting, "He's gotten more faculty involved and interested in the program than I would have thought possible."

Thompson will continue to teach in the government department and at the Kennedy School. His own hopes for his successor are simple: Someone who will focus on the center's core objective of "training and educating the best teachers and scholars in this field for the future."

Many of the Center's significant accomplishments have come recently. It was only this year that the medical school began requiring first-year students to take an ethics course; the business school imposed a similar requirement only in 2004 (see "An Education in Ethics," *Harvard Magazine* September-October 2006, page 42). This year also saw the first class of undergraduate research grant recipients. The winners will investigate the organ-selling market in India; healthcare reform in the context of HIV in South Africa; the influence of luck on people's ethical decisions; the ethical implications of intervening without consent to

provide drug treatment and medical care to people with substance addictions and mental illness; contrasting Eastern and Western perspectives on justice and individual rights; and the role of religious arguments in American politics and public policy.

Even the Safra name is new. Until 2004, the program was known as the Center for Ethics and the Professions. Then major gifts from the Edmond J. Safra Philanthropic Foundation (given by Lily Safra, widow of the Lebanese-born, Brazilian naturalized banker) and the estate of Lester Kissel, J.D. '31 (an alumnus who took an active interest in the Center), enabled the creation of a \$25-million endowment to fund the Center's annual operating budget of approximately \$1 million. (Though housed at the Kennedy School, the Center is technically independent; its director reports to the provost. It had previously cobbled together funding from the president's office and four of the professional schools.)

Such changes notwithstanding, Thompson says there will always be a role for the Center. Witness the unforeseen ethical dilemmas presented by genetic testing, stem-cell research, and the Internet. Besides, he adds, "You always need renewal for the younger faculty" in ethics. Their passion can literally be a solitary pursuit—some professional schools have only one faculty member specializing in ethics. Says Thompson, "They need to come back to the mothership to refuel."

"The Center urges broadening the definition of ethical behavior beyond decisions made by individuals, so people learn to apply ethics principles to actions that institutions take and to the cultures that institutions create."

— Elizabeth Gudrais, *Harvard Magazine*, May-June 2007

20TH ANNIVERSARY DINNER

Remarks by Derek Bok

I am delighted to be here and to welcome Lily Safra, Amartya, Neil and Angelica, and all of you colleagues and friends—people who share with me a deep concern for restoring ethics to its proper place in American higher education. We are here, of course, to celebrate the 20th anniversary, but the roots and origins of this wonderful Center go back much, much further.

On those regrettably rare occasions when I have a really good idea, it's almost always due to Sissela, as it was this time. Because Sissela had taken a PhD in philosophy, she had persuaded the philosophy department to graciously allow her to write on a very unconventional topic for that department—the ethical implications of euthanasia. When she received her degree she worked closely with Dan Callahan and the Hastings Center, which was the first effort to create a real intellectual community of the few people scattered across the country who were engaged in the field of medical ethics. And so applied ethics, professional ethics, was part of our household, and it didn't take a whole lot of imagination on my part to understand that this was something that one needed to get behind in Harvard and in other universities like it.

Certainly if I needed any more reminding I got it constantly from alumni who were reacting to Watergate, to debates over affirmative action, to the controversy over abortion, and to a series of questionable episodes in business and Wall Street. They urged that we give more courses on ethics in the various professional schools—just as regularly as the faculties would say “Oh, we pay attention to ethics. We regularly survey the students and they say, well, occasionally you see an ethical problem, but the professor never seems to get to it; the class always ends before it is taken up.”

So that was the situation that we faced in the mid-70s. And then I began writing the article, “Can Ethics Be Taught?” Sissela washed her hands of that project rather early, despairing of ever being able to complete it successfully with my partnership, but I persevered, and it eventually

was published. One thing it taught me was that the major stumbling block of ethics and applied ethics was in the university—that there was simply no place in higher education where people could be taught both something about ethics, and something serious about the particular profession to which ethical principles might be applied. Philosophers sometimes spoke on ethical issues, but did not understand enough about the professions to be credible; and people in the professions pontificated, as many of us do, on ethical questions without having studied ethics. The result was that these courses did not have the standing and credibility they needed to secure a real foothold in the academy. That's when it occurred to me: Why not try to do that at Harvard?

To do it required a faculty leader. Nothing serious or promising takes place in universities without a leader to carry it out. And that was very difficult. We finally involved the deans, who were always enthusiastic, and who helped with the search. We looked across the country, and discovered there was one person who understood a good deal about the field of application, was competent in ethics, and could be appointed under the rigorous standards required of tenure in this institution. And he, the scoundrel, would not come! That was a terrible setback. People say, well, how wonderful that you persevered. How could I not persevere? There were no alternatives! So I simply waited. Eight years went by while children were educated, and various other challenges of life were surmounted, and then finally one afternoon over a glass of wine in a San Francisco hotel (the way to Dennis's heart is always through a glass of wine) an opening emerged, a ray of hope appeared, and the ponderous processes were promptly initiated at Harvard to make an appointment possible. And, of course, Dennis eventually came many years after he should have, but better late than never, as subsequent history bore out extremely well.

Once Dennis arrived, we ran into an unexpected problem of funding. Many prosperous alumni had beaten on me in one way or another for not having more courses in ethics. But when the opportunity arose to create these courses, they melted away—no donor came forward. And so the program, in those years, was sustained by the great generosity of the



Derek Bok

deans who, seeing the results as their own faculty participated in the program, and returned to the schools to teach serious courses on the subject, realized its importance. None more so than John MacArthur of the Business School, who I see here tonight. He was really the champion among champions in this regard, and he made it possible for us to continue.

And then finally, through two remarkable people—the late Lester Kissel, and of course, Lily Safra—we have a Center that is on a sound financial footing, with every prospect of remaining so indefinitely. Lily, I really thank you. I hope you recognize what a splendid investment you have made simply by looking around the room, noting the distance people have traveled, and the successes they have had after they graduate from the Center. What a successful venture this has been! Certainly it has exceeded my own expectations, which were high when we began. After waiting and hoping for eight years, one's expectations are at a fever pitch—and still Dennis has exceeded them.

I won't repeat what Dennis has said about the graduates of the program, about the centers they have established, and the other contributions they have made; it really is quite remarkable. And probably today many people take this for granted. They may not remember, but I assure you that 30 years ago the combination of logical positivism and the whole mythology of value free inquiry had pushed applied

ethics out of the curriculum at almost every institution, except the Catholic institutions who bravely kept the tradition alive. But at places like this it was in a very perilous state. So what you see now is dramatically different from what it was then, and that is really something to celebrate.

You wonder of course whether there are any new fields to conquer when so much has been accomplished. I hope the Center goes on exactly as it is. I think it's doing precisely what I hoped, and it should never lose sight of that. I do think there are still opportunities to be exploited. One of them took place this week when the Faculty of Arts and Sciences, after what must be called an exhausting debate, finally approved a new general education program, and very fortunately, one of the required categories of courses involves moral reasoning, which Dennis and I both had very much hoped would survive the review. But one interesting thing about the faculty report that was approved is the recognition, for the first time, that it's not enough just to study moral philosophers and what they said and wrote; it's really important to apply their teaching to the very practical ethical dilemmas that students are going to face in their personal and professional lives. And for the first time in my memory, a committee of Arts and Sciences professors recognized the contribution that professional school faculty could make in bringing just these kinds of courses into the undergraduate curriculum. And that I think opens up a real opportunity.

A good course in professional ethics is quite unique, I think, in the number of ways in which it can contribute to the best purposes of a good liberal education. It certainly contributes to the moral development of students, which is one important undergraduate aim. It helps them learn to reason clearly, in this case about ethics. But reasoning clearly about one subject is reasoning clearly about many others. Over 90 percent of college professors in this country believe that learning to reason carefully is the most important aim of undergraduate education, and yet they go on lecturing—which as we know, and as cognitive scientists have told us, is not the best way to teach people. The professional school ethicists of the kind that have come through this program understand the value of active discussion about compelling human problems.

Even beyond that, I think professional ethicists have an opportunity to do something else of great importance, and that is to provide the kind of course that will help students decide what to do with their lives, what profession to choose. I speak from experience since I, like so many people who went to law school, decided sometime late in my final year in college to do it only as a last resort. College for many students includes the quest for a career and, as we have learned from Howard Gardner, who is here tonight and who has studied what meaningful work means, it is important that a meaningful career have ethical content, that it not require one to act unethically, and that it provide scope for helping other people and being sensitive to their needs.

And so courses of the kind that are grist for the mill of this Center do also provide ways of allowing students to begin to see what it is like to be a doctor or a lawyer or a business executive, and to ask, in Justice Holmes' great words: Can I live greatly in this profession? I think courses on professional ethics, applied ethics, provide perhaps the best way of helping students to answer that question. So those of you who are interested and practice the work of the Center have an opportunity to make a great contribution to undergraduate education. I hope you will all think about that and take advantage of the generosity of the Arts and Sciences Faculty to welcome this kind of course into the undergraduate curriculum.

I also hope that the Center could provide an even wider discussion of ethical issues in the University and beyond. I know how much you have done already, but with your graduates now embedded in every faculty, you have an opportunity to see where chances exist to engage in ethical discourse where such discourse is needed. Let me give you a few examples. One is a personal example in the area of business that I have written about—the huge executive salaries of CEOs of corporations. There are prominent business school professors who applaud this development, so long as we are aligning incentives with the welfare of the shareholders—which means driving up the stock price.

Now, there are a lot of problems with that. These prominent professors, who have made this point in many publica-

tions, overlook several things: whether furthering the interests of shareholders is really the only or dominant purpose of being a business executive; whether CEOs really are necessarily responsible for increases in stock prices, or whether other forces may contribute; and, most important, that if huge rewards depend on driving up the price of stock, you create enormous temptations to do this by illicit or unethical means, if you can't achieve it in the normal course of business. All of that was grist for the mill of professional ethicists, and yet at a business school conference I attended in the wake of Enron, the discussions showed that some of the professors who had championed these outsized corporate compensations had never talked to the ethicists on their own faculty. Now that we have outposts in all of these faculties, I think this kind of breakdown in communication is something that we should try very hard to overcome; otherwise, the consequences can be quite serious.

The second example relates to science. Over 50 years ago when I was in college, I heard a number of my professors, in different contexts, make the point that somehow advances in technical knowledge were greatly outrunning the advances that were made in how to deal with the moral and ethical human issues that followed in their wake. And surely that same problem exists today, and promises to become even more prominent in the future. We are really poised on the edge of an enormous revolution in human biology and genetics. Many of the advances being made already (on stem cells, for example), or that will be made in the future (cloning, genetic engineering), are going to raise tremendous ethical problems. One fascinating issue came to light when some very wealthy people came to Ivy League colleges and offered large sums of money for the eggs of Amazons, who had to be blonde, have SAT scores over 700, and be competent athletes. Wasn't there something a little bit creepy about donating your eggs in return for large sums of money and somehow ceasing to have any further responsibility for the results?

These kinds of sensitive and difficult problems are likely to arise with increasing frequency as biologists continue their work. In James Watson's latest book, he predicts that within 15 years we are going to find that there are indeed genetically-based racial differences in intelligence. There

are responsible and able scientists who disagree with him but, should such a thing come to pass, the question will be: What can we do as ethicists to engage scientists about those questions? In an institution that does not always achieve standards of objectivity or the greatest possible freedom from political correctness or liberal bias, can we really create a forum in which issues of that degree of volatility and incendiary quality can be discussed in a careful and rational way? I hope so.

But these are only very tentative thoughts about the continuing frontier and opportunity for the kind of work that the Center nourishes. They are only thoughts along the way toward restoring the Greek ideal of placing ethics at the center of education, where I deeply believe it ought to be. We hear a lot about the revitalization of the humanities. I would suggest this Center is already a model of revitalized humanities and a model of what philosophy could contribute to a humane education and to a principled community.

So looking back at my years of presiding over Harvard, it really is quite honestly hard for me to think of anything that I am prouder of than the work that Dennis and many of the rest of you in this room have done, to take an idea and turn it into a living and significant reality. It reminds me of something I sometimes lose track of, which is why sensible people undertake academic administration in the first place. It is, I think, to savor evenings like this, when we can point to real intellectual progress toward goals that are demonstrably worthwhile. So I leave you tonight with the thought that my cup runneth over when I think of the humble beginnings and the initial frustrations and all that has come to pass since then. I thank Dennis particularly. I thank all of you who have helped to make this moment possible.



Lily Safra

Remarks by Lily Safra

President Bok, Professor Thompson, Professor Sen, dear friends. I'm thrilled to share this wonderful celebration with you. Whenever I have the opportunity to be among the fellows of this Center, both past and present, I feel reenergized. In the face of so many challenges you remain dedicated advocates for ethical behavior in all aspects of life and for this we owe you our profound gratitude. My husband, Edmond, understood that there was nothing more important than protecting the powerless in our society and defending the dignity of the oppressed. We are taught "Justice, justice, you shall pursue." It is this daily pursuit of yours that we are so privileged to support.

None of this of course would have been possible without the vision and devotion of Dennis Thompson. Dennis, it takes a special person to draw so many people to a reunion like this one. It is yet another testament to the admiration and esteem in which you are held by your students. Thank you for your leadership and may I wish you many more years of success.

We are fortunate that Professor Fred Schauer will be assuming Dennis's responsibilities along with the invaluable assistance of my dear friend, Professor Arthur Applbaum. I am certain that we are in the most capable hands. Congratulations to you all on 20 years of outstanding scholarship. Ladies and gentlemen, please join me in a toast to our founder and director, Dennis Thompson, and to the future of the Center.

20TH ANNIVERSARY CONFERENCE AND CELEBRATION





20TH ANNIVERSARY LUNCH

Remarks by Neil L. Rudenstine

I am very happy to be able to join this celebration, and to say something about the Center for Ethics and its fellows, and especially about Dennis. My remarks will be personal and informal. I was encouraged to indulge in a certain amount of poetic license if the spirit moved me. And I was asked whether I might also say something—from behind the scenes—about what may be involved in trying to establish a new university-wide program here at this institution of ours.

Dennis and I met when we were both on the verge of leaving Harvard for Princeton, in the spring of 1968. So we have been friends and colleagues for nearly 40 years. We had barely been at Princeton a decade, however, when Dennis told me that President Derek Bok was trying to recruit him to begin a new Harvard venture—not yet fully defined. I had known Derek since 1960, so I had a reasonable idea of what I might be up against. I immediately began what turned out to be several years of non-violent guerilla struggle to keep Dennis exactly where he was. I was Princeton's Provost at the time, and I spent a good part of my days trying to invent one stimulating and intriguing project after another, so that Dennis would be perpetually and cheerfully distracted and engrossed. I also tried to see whether young David Thompson could be given his own local radio show, or Eric could be offered a few buildings to design on Nassau Street.

After nearly seven successful years of this, however, Dennis told me that he would probably be leaving for Cambridge to create a new initiative in ethics and the professions. "To create what?" I asked. "And whose—or which—ethics do you propose to teach? And which professions do you think will actually listen to you?"

But Dennis was destined to go, and he set off for Cambridge to begin what was first called an initiative, and ultimately became this premiere national and international Center that we now know so well. When President Bok announced Dennis's appointment in 1986, he mentioned



Neil Rudenstine and Dennis Thompson

that hundreds of courses in applied and professional ethics were then being taught in American colleges and universities, but there was not a single program at any major institution designed to prepare faculty for this unusually complicated work.

And so it happened that Harvard—always ready to fill an irresistible intellectual or other void—decided to do so once again. And Dennis was chosen—quite appropriately—to be the filling.

Although we know how significant and successful this undertaking has been, I doubt that all of us understand just how Homeric a task it has been to create and sustain a program of this kind. We have to imagine Dennis arriving here, having come through Ellis Island, alone and unadorned. No cadre of ready colleagues or co-workers waiting to greet him with shouts of hosanna. No identifiable space except for a modest office. No administrative structure. No remains—however tattered—of any prior curricular materials. And of course no obvious source of money.

We need to remember, in addition, that academic administrators at Harvard—whether they are center directors, or deans, or presidents—are very much like Charles, the current Prince of Wales: they have no power of any kind, nor virtually any prospect of ever obtaining any.

So there was Dennis, twenty years ago, wandering from department to department, from professional school to school, traversing importunately Harvard's moonscape, while periodically steering his small capsizable boat across the Charles river, under the cloak of darkness, hoping to land stealthily on the neo-Georgian shores of Harvard's impregnable Business School, in order to take it suddenly by storm. Or else to disembark on the white marble esplanade of the gleaming but redoubtable Medical School, rather like Washington crossing the Delaware, hoping for a surprising, quick victory.

Given these circumstances, we might well wonder how Dennis survived. And of course there were always new problems springing into life on every side. Some people—as Derek and Dennis have both suggested—believed that ethics really could not be taught at all: either you had them, like good taste—or Mephisto or Ecco shoes—or you didn't. And if you didn't, poor creature, all the seminars in the world would only make matters worse.

Then other urgent voices were raised, asking Dennis to decide which ethics—and which values, morals and beliefs—would serve as the guide for his new program. Knowing Dennis, I suspected that he would almost certainly not choose Schopenhauer, Rousseau, Maimonides, St. Paul, Nietzsche, or even Spinoza as his *magister vitae*—and probably not the Buddha, or the libidinous Medici Popes, or the currently disoriented and schismatic Anglicans. Meanwhile, given the fact that no clear answer was forthcoming, one could feel the suspense building, and one could hear—outside the Taubman building, beneath Dennis's office window—the Religious Right, the allegedly Godless Left, the Muddled Middle, as well as the libertarians, communitarians, neo-conservatives, constitutionalists, proceduralists, anarchists, Deists and even Quakers and Shakers—chanting, day after day, night after night, waiting for Dennis to declare himself.

When would he appear on his balcony?
Where was the white smoke?

Wisely, Dennis chose not to tell anyone precisely where the ethics of his program were coming from. After all, why give away the entire show, before it had even begun?

Moreover, if Dennis had in fact defined a marvelously crystalline structure, with transparent values and comprehensible moral principles, it would certainly have suffered any number of revisions as it made its way from one vigilant faculty committee to the next. Indeed, if Moses himself—it has been suggested—had been at Harvard, the Ten Commandments would surely have been edited to include at least three major exceptions, dozens of footnotes, and a final opt-out clause.

Finally, there is no question in my mind that Dennis's reticent approach allowed his new initiative to move ahead far more smoothly—although we should not underestimate the difficulties—than otherwise would have been the case. It proved much easier for faculty (and professional school deans) to sign up for something that seemed intriguing, potentially transformative, magnetic, not irreversibly defined, and therefore largely inscrutable, rather than to join a venture whose very clarity might make it inevitably suspect if not irrelevant.

In this way, Dennis was able to side-step—at least partly—the process that often dooms Harvard university-wide initiatives: that is, the need to negotiate with each of the University's nine separate professional schools, its more than one hundred academic departments, and its dozens of centers, institutes and interdisciplinary programs. He was largely spared, in other words, the kind of exasperation that once prompted General de Gaulle to exclaim, "How can one possibly deal with a country that has 246 varieties of cheese?" And Dennis also experienced much less of the kind of academic administration that was once described as trying to run the circus from inside the monkey cage.

Unless we remember something about the nature of Dennis's long journey, it's hard to grasp the full significance of what he has in fact created. Of course, without the initial vision of Derek—and his persistence; and without hints from Sissela, and help from Carol, then perhaps very little if anything would have been accomplished. And without extraordinary benefactors such as Lily Safra, then the security of the Center's future might still be uncertain.

But last evening showed vividly what our friend and Director has done for us. It was an eloquent celebration

of a flourishing institution and its fellows; of lasting friendships; of the sense of a family and—as much as anything—of the fact that the motive for ethics is ultimately an animating and invigorating power that has at its source all those sympathetic, generous impulses which prompt us to hope and wish for other human beings what we might hope and wish for ourselves.

When we are fortunate, our moral sensibility and ethical commitments can begin to create the conditions in life where fairness, reciprocity, opportunity, essential forms of liberty, and the concept of a just society—whether transcendent or not—have at least some chance to take root and flourish.

But when we are exceptionally fortunate, then our animating and generous moral and ethical impulses can create—not only some of the conditions for justice—but actual communities where ethics and affections can become, so to speak, synonymous. Such communities may be evanescent—we gather together, and then part all too quickly. But the communities are no less real for all that. Indeed they may seem and feel a great deal more real than so much of the quotidian in which our lives are inevitably embedded. Last night, we had the rare experience of being part of just such a community. And it is Dennis, of course, who has been its creator and abiding center during the past two decades.

If I am able to add anything to what has been already said about Dennis, the fellows, and the Center, I would mention only a very few things. We know about Dennis's Socratic capacities, and his analytic and reasoning powers. But when we talk about ethics, we have perhaps too much of a tendency to stress these indispensable rational processes, and pay less attention to other qualities which Dennis has in such abundance—and which reason and analytic sophistication need so desperately. They need above all the associative power of moral imagination: the ability to recognize that a serious ethical dilemma may exist, when few if any other people have even begun to perceive it, or are willing to acknowledge it; the ability to imagine alternative conceptions and responses to dilemmas—including responses that may fall well outside our habitual range of

consideration; or the ability to know intuitively why something may be wrong, or not quite right, before one can actually offer a coherent and logical explanation of “why.”

These abilities and aptitudes derive from one's cultivated imaginative capacities which, in turn, depend upon a finely-tuned sensibility, and a seismically calibrated faculty of judgment—capabilities that are intrinsic to any effective exercise of the mind in the sphere of morals and ethics. Indeed, it would not be an exaggeration to say that profound transformations in the history of moral consciousness have derived significantly from precisely those sensitive imaginative powers that have enabled human beings, at crucial moments, to perceive the moral sphere as far more inclusive in scope—and far deeper in implication—than previously envisioned.

For example, some of the major shifts in the law of our own nation—as in the decision of *Brown vs. Board of Education*, or later Civil Rights legislation—required a great deal more than a process of “legal and moral reasoning,” or a knowledge of specific legal precedents, or “strict constructionist” readings of the Constitution, or even the accumulated empirical evidence indicating that (in the case of *Brown*) “separate” did not result in “equal” educational opportunities.

They also depended upon new insights into the significant relationship between diversity and learning, because without a clear grasp of the educational importance of diversity, it was obviously difficult to understand why certain forms of affirmative-action were appropriate—indeed essential—to the entire process of learning. Moreover, to achieve such understanding, one needed to think freshly about the meaning of the equal protection clause. And, finally, one had to move far beyond longstanding views that had failed, profoundly, to take full account of the relevance of African-American history—and of the complex history of colonial Africa—to the United States (and to the West more broadly) since at least the 17th century.

As part of this process, all the instrumentalities of reason and argument, and a respect for the special nature of our Constitution, were indispensable. But one also needed—crucially—a mode of moral imagination, as well as consid-



Neil Rudenstine

erable courage, to bring about the transformations in moral consciousness and the law that took place in the 1950s and the 1960s.

T. S. Eliot once said of Henry James that “he had a mind so fine that no idea could violate it.” This has often been taken to mean that no idea could “penetrate” or enter so precious a sanctuary. But Eliot meant, of course, something quite different: he meant that James’s mind was so attuned to the nuance of every flicker of meaning; to the implications of every encounter with new experience; and to the moral intimations of even the slightest human gestures and intonations, that any “ideas” would have to be consistent with, and faithful to the reality and complexity of those perceptions. Otherwise, the ideas would simply “violate”—distort, falsify, and impose their own crudities upon—the actual truth of experience.

In Dennis, we have had a leader of the Center for Ethics who has understood both the value of ideas and moral reasoning, but also their hazards. He understands the need to sustain all those imaginative and intuitive capabilities of the mind that are essential to any serious venture in the exploration of morals and values. His own scholarship—now including many important volumes—has become

more comprehensive, rich and bold over the years. And the Center’s Fellows, enriched and emboldened by what they have learned, have themselves created new programs and centers, and have made countless contributions to the field of ethics during these past two decades.

I want to close by recalling a scene from Beckett’s *Waiting for Godot* when—on that bare stage, with nowhere to go, and nothing to do except wonder whether anything will ever happen—one of the two main characters turns to the other and says, “Well, we always find something, eh Didi, to give us the impression we exist.”

There are—fortunately—many things in life that give us the impression we exist. But so much of the real quest in existence is to discover those experiences, those human beings, those occupations and preoccupations that matter to us absolutely, beyond all others, because they animate our deepest springs of feeling and of thought, and because their value—when tested to the uttermost—continues to irradiate life, and quicken the exercise of all our vital powers.

One of the occupations that has this elemental capacity to irradiate and illuminate is the activity of education itself: born of curiosity, driven by intensity of interest, delighted by discourse and even dialectic, exhilarated by discovery, sobered by all that is unfathomable or intransigent in reality, and inexhaustible in the pursuit of all that remains unknown and unexplored.

The Center for Ethics has been, above all, a Center for education. It has inspired its fellows, energized its students, and given life as well as currency to an entire field of humane learning. It has—thanks to Dennis and all who have been his colleagues—continuously given us the impression that we do indeed exist.

Frederick Schauer named new director of Ethics*Harvard Gazette, April 5, 2007*

President Derek C. Bok announced today that Frederick Schauer, Frank Stanton Professor of the First Amendment at the Kennedy School of Government, has been appointed director of the Harvard University Edmond J. Safra Foundation Center for Ethics.

Bok said of the appointment, “Fred Schauer is one of the country’s outstanding scholars of free speech, constitutional law, and the philosophy of law. And he has been an extraordinarily capable and far-sighted institutional leader. The Safra Center is one of the jewels in Harvard’s crown, and it deserves a director of Fred’s stature. I believe Fred will build on and extend the Center’s remarkable success in developing the field of ethics both here at Harvard and across academe.”

Schauer succeeds Dennis F. Thompson as director. Thompson is the Alfred North Whitehead Professor of Political Philosophy. He founded the university-wide Center in 1987 and has served as its director since then. Thompson announced in November that he would step down at the end of the academic year.

Schauer said, “Dennis Thompson has created a remarkable program that serves not only to foster serious scholarship about ethics, and not only as an extraordinarily successful cross-school collaborative enterprise in moral, political, and legal philosophy, but has also done an enormous amount to encourage serious academic research and teaching about practical and professional ethics far beyond Harvard and far beyond the academy. It is an honor to be selected to succeed him, and I hope to justify his and Derek Bok’s confidence in me by trying to reinforce such a successful foundation and to help the Center move into some number of new activities and directions.”

The Safra Center encourages teaching and research about ethical issues in public and professional life; helps meet the growing need for teachers and scholars who address questions of moral choice in the professions and in the public arena; brings together those with competence in philosophical thought and those with experience in professional

education; and promotes a perspective on ethics and morality informed by both theory and practice.

Thompson applauded Schauer’s appointment. “The Center’s future could not be in better hands,” he said. “Fred is a distinguished scholar and outstanding teacher with broad interests in both theoretical and practical ethics. I am confident that he will not only maintain the Center’s high intellectual standards but also advance its mission in new and creative ways. I look forward to watching, and at least occasionally participating, as Fred deploys his remarkable talents to lead the Center vigorously into its third decade.”

David Ellwood, Dean of the Kennedy School, was also enthusiastic. “Fred Schauer is a man of great intellect, vision and principle,” he said. “Through his work on the First Amendment and his previous service as academic dean at the Kennedy School, Fred brings a deep and practical understanding of ethics in a professional setting. The university will be well served to have him in this role.”

Schauer has taught at Harvard since 1990. He served as academic dean of the Kennedy School from 1997 to 2002 and as the School’s Acting Dean in the Spring of 2001. In addition to teaching courses in ethics and in the legal



Lily Safra and Fred Schauer

dimensions of international development at the Kennedy School, Schauer is a regular teacher of evidence and of freedom of speech at the Harvard Law School, where he also supervises graduate students working in the philosophy of law. Before coming to Harvard, Schauer was Professor of Law at the University of Michigan, and he has been visiting professor at the law schools of the University of Chicago, the University of Virginia, and the University of Toronto, as well as in the philosophy and government departments at Dartmouth College.

Schauer is the author of *The Law of Obscenity*; *Free Speech: A Philosophical Enquiry*; and *Playing By the Rules: A Philosophical Examination of Rule-Based Decision-Making in Law and in Life*. He is co-editor of *The Philosophy of Law: Classic and Contemporary Readings With Commentary* and *The First Amendment: A Reader*. His most recent book, *Profiles, Probabilities, and Stereotypes*, was published by the Harvard University Press (Belknap Press) in November of 2003.

Schauer has been Vice-President of the American Society for Political and Legal Philosophy and Chair of the Committee on Philosophy and Law of the American Philosophical Association, and is a Fellow of the American Academy of Arts and Sciences. He co-founded the journal *Legal Theory* and has been awarded a Guggenheim Fellowship and Radcliffe Fellowship. Schauer is a 1967 graduate of Dartmouth College, a 1968 graduate of the Amos Tuck School of Business Administration at Dartmouth, and a 1972 graduate of Harvard Law School.

Schauer will take up his duties as director on July 1, 2008. He will be the George Eastman Visiting Professor at Oxford University and a Professorial Fellow of Balliol College during the 2007-08 academic year. Arthur Applbaum, Professor of Ethics and Public Policy at the Kennedy School, will serve as acting director in the interim. Thompson said of Applbaum: "Arthur started and directed our excellent graduate fellowship program, and served superbly as acting director in the past. We are most fortunate that he will be leading the Center next year."

ACADEMIC YEAR 2007-2008



Faculty Fellows and Senior Scholar

DANIEL BAER, Faculty Fellow, is a project leader in the Washington, D.C. office of Boston Consulting Group, a strategic management consulting firm. He graduated from Harvard University with a degree in Social Studies and African American studies, and received an MPhil and DPhil in International Relations as a Marshall Scholar at Magdalen College, Oxford. His dissertation focused on the moral justification for individuals' willingness to give their lives for a cause. In addition to serving corporate clients, he has been an active member of Boston Consulting Group's social impact practice, where he has spent a significant amount of time working on public education in the U.S. and on international economic development. During the fellowship year, Baer will focus on the connections between the ethics of war and the ethics of business.

ERIC GREGORY, Faculty Fellow, is Assistant Professor of Religion at Princeton University. He earned an AB in Government from Harvard University, an MPhil in Theology as a Rhodes Scholar at the University of Oxford, and a PhD in Religious Studies from Yale University. His teaching and research interests include religious and philosophical ethics, theology, political theory, bioethics, and the role of religion in public life. He is author of the forthcoming book, *Politics and the Order of Love: An Augustinian Ethic of Democratic Citizenship* (Chicago, 2008), and articles on religion and social ethics, including "Before the Original Position: The Neo-Orthodox Theology of the Young John Rawls" (*Journal of Religious Ethics*, 2007). He has received fellowships from the Erasmus Institute, University of Notre Dame, and the National Endowment for the Humanities. During the fellowship year, he will examine secular and religious perspectives on global justice in light of the interpretation history of the parable of the Good Samaritan.

NIEN-HÊ HSIEH, Faculty Fellow, is an Associate Professor in the Legal Studies and Business Ethics Department at the Wharton School, University of Pennsylvania. He holds a BA in Economics from Swarthmore College, an MPhil in Politics from Oxford, and a PhD in Economics from Harvard. He was a Postdoctoral Fellow at Harvard Business School, and has held visiting fellowships at Oxford and the Research School for Social Sciences at the Australian National University. His research is in ethics and economics. Recent publications include "Is Incomparability a Problem for Anyone?" in *Economics and Philosophy* (2007); "The Numbers Problem," with Alan Strudler and David Wasserman in *Philosophy and Public Affairs* (2006); and "Rawlsian Justice and Workplace Republicanism," in *Social Theory and Practice* (2005). He serves as Book Notes Editor for *Business Ethics Quarterly*, the journal of the Society for Business Ethics. During the fellowship year he will investigate the responsibilities of global business to persons in developing economies, in particular with respect to considerations of justice, beneficence, and exploitation.

EDWARD M. HUNDERT, Senior Scholar, is an internationally known academic leader, scholar, educator, psychiatrist, and medical ethicist. He has served as President of Case Western Reserve University, Dean of the University of Rochester School of Medicine and Dentistry, and Associate Dean for Student Affairs at Harvard Medical School. Hundert earned his bachelor's degree in mathematics and the history of science and medicine from Yale University. He attended Oxford as a Marshall Scholar, and earned an MD from Harvard Medical School. He completed his psychiatric residency at McLean Hospital, where he served as chief resident. Hundert has written on topics in psychiatry, philosophy, medical ethics, and medical education, including two books: *Philosophy, Psychiatry and Neuroscience: Three Approaches to the Mind* (Oxford University Press, 1989), and *Lessons from an Optical Illusion: On Nature and Nurture, Knowledge and Values* (Harvard University Press, 1995). He is Senior Lecturer on Medical Ethics at Harvard Medical School, a Director of the Washington Advisory Group/LECG, and a member of the boards of TIAA-CREF and the Rock and Roll Hall of Fame.

KAREN NAIMER, Faculty Fellow, is a faculty member of New York University's Center for Global Affairs, where she teaches Public International Law. She received an LLM from New York University School of Law, a JD and MA in International Relations from the University of Toronto, and a BA from McGill University. Her research focuses on international criminal law, international human rights law, international humanitarian law, and anti-corruption. She clerked for the President of the International Criminal Tribunal for the Former Yugoslavia in The Hague, and is a member of the editorial board of the *Journal of International Criminal Justice*. She recently served as Deputy Counsel at the Independent Inquiry Committee into the United Nations Oil-For-Food Programme (the Volcker Commission), investigating allegations of bribery, corruption, money laundering, and fraud among high-level UN officials and oil companies involved in the Programme. During the fellowship year, she will focus on the ethical issues associated with private military and security contractors operating in fragile or failed states, and will explore ways to hold these non-state actors accountable for their actions under international and domestic law. Naimer has been named the Edmond J. Safra Faculty Fellow for 2007-08.

RYAN PRESTON, Faculty Fellow, is Assistant Professor of Philosophy at the University of North Carolina at Chapel Hill. He earned a PhD from New York University (2007) with a dissertation entitled *Civic Trust: On the Foundations of Moral Rights*. His dissertation draws on claims about the nature and significance of trust in order to provide a novel rationale for the right not to be harmed. His areas of research and teaching include moral philosophy, philosophy of religion, and medical ethics. During his fellowship year, he will focus on the conditions under which people's rights may be permissibly infringed.

ALICE RISTROPH, Faculty Fellow, is Associate Professor of Law at the University of Utah, S.J. Quinney College of Law. She received a PhD in political theory from Harvard University and a JD from Harvard Law School. Her research and teaching interests include contemporary penal practices, violence, political authority, and other topics in criminal law, constitutional law, and political theory. Recent articles include "Desert, Democracy, and Sentencing Reform" (*Journal of Criminal Law & Criminology*), "Sexual Punishments" (*Columbia Journal of Gender & Law*) and "Proportionality as a Principle of Limited Government" (*Duke Law Journal*). Current projects include a study of laws aimed at preserving human health or life and an analysis of the conception of the state as a person. During the fellowship year, she will be thinking and writing about the use of law to regulate physical violence by both private and public actors.

The Edmond J. Safra Graduate Fellows

ANGUS BURGIN is a PhD candidate in the Department of History. He is focusing on transatlantic intellectual history since the late nineteenth century. His dissertation explores the intellectual foundations of modern conservative political thought, with a particular emphasis on the early membership of the Mont Pèlerin Society and their perceptions of the relationship between established social norms and the competitive marketplace. Angus holds a BA in History and Literature from Harvard University, and has been a teaching fellow for courses on modern American social thought and historiography.

BEN HURLBUT is a PhD candidate in the History of Science. He is primarily interested in the history of the life sciences, biotechnology, and bioethics. His dissertation work examines the history of the debates surrounding human embryo research in the United States from the mid-1970s to the present. He examines the debates from multiple perspectives, including the history of embryo research activities, fertility industry standards and regulation, the ethical bodies—both public and private—convened to discuss human embryo research, the emergence of professional bioethics as a reservoir of moral expertise, and the public political deliberations surrounding human embryo research on both the state and federal level. Hurlbut holds an AB in Classics from Stanford University. He has served as a teaching fellow for courses in the history of the mind sciences, the history of evolutionary biology, in science and religion and in bioethics.

KRISTI A. OLSON is a PhD candidate in the Department of Philosophy. Her research interests lie in the intersection of political philosophy and public policy, with a particular focus on questions of distributive justice. Prior to attending Harvard, she worked as a staff attorney at a national public interest law firm. She holds a JD with honors from Duke Law School and a BA with high honors in music and geography from Indiana University. She has been a teaching fellow for classes in nonconsequentialist ethical theory, political philosophy, and deductive logic.

S. ANDREW SCHROEDER is a PhD candidate in the Department of Philosophy. His research is focused on rethinking the territory of normative ethics, showing that traditional ways of carving up the domain don't do justice to its complexity. In his dissertation, he argues that evaluative concepts, like *good* and *better*, are inferentially isolated from deontic ones, like *obliged* and *forbidden*, and that attention to this fact sheds light on many debates in contemporary normative ethics. Schroeder is also very interested in teaching moral philosophy, and in particular in bringing philosophical ethics to a wider audience. At Harvard, he has served as a teaching fellow for several courses on ethics and the philosophy of biology, and was the head teaching fellow for Michael Sandel's famous *Justice* course. Schroeder holds a BA in philosophy *summa cum laude* from Carleton College in Northfield, Minnesota.

LUCAS STANCZYK is a PhD candidate in the Government Department. His primary interests lie in contemporary political philosophy and the history of modern political thought. In his current research, Lucas examines whether it is possible to behave unjustly while supporting just social institutions. In other words, are there principles of justice which are independent of the principles that apply to institutions and which morally constrain the various personal choices left open to individuals under just institutions? Lucas thinks there are such principles, and in his dissertation he hopes to identify the ones that govern occupational choice. Lucas has been a teaching fellow for courses in political philosophy, political theory of international relations, legal theory, and the history of political thought. Before coming to Harvard, he wrote a master's thesis in normative democratic theory at McGill University. Lucas also holds degrees in law and civil law from McGill. As an undergraduate, he studied English Literature, German Literature and Political Science.

KATHARINE G. YOUNG is an SJD candidate at Harvard Law School. Her dissertation examines the relationship between constitutionalism and distributive justice. In particular, she confronts the challenges to a materially just constitutionalism, well theorized by both legal realists and procedural democrats, within a global framework. Katharine completed an LLM at Harvard Law School, and graduated first in her class with an LLB (Honors) at the University of Melbourne, where she also received a BA with majors in German and Political Science. She has studied law at the University of Heidelberg and has received a number of awards in constitutional, comparative and international law, including the World Cup Championship of the Philip C. Jessup International Law Moot Court Competition. In 2001, she clerked for Justice Michael Kirby of the High Court of Australia. While at Harvard, Katharine has served as a Fellow for the Project on Justice, Welfare and Economics, a Graduate Student Associate at the Weatherhead Center for International Affairs, a Knox Fellow, and a Byse Fellow at Harvard Law School.

Lester Kissel Grants in Practical Ethics

For the second year, several Harvard College students have been awarded Lester Kissel grants in Practical Ethics to carry out summer projects on subjects ranging from the ethics of policymaking in Peru and South Africa to a study evaluating the causality and intention in moral and non-moral versions of the Trolley Problem. The students will use the grants to conduct research in the U.S. or abroad, and to write reports, articles, or senior theses. Three of the students will carry out their projects on internships or foreign study. Each grant supports living and research expenses up to \$3,000.

The recipients are as follows:

KRISTIN BLAGG, a junior Government concentrator, will conduct a comparative study of government policy and political rhetoric towards stem cell research in the United States and Great Britain. To gain both a domestic and international perspective, she will undertake her research in Washington, D.C. and London.

MASHA GODINA, a junior Philosophy concentrator, will carry out senior thesis research on non-ideal theory and the problem of punishment. She will explore the problems raised by the administration of punishment by considering the grounds on which the state punishes and the imperfections administration faces.

ALEXANDER HARRIS, a junior Social Studies concentrator, will undertake honors thesis research on a topic in libertarian political philosophy. Through this lens he will explore theoretical questions and particular policy issues, examining possible rationales for justifying a state.

KENNETH MCKINLEY, a junior Anthropology concentrator, will undertake senior thesis research on organ donation systems while in Argentina. His project will explore the tension between the practical need to increase the supply of organs and the moral experience of the donors and organ recipients, and will compare approaches in the United States and Argentina.

JOHN SHEFFIELD, a sophomore Social Studies concentrator, will study the ethical implications of due obedience principles in human rights trials. His research will focus on the case of Argentina during the Alfonsín administration (1983-1989), and will take him to the National Security Archive at George Washington University and to Buenos Aires, Argentina.

ARJUN SURI, a junior Social Studies concentrator, will conduct senior thesis research in Peru on expanding the Rawlsian notion of health as a normal good to a basic social primary good that is essential for the functioning and capabilities of human beings. He will analyze the ethical tradeoffs and rationing process of policymaking in Peru and South Africa towards social services, namely in education, housing, and employment services, and their influence on basic health indicators.

ROCKSHENG ZHONG, a junior Psychology concentrator, will undertake a study that investigates the ways in which causal and intentional attributions affect moral judgment. Participants in his study will evaluate different versions of the Trolley Problem, a moral dilemma in which one life must be sacrificed to save five, and Zhong hopes that the results will shed light on the cognitive mechanisms involved in making moral judgments.

“The interests of the students this year range even more widely than before, and the quality is no less high. It is gratifying to see so many undergraduates interested in doing serious work on ethical issues during their summer.”

— Dennis Thompson, *Harvard Gazette*
May 17, 2007



