HARVARD UNIVERSITY
Edmond J. Safra Center for Ethics

REPORT ON ACTIVITIES

2009-2011

Left to right: Abigail Brown; Jonathan Marks; lecturer Jon Elster; Faculty Committee member David Wilkins and Jean McVeigh
Opposite page: Eric Beerbohm

CONTENTS

I. REPORT OF THE DIRECTOR LAWRENCE LESSIG

It is not something to be especially happy about, but the world has conspired to make the work of the Edmond J. Safra Center for Ethics relevant and especially important just now.

Two years ago, I left the paradise of California to lead the Center in its next chapter. My commitment was to launch a five year research project that would live at the heart of the Center, and define its primary work. That project is to study, and help remedy, what we've called "institutional corruption."

As I've described it, "institutional corruption" is the consequence of influence, within an economy of influence, that improperly weakens the effectiveness of an institution, especially by weakening public trust in that institution. Think about an academic taking money to give public policy testimony from a party interested in that testimony. Or think about Members of Congress taking contributions by special interests to fund their campaigns. Or about rating agencies selling bond ratings to the parties issuing those bonds. In none of these instances is the behavior itself illegal. Indeed, so long as properly disclosed, it may even be ethical. But arguably, within each of these contexts, the consequence of the influence is to weaken the effectiveness of the institution, or at least weaken its public trust. Witness Charles Ferguson's film *Inside Job*, or the latest public confidence ratings for the United States Congress (11%), or the complete failure of bond ratings to reflect actual asset risk, and you have a sense of the problem that we've set out to address.

…especially by weakening public trust in that institution…

Over the past two years, we've begun work on this project in stages. In the first year, the Center dedicated its public lecture series to a wide range of scholars and public figures who helped launch a university-wide conversation about the topic. Three of these lectures were published in the *Boston Review*.

In the second year, we continued that public lecture series, and also invited more than a dozen scholars to join the Center as Lab Fellows, both residential and nonresidential. These fellows have addressed the question of institutional corruption sometimes directly, and sometimes indirectly, as we have tried to map an intellectual framework within which to think about this problem. Our research director, Neeru Paharia, describes this work in detail in her own report. (See page 7.) And I've been especially excited about the strong partnership that the Center has developed with psychology, and the foundational work that Professor Mahzarin Banaji has done to understand the way influence matters.

This year, we welcome 22 residential and nonresidential Lab Fellows, as well as 9 Network Fellows, to the work of the Lab. We will also continue the public lecture series, and will host a conference at the midpoint of the project to assess the progress we have made, and to invite further collaboration by scholars from outside Harvard.

The aim of this Lab project is not, however, solely academic. My commitment was not just to describe in a systematic way a distinctive pattern of corruption. It was also to develop practical tools that might help identify this kind of corruption, and remedy it. This year, we have begun a number of pilot projects to that end. By the end of the five year commitment, I expect that these projects will have developed a distinct and useful way that professions and institutions might inoculate themselves against a dynamic that no important public institution can afford to suffer.

But while we have launched a Research Lab, the Center has not become that Lab exclusively. Instead, at the same time that we have pushed to develop the Lab's project on institutional corruption, we have also worked hard to sustain the Center's role at the core of ethics at the University. Last year, our public lecture series included a mix of more traditional topics of ethics and philosophy, as well as corruption. And under the direction of Professor Eric Beerbohm, the Center's Graduate Fellowship program continues to flourish. Next year we welcome eight talented students as the next class of Edmond J. Safra Graduate Fellows in Ethics. I have also asked Eric to help bring to life an idea first suggested by Professor Arthur Applbaum to more fully integrate the Center with the teaching of ethics throughout the undergraduate curriculum. Working with Professor Mathias Risse, Eric is establishing an interdisciplinary Secondary Field in Ethics and Public Life that will create a directed curriculum in practical ethics to complement the primary undergraduate concentrations. This fall Risse will teach the first course, "The Just World," that will serve as a foundation of the secondary field.

Over these two years, there have been other important transitions. We celebrated with joy and sadness the end of Jean McVeigh's 21 years with the Center at the beginning of my first year. We celebrated Professor Tim Scanlon's 20 years on the Center's Faculty Committee with a public lecture and dinner last year. We continue to have guidance and insight from Dennis Thompson and Arthur Applbaum, and I am very grateful for the new interest and support we have found across the university, including the Business School, Medical School and of course, the Law School. As the Center has grown, it has reoriented itself in ways that

Left to right: Lessig with Graduate Fellows; Lessig lecture slide; Robert Proctor, Dan Wikler, and Lessig; Lessig lecture on Institutional Corruption

connect to a wider scope of the university community, and that draw upon a more diverse range of disciplines. Aristotle may well have figured every important issue out. But we now have a better collection of academic disciplines to at least corroborate his work.

There is an enormous and humbling amount of work left to be done. As I begin the year with a new crop of Lab Fellows and collaborators, I am eager to push this project one stage further. But I doubt there will be a moment of greater pride than the one that happened in a lecture last year.

Former Governor Buddy Roemer (R-LA) was delivering a talk on "Fixing Congress—A Republican View." He spoke just at the moment we had announced that we were dropping the word "Foundation" from the Center's title, renaming ourselves simply "The Edmond J. Safra Center for Ethics." Midway through his lecture, Roemer said this about his views, and the view of Edmond J. Safra, connecting directly to our work:

I am for old-fashioned bankers, people who carefully and conservatively build wealth by exercising enormous prudence and good judgment. People who know their customers and who know their communities. … Anybody can be a banker in good times. It's when times are tough when you find out who the bankers are. … I'm for the kind of banking practiced by the banker whose Foundation has endowed this center, the Edmond J. Safra Center, whose patience and care earned his depositors and shareholders a fair and generous return.

But the ethics of Edmond J. Safra are not the ethics of Wall Street, not anymore, because prudence and patience were not Wall Street's first aim.

It may be an accident of history that this project finds its home in a Center bearing Edmond J. Safra's name. Or may be not. Regardless, it gives me great pride and enormous pleasure to be able to advance a project whose mission is so completely and easily conveyed by the name the project stands next to. If we can remind the world of the ethics and practice of the man whose name we honor, we would have achieved a great deal. I am hopeful that at the end of this project, our work will not only edify his already enormously important career. I am hopeful as well that the success of his career, and the generosity of his widow, Lily Safra, will make it easier to teach the lessons his life practiced, building institutions that his clients, and the public, could trust.

Lawrence Lessig and students

II. EDMOND J. SAFRA RESEARCH LAB

Neeru Paharia, *Research Director*

The Edmond J. Safra Research Lab, launched in 2009, is a major initiative designed to address fundamental problems of ethics in a way that is of practical benefit to institutions, governments, and societies around the world. As its first undertaking, the Lab is tackling the problem of institutional corruption. The Lab aims to better understand the nature of institutional corruption by examining its causes, consequences, and remedies using methods from economics, psychology, and sociology, among other disciplines. Our mission is both to build theory and scholarship around the idea of institutional corruption, as well as to identify possible real-world tools and solutions that can be deployed to strengthen the integrity of our institutions. In 2010, the Center began the inaugural year of the Edmond J. Safra Lab Fellowship program. Nine residential and five non-residential fellows were invited to spend a year at the Center to continue their own research on related topics, while also participating in a weekly seminar to build a collective understanding around the nature of institutional corruption.

…identify possible real-world tools and solutions …

Institutions that serve the public can be thought of in the context of principal agent theory from economics, where the public is the principal and the institution is the agent. For example, patients (the principal) hire doctors (the agent) to provide them the service of healthcare; the public (the principal) elects representatives (agents) to produce policy and law that they value; the public (the principal) entrusts academic researchers (agents) to produce research that is both high quality and independent. In this model, institutions (as agents of the public) may have their own interests, agendas, and motivations, and work to neutralize how accountable they can be held by the public. In addition, when an institution controls resources, power, or money, special interests may also want to direct the actions of the institution such that their own interests are served as opposed to those of the public.

What makes this problem particularly insidious is that these forces often work through means that are legal, such as the promise of future employment, consulting work, research funding, gifts, affiliations, etc., rather than by offering explicit bribes. An institution may be particularly vulnerable as a target of outside forces if they are structurally underfunded, lack norms of conduct to defend against competing interests, or are difficult to monitor. As such institutional corruption becomes very challenging to detect and measure. However, left unchecked the consequences can be severe, particularly if the public trusts an untrustworthy institution, or so completely loses trust in an institution that it becomes ineffective.

As an example, consider the institution of academic research and the role of pharmaceutical companies. Academic institutions have long been valued for producing independent scientific research that policymakers and the public can trust. In many cases, pharmaceutical companies fund academic research to demonstrate the efficacy of their products. However, studies suggest that results of pharmaceutical-funded research projects are more likely to be favorable

Lab Researcher Brianna Goodale; Seana Moran; Abigail Brown and Jonathan Marks; Kirsten Austad

to the financial interests of their funders (Bekelman, Li, & Gross, 2003; Bero, Oostvogel, Bacchetti & Lee, 2007; Yank, Rennie, & Bero 2007). As a result, doctors may be prescribing drugs based on research that is distorted in subtle but powerful ways. Furthermore, this distortion threatens to undermine the credibility of academic research, particularly in the biosciences. In this sense, the harm may be twofold.

Through a weekly seminar, Lab Fellows explored the structural enablers of institutional corruption such as incentive systems, individual psychological mechanisms that predict unethical behavior, and possible solutions to mitigate the problem. The topics covered during the seminar were both diverse and complementary. Professor **Lawrence Lessig** opened the seminar series by introducing the topic of improper dependencies, such as when medical researchers are dependent on pharmaceutical companies. He suggested that institutions with improper dependencies may produce biased outcomes resulting in a loss of trust in those institutions. Professor **Dennis Thompson** continued to explore how perceptions of corruption and trust are dependent on fairness. Using Wikipedia as an example, Lab Fellow **Seana Moran** furthered theoretical understanding by exploring the ways in which innovations can be constructive or corrupting.

We then heard from a number of presenters investigating conflicts of interest in health and medicine. Lab Fellow **Jonathan Marks** discussed how health claims in the food industry are increasingly being supported by biased research studies, while Lab Fellow **Marc-André Gagnon** highlighted a similar phenomena in the medical industry where pharmaceutical companies "ghost write" research papers and hire academics to endorse their findings. Lab Fellow **Lisa Cosgrove** illustrated a specific example in the field of mental health, suggesting that psychiatrists with industry ties are more likely to endorse drugs they have financial ties to. Similarly, Lab Fellow **Susannah Rose** demonstrated how even non-profit patient advocacy organizations can be negatively influenced by their pharmaceutical funders. Lab Fellow **Kirsten Austad** presented her project exploring how medical students' attitudes towards pharmaceutical companies may change over time as a function of exposure and school policies, while Dr. **Jerry Avorn** discussed conflicts of interest in medicine, particularly around the influence of pharmaceutical detailers.

Seminar participants also explored institutional corruption in the area of government. Lab Fellow **Michael Jones** noted the promise of narratives to reduce bias in understanding controversial topics such as campaign finance reform, while **Andy Eggers**, a post-doctoral fellow at Yale University, highlighted the lack of evidence linking Congress to insider trading. More generally the fellows

noted the troubling improper dependence of Congress on donations from special interests in order to get elected.

In a broader discussion of the private sector, Professor **Malcolm Salter** suggested that the gaming of rules—that is, influencing and interpreting laws in favor of private interests—is a widespread problem that undermines the spirit of the law. In her research, Lab Fellow **Abigail Brown** suggested that auditors are beholden by the very companies they are hired to monitor because they are dependent on them for future business. Lab Fellow, writer, and talk-show host **Christopher Hayes** suggested that increasing levels of large rewards, such as the growing bonuses on Wall Street, are tempting people to be increasingly more corrupt while Lab Fellow **Abby Larson** investigated the sociological factors that may have contributed to the financial meltdown in 2008.

Beyond demonstrating the phenomenon of institutional corruption across several industries, several scholars presented on the psychological factors that, as Professor **Max Bazerman** suggests, enable "good people to do bad things." Professor **Mahzarin Banaji** began the discussion noting that results from Implicit Association tests (IAT) can predict unconscious racial bias, while Lab Fellow **Sreedhari Desai** demonstrated psychological factors that may promote more ethical or unethical behavior. Professor **Francesca Gino** continued the discussion finding that people in a promotion-oriented mindset are more likely to act unethically than people in a prevention-oriented mindset. In addition to the seminar, Dr. **David Korn**, former Vice Provost for Research at Harvard University and Professor of Pathology at Harvard Medical School, organized a public symposium at the Harvard Law School in which the Center invited a number of speakers to discuss psychological factors in regards to conflicts of interest.

Beyond investigating the problem, a number of possible solutions to mitigate institutional corruption were presented in the seminar. Dr. **David Korn** discussed Harvard's new conflict of interest policy as a way to better preserve the independence and integrity of academic research. Lab Fellows **Roman Feiman** and **Jennifer Sheehy-Skeffington** explored under what conditions people are more likely to blow the whistle on their peers and monitor each other. Professor **Dan Carpenter** proposed designing and building an online system that would allow for patients to meaningfully understand whether their doctors receive gifts from pharmaceutical companies, and how subsequent prescribing behaviors may be influenced. Professors **Christopher Robertson** of the University of Arizona, **Aaron Kesselheim** of Harvard Medical School, and Lab Fellow **Susannah Rose** shared their plan to find the most efficacious way to present financial disclosure information in research papers to better inform their readers. To wrap up the seminar, the Lab Fellows attempted to synthesize their collective lessons from the year. They solidified an understanding

Left to right: Lab Committee member David Korn and Faculty Associate Einer Elhauge; Susannah Rose; Lab Committee member Mahzarin Banaji; Lab Committee member Malcolm Salter; Sreedhari Desai; Aaron Kesselheim; Jennifer Sheehy-Skeffington and Roman Feiman

of the causes and consequences of institutional corruption, identified a number of common themes across industries, proposed future directions of research, and began to develop some ideas around possible solutions.

To continue the exploration, a new class of Edmond J. Safra Lab Fellows were recruited for the 2011-12 academic year. The incoming fellows are a broad and interesting mix of scholars and professionals, and include postdoctoral fellows, investigative journalists, professors, doctors, students, writers, and technologists. Their projects focus on a variety of institutions, including Congress, academia, the EPA, the FDA, the American Psychiatric Association, and the pharmaceutical industry (among others) on topics ranging from campaign finance reform, to conflicts of interest, to public trust and open government, to name a few. They will spend the year participating in the weekly Lab seminar, pursuing research on institutional corruption, and contributing generally to the collegial life of the Center and University.

2011-12 will also be the inaugural year for two new features of the Lab: the Israeli Fellowship and Network Fellowships.

The Israeli fellowship position was established in 2010 and made possible by a generous donation from Mrs. Lily Safra, whose wish it is to promote and expand the study of ethics in the State of Israel. Every year we will devote one residential fellowship position to an Israeli-born scholar or professional. The 2011-12 Israeli Fellow is **Yuval Feldman**, Professor of Law at Bar-Ilan University in Israel.

The Edmond J. Safra Network Fellowship program is a new initiative that aims to connect a cross-disciplinary group of scholars and practitioners around the world who are currently working independently on issues of institutional corruption as academic research projects or applied within their organizations. The purpose of the network is to connect these researchers and practitioners with each other to inspire new works of scholarship and applications that are designed to solve problems of institutional corruption. The Network Fellows will be non-residential, and are invited to the Center's offices in Cambridge, MA twice during the academic year to meet with other fellows, present their work, and brainstorm new ideas. In addition, next year we will continue to fund four large-scale research projects being conducted here at Harvard and in collaboration with other institutions. A list of the Edmond J. Safra Research Projects can be found in Appendix II and a list of the 2011-12 Edmond J. Safra Network Fellows appears in Appendix IV.

The coming year will be an exciting time of innovation for the Lab. In addition to continuing our seminar series and supporting the individual research of the fellows, the Lab is beginning to explore projects focused on real-world solutions that mitigate the consequences of institutional corruption. As such, we have specified three practical projects for the year.

First, we are beginning to look inward, at academia as a possible institution to test one particular solution. Looking specifically at economists, we are beginning to develop a system of rules to separate and signal economists who are "independent" and therefore legitimately free of influencing ties such as those to industry, and those who are not. By separating those who are independent from those who are dependent, we hope to create value in independence such that there is an incentive to remain so. As we pilot this "independence mark" with economists, the goal would be to learn from this experience with the expectation of eventually deploying the mark across academic disciplines, especially ones most vulnerable to outside influences.

Secondly we are moving beyond the walls of the Center by partnering with Innocentive, an organization that crowd sources solutions to difficult problems from scientists and thinkers around the world. For example, during the BP oil spill in the Gulf of Mexico, Innocentive challenged its network of solvers to develop an efficient way to clean up the mess, collecting a number of successful

approaches. The Lab is challenging Innocentive's network of solvers to consider the question: *What are innovative ways to monitor institutions such that they are more accountable to the public?* It is inherently difficult to monitor institutions when they are serving disparate constituencies. In these cases, the public has to rely on regulatory agencies, watchdog groups, and the media (who themselves are subject to influence and capture). However, recent developments both in sunshine laws requiring disclosure (Physician Payment Sunshine Act), and technical abilities to capture and make disclosure data public (data.gov), put a monitoring capacity back into the hands of the public. Furthermore, semantic methods of structuring data can organize information in such a way that is understandable and powerful to both the public, and also to researchers who can interpret data in a meaningful way. Websites such as maplight.org (in the case of government), guidestar.org (in the case of charities), and even yelp.com (in the case of local businesses) have been using technology and crowd sourcing toward achieving greater public monitoring power. Those proposing solutions to our challenge will be asked to conceptually design a system that is robust against influence, and puts monitoring power into the hands of the public.

Third, the Lab launched a new website this summer with a blog, Facebook page, and Twitter feed to both disseminate information from the Lab, and also to engage the public in a discussion around institutional corruption. Lab Fellows will blog regularly on relevant topics, opening up a wider dialogue with the public on the topic of institutional corruption.

In summary, we are encouraged by the progress that has been made in two short years, both in terms of our theoretical understanding of institutional corruption, and our strategic vision of how to mitigate it. The enthusiasm and passion of both the fellows and our Lab Committee (a full listing of which can be found on page 58) has been a tremendous asset towards accomplishing our goals. We are excited for the coming year, and optimistic that our efforts will result in concrete recommendations that will strengthen the integrity of society's most important institutions.

Members of the 2010-2011 Edmond J. Safra Research Lab

III. EDMOND J. SAFRA GRADUATE FELLOWSHIPS IN ETHICS

Professor Frances Kamm, *Acting Director*

2009-2010

For several years, I was senior scholar in the graduate fellow seminar run by Arthur Applbaum. This year, I had the honor of being Acting Director of the Graduate Fellowship program, responsible for running the seminar myself. As there was no senior scholar this year, I encouraged the fellows to suggest outside scholars who might visit the seminar when an expert in their area would be helpful. As a result, we had two such visits each semester.

The seminar met for 2 and half hours usually every week. However, we were all eager to encourage fellows' creative processes and if this meant rescheduling a regular meeting so that new work could be finished for presentation, that was what we all decided to do.

We were all eager to encourage fellows' creative processes…

Our six fellows were uncommonly sophisticated in ethics. Having taken many courses in moral and political philosophy, they also communicated exceedingly well with each other. On account of this, I departed from past practice of providing a set curriculum introducing fellows to topics in moral and political philosophy. Rather, I tried to make use of the interests and expertise of each fellow, having her or him first instruct the rest of us in the topics that led to their chosen thesis work. This would make us all better able to comment on the fellows' own work when they presented it later. As it turned out, I was able to organize these six introductory presentations as a curriculum that moved from metaethics (on realism and relativism in value judgments) to normative theory (on Kant, constructivism, action theory, and public reason) to practical issues (political ethics). (Weekly readings were always no more than 50 pages, to allow time for reflection and to minimize interference with the work of the fellows.) The remaining sessions of the first semester gave each fellow a full two hours in which to present her or his own work and receive detailed feedback.

During the second semester, fellows could have presented on new topics outside their dissertation area but they were all eager to continue presenting their own work and to get feedback, so this is what we did. Throughout the year, the discussions by the fellows were sophisticated and challenging, full of helpful interactions based on mutual respect. (The reports of the Graduate Fellows on their experiences appear in Appendix I.)

Joshua Cherniss, a PhD candidate in the Government Department, was writing a dissertation that uses the history of political movements in order to isolate factors distinguishing the views of liberals and anti-liberals on the ethics of political action. In his presentations, he showed how his topic related to the problem of dirty hands in politics and how the ethos of Jacobinism (including the demand for purity, refusal to compromise, and demonization of opponents) also characterize other anti-liberal movements. Finally, he used the case of Adam Michnik, a Polish anti-communist leader, to consider what political actions liberals who resist totalitarian regimes may allow themselves consistent with their liberal goals. He presented this paper at a conference in the spring.

Ryan Doerfler, a PhD candidate in the Philosophy Department, completed his dissertation on truth and realism in evaluative discourse (focusing on matters of taste). He led discussions on relativism and realism and on his own theory of "sensibility invariantism" with respect to humor. In the spring, he presented a new theory of hypocrisy (trying to isolate the logical flaw in criticizing someone for what one does oneself) and a paper on institutional corruption. He attended Larry Lessig's course on corruption at the Harvard Law School, where beginning this fall Ryan will pursue a JD.

Marie Gryphon, a PhD candidate in Public Policy at the Harvard Kennedy School, was writing a three-part dissertation dealing with (i) constructivist theories of justice (such as John Rawls'); (ii) the principle of fair play and its role in generating political obligations; and (iii) the distribution of burdens in just societies that allow members to exit. She presented to the seminar on each of these topics, and we all benefited from the comments of Professor Thomas Scanlon who was present at one of her sessions. In addition, she investigated a problem in professional ethics: whether lawyers who work in illegitimate states have professional duties in virtue of the principle of fair play. Next year she will be an Olin Fellow in Law at Harvard Law School.

Sean Ingham, a PhD candidate in the Department of Government, was writing a wide-ranging analytic thesis on normative democratic theory. One of his concerns is whether Rawls' theory of public reason is coherent in demanding that in political contexts we accept as reasons considerations that can lead to policies we reject. He first presented on the background to this topic, with Professor Dennis Thompson as the expert visitor, and subsequently presented his own arguments concerning public reason. In the spring, his first session focused on the implications of social choice theory for the coherence of majority rule. He engaged in lively discussion with guest expert Professor Mathias Risse, who has written on this topic. Finally, he took on a neglected question of economic democracy: Is there a morally appropriate way, that reflects majority preferences rather than selected private interests, to decide what goods get produced in a society?

Left to right: Marie Gryphon; Nataliya Palatnik; Joshua Cherniss and Paul Schofield; Ryan Doerfler, Joshua Cherniss and Sean Ingham

Nataliya Palatnik, a PhD candidate in the Philosophy Department, was writing a dissertation on the social aspects of Kant's moral philosophy. Nataliya provided scholarly guidance to understanding Kant's attempt to construct a system analogous to Newton's but dealing with free action. In presentations based on her thesis, she also tried to defend

Kant against Hegel's criticism of mere formalism and failure to consider the social world in which individual morality takes place. She presented Kant's theory as combining individual moral decision making with membership by the individual in an ideal community, deciding on the moral law with others. In her final presentation, she responded to Michael Thompson's contemporary version of Hegelian criticisms. She argued that Kant's system takes seriously that we owe certain acts to others and that if we fail to act as we should we can not only do wrong but can also wrong others.

Paul Schofield, a PhD candidate in the Department of Philosophy, worked on developing a theory of group action and applying it to political bodies understood as collective agents. He first introduced us to collective action theory, and tried to show how it is possible to explain that "we" do something without positing any metaphysical entities besides individual persons. He then presented his own views on conditions that have to be met in order that a set of individuals does something as a group agent, with each individual acting because "we" are doing something. Professor Douglas Lavin, an expert on action theory, offered his comments at this session. Applying his theory to political philosophy, Paul argued that the State is best thought of as a group agent and thinking of it in this way helps us to account for when a state is legitimate and what the practical reason of such a state agent should be.

The 2010-11 Graduate Fellows, whose seminar will be run by Professor Eric Beerbohm of the Government Department, represent a wide variety of disciplines. A student of international relations will work on the international "duty to protect" civilians; of two philosophers, one will work on rights theory and another on social institutions in Rawlsian theory; of two from the Government Department, one will work on the Supreme Court's protection of civic associational activity and another (also getting a JD) on democracy and the economy; and a candidate in Health Policy will investigate court ordered mental health treatment.

2009-2010 Edmond J. Safra Graduate Fellows and Acting Director Frances Kamm

Professor Eric Beerbohm, *Director*

2010-2011

Now in its twenty-second year, the Edmond J. Safra Graduate Fellowships in Ethics continue to be an experiment in academic matchmaking. What happens when you bring together the best Harvard graduate students who are worrying about the ethical dimensions of a problem in their respective fields? How will they interact when lured out of their disciplinary homes and given a place in the Center and its community of scholars? The upshot isn't entirely surprising: intricate, urgent, and often unsettling discussions and research among a range of normative topics. This year's Graduate Fellows spanned across international relations, health policy, philosophy, government, and law. These six fellows—four of whom moonlight as legal scholars—brought to the seminar disciplinary-crossing interests in ethics that produced an unusually productive mix of shared interests and deep disagreement.

…urgent and often unsettling discussions and research…

The 2010-2011 fellows' work was unified by its attention to the diversity of ways moral life can go wrong. This year's seminar focused on work in moral and political theory under chronically imperfect conditions. Each week we tried to take seriously the presence of "nonideal" facts about the world: malfunctioning institutions, unjust laws, rogue states. We then imagined how some of the most basic methodological assumptions shift when we depart from ideal theory. If normative work is to be of any use, after all, it had better attend to what we owe to each other when others are failing to comply or are pursuing agendas that are corrupt or manifestly unjust. Our colleagues in the Lab seminar of course have much to say about this.

Three of the fellows focused on the non-compliance of agents. **Maria Banda**, who works in International Relations and Law, examined the role played by norms—and norm-violations—in the informal patchwork of international laws. She traces how "soft" laws on intervention can harden, gaining formal recognition. The NATO intervention in Libya in the spring only complicated Maria's efforts to explain the efficacy of norms. **Nico Cornell**, a PhD candidate in Philosophy, also focused on rights violations. He is concerned with distinguishing violating a person's rights from wronging them. On his view, keeping these two ideas pried apart gives us the resources to speak to first-order topics including family and tort law. **Prithvi Datta**, a PhD candidate in Government, focused on violations of free speech in associative life. He is exercised by the law's asymmetries in its treatment of civic associations and corporations. He applies his robust conception of associations to traditional civic organizations, corporations, and street gangs.

Our next three fellows directed their attention at the legitimacy of laws—whether it be the legal system writ large or a particular law within it. **Micha Glaeser**, a PhD candidate in Philosophy, inspected the distinction between the legitimacy and justice of a political institution. This focus derives from his resistance to recent philosophical attempts to conflate the personal and political. **Candice Player**, a PhD in Health Policy, inspected the ethical credential of a particular law. After many visits to courtrooms across the boroughs of New York, she found that the rationale for Ken-

2010-2011 Edmond J. Safra Graduate Fellows and Director Eric Beerbohm; Sabeel Rahman; Micha Glaeser

dra's Law on outpatient treatment was not always consistent with its role in legal practice. Lastly, **Sabeel Rahman**, a PhD candidate in Government, considered the tension between democratic values and the practices of regulatory bodies. His attention to the legitimacy of financial reform was well-timed around the recently passed Dodd-Frank Wall Street and Consumer Protection Act.

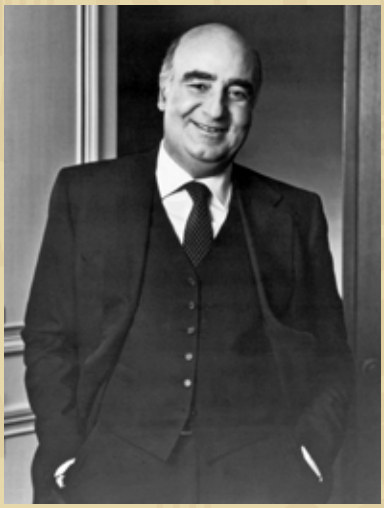
Our fall seminar was marked by a mid-semester visit by **Mrs. Lily Safra**, chair of the Edmond J. Safra Philanthropic Foundation and several distinguished members of the Foundations' committee. Prithvi, one of our theorist-lawyers, offered an argument against the Court's reasoning in Citizens United. We discussed several chapters from Debra Satz's book, *Why Some Things Should Not be for Sale*. Though few of our guests found themselves fully convinced by the argument, all of us appreciated the difficulty of offering working parameters that limit markets in life, limb, and babies. There was considerable disagreement about which, if any, of the book's premises went awry. At a dinner that followed, Marvin Hamlisch improvised a song riffing on the seminar's discussion of "noxious markets." It was a memorable attempt to integrate theory and show tunes.

In the spring we ventured into areas of inquiry exercising members of the seminar. By then, the overlapping philosophical interests of the fellows were transparent. Presenters were able to anticipate objections with ease. Fellows were frequently able to complete—or in some cases preempt against—the arguments of their interlocutors. Our spring curriculum took advantage of this well-honed familiarity, and paired up the fellows working on cross-cutting themes. We devoted weeks to the Authority of Democracy, Legal Compulsion, and the Ethos of Justice. The seminar was punctuated by visits from Rachel Brewster (Law School), Christine Korsgaard (Philosophy), Doug Lavin (Philosophy), and James Kloppenberg (History), each of whom helped save us from thinking too much as a group agent.

Next year the Center will host a larger cohort of eight students who hail from history, law, philosophy, health policy, and government. The incoming class of 2011-2012 is remarkably promising in its research interests and analytic firepower. Their research covers a broad stretch of ethical ground, and includes topics such as the ethics of philanthropic-giving, nation-building, risk-imposing, and health resource-allocation. We are fortunate that **Frances Kamm**, Littauer Professor of Philosophy and Public Policy (Harvard Kennedy School) and Professor of Philosophy (FAS), will join the seminar as Senior Scholar in Ethics. Our incoming fellows will be involved in a Center conference on Professor Kamm's new book, *Ethics for Enemies*, to be held in the spring. A listing of the 2011-2012 Edmond J. Safra Graduate Fellows in Ethics can be found in Appendix IV.

Mrs. Lily Safra

Chair, Edmond J. Safra Philanthropic Foundation



Mrs. Safra's late husband, Edmond J. Safra

The connection between the Edmond J. Safra Philanthropic Foundation and the Center for Ethics has deep roots. Early gifts from the Foundation helped establish the Edmond J. Safra Graduate Fellowships in Ethics and the Edmond J. Safra Faculty Fellowship in Ethics. In June 2004, a gift of $10 million, initiated by Mrs. Lily Safra—chair of the Foundation and widow of Edmond J. Safra—provided support for the Center's core activities, including faculty and graduate student fellowships, faculty and curricular development, and interfaculty collaboration. In recognition of the gift, the Center was renamed the Edmond J. Safra Foundation Center for Ethics.

> "Mrs. Safra has been indispensable in bringing the Center to this new milestone in its history."

In 2010, following the appointment of Center director Lawrence Lessig, Mrs. Safra once again acknowledged the importance of the Center's mission with an extraordinary gift of $12.3 million. Given in memory of her husband, Edmond, the gift will support the activities of the Edmond J. Safra Center for Ethics, permanently endow the graduate fellowship program, and fund the recently launched Research Lab. With this gift, Mrs. Safra not only seized the opportunity to build upon Dennis Thompson's legacy, but recognized the significance of the role that new research plays in the Center's development. The gift ensures that the Center's work will become even more relevant in the future. To further commemorate Mr. Safra, the Center's name again changed, dropping the word 'Foundation' and thus becoming the Edmond J. Safra Center for Ethics.

Mrs. Lily Safra, a member of the Center's Advisory Council, has been a constant friend of the Center, as well as its principal benefactor. She is known for her philanthropy, patronage of the arts, and longtime support for educational, scientific, medical, and humanitarian organizations around the world. From the beginning, she recognized the importance of the Center's mission at Harvard and beyond, and encouraged its activities both financially and with her presence. She has been indispensable in bringing the Center to this new milestone in its history.

Mrs. Safra's late husband, Edmond J. Safra, for whom the Foundation is named, was a prominent international banker and a dedicated philanthropist who supported a number of universities and charitable institutions in the United States and around the world.

APPENDICES I-V

2009-2011

APPENDIX I REPORTS OF THE FELLOWS

Reports of the Edmond J. Safra Graduate Fellows in Ethics 2009-10

Joshua Cherniss, Ryan Doerfler, Marie Gryphon, Sean Ingham, Nataliya Palatnik, Paul Schofield

Joshua Cherniss

My work during the fellowship year has been devoted to two projects: work on beginning my dissertation (the stated purpose of my fellowship); and work on a conference here at Harvard (sponsored by the Center along with the Departments of Government and Philosophy and the Program in Jewish Studies) to mark the centenary of Isaiah Berlin's birth. The conference itself, held at the end of September, was sufficiently successful to lead the organizers to think that at least some portions of the proceedings should be presented to a broader audience. Over the intervening months, I have arranged for several of the conference papers to be published in a special issue of the *European Journal of Political Theory*. I have also written an article-length introduction to the issue, which discusses the other pieces and presents (part of) an original interpretation of Berlin. This piece has also served as an opportunity to present some preliminary reflections on themes central to the dissertation project. The issue should come out in the autumn.

Most of my work during the first semester of my fellowship focused on articulating more clearly the questions with which my dissertation is concerned, my approach in treating these questions, and the structure and scope of the dissertation. This has produced a draft introduction, which I presented to colleagues both in the graduate fellow seminar at the Center, and in the Government Department's Political Theory Workshop. I have also written a draft of the first chapter of the dissertation on French Revolutionary Jacobinism.

In the second half of the year I jumped ahead to the last chapter of the dissertation, concerning the views on political ethics advanced by intellectuals involved in opposition movements under Communism in Eastern Europe, both before and after Communism's collapse. My research and writing has focused on the ideas of the Polish dissident-scholar-journalist Adam Michnik; over the summer I hope to complete my discussion of Michnik (which I will be presenting at a conference in early June), and extend my analysis to several other dissident figures from other countries in East-Central Europe.

The central focus of the Center's activities this year has, of course, been on the problem of institutional corruption; and this could not but affect my own thinking. I have had little to contribute to these discussions, since my own work has not led me to look particularly closely at corruption from an *institutional* perspective. Nevertheless, the idea of corruption has proven a resonant and suggestive one in thinking about my own work—all the more so because, in that context, the concept is ambiguous and double-edged. On the one hand, Jacobinism and its successor movements present a case of the dangers that obsession with "corruption" can pose for politics. This has led me to become particularly interested in thinking about the role played by concepts of "corruption" and "purity" in the debates I am studying. On the other hand, I have become interested in thinking about the journey of Jacobinism and later political movements from humanitarian idealism to harsh political repression in terms of a sort of corruption—a corruption, not of institutions, but of the agents acting in those institutions, and of the ideas and programs guiding those agents.

This is a theme that I am interested in trying to develop as I proceed with my work—both as part of the larger dissertation, and through one or two side articles, about which I have recently begun to think: one on the idea of corruption in Montesquieu's discussion of different sorts of government; and another on the application of the framework of Augustine's account of the perversion of love of God into self-love to the analysis of the perversion of political idealism presented by critics of totalitarian movements in the twentieth century. I regret that this work will not be conducted under the auspices of the Center;

but it will certainly bear the mark, however faint and imperfect, of the Center's influence.

The other, more crucial way in which being at the Center has advanced my work has been through the friendly interest and encouragement, and searching comments, provided by my colleagues—the best fellow fellows a fellow could hope to have. Seminars with Frances, Ryan, Marie, Sean, Natalia and Paul have done much to clarify, and increase the rigor of, my thinking (even if it remains less clear and rigorous than I would like), as have more informal discussions with Faculty Fellows and visitors. And Erica, Jennifer and Stephanie have made the Center an ideal place to work, with their unfailing and unparalleled mix of efficiency, concern, quiet competence, and never-failing friendliness; I will particularly miss them when I leave the Center after this year. I remain very grateful to the Center for its support, and to the decent, kind and bright people who make it a wonderful place in which to pursue our individual and common projects.

Ryan Doerfler

My year at the Center proved to be quite valuable for reasons that were both foreseeable and unforeseeable at the time at which I applied for the fellowship.

In terms of foreseeable reasons, the fellowship provided me with both time and resources that allowed me to make significant advances in my philosophical research. During the year, I was able to complete and refine a draft of the third and final chapter of my dissertation (that particular essay calls into question the degree to which observations concerning the way that we talk about evaluative subject matter can shed light on the nature of that subject matter), as well as to draft a new essay exploring the nature of the wrong involved in the levying of hypocritical criticisms.

These advances in my philosophical research were greatly assisted by comments from and conversations with my graduate fellow cohort. In addition, Acting Director Frances Kamm provided tremendous assistance not only in the form of her characteristically intelligent, probing questions and criticisms, but also in the form of her commitment to orchestrating the program in a way that maximized research advancement. Professor Kamm exhibited a deep concern for the progress and, in turn, the welfare of the Graduate Fellows, and through a careful mix of sympathy and sternness, pushed us to make as much of our year as possible. Her efforts were very much appreciated.

In terms of unforeseeable reasons, that my fellowship year fell on the same year as the inception of Center Director Lawrence Lessig's project on institutional corruption proved unbelievably fortuitous. Though not always under that name, institutional corruption has long been an interest and concern of mine. I was excited to have the opportunity to explore the topic in greater detail over the course of the year, first through the Center's lecture series and later through Professor Lessig's seminar on the topic at the Law School.

As things turned out, this opportunity to think seriously about institutional corruption was, perhaps, the most valuable aspect of my stay at the Center. Having been inspired by the work of Professor Lessig as well as the work of other participants in the Center's lecture series (especially Robert Reich), my year at the Center concluded with my decision to pursue institutional corruption and other, related topics as an academic research agenda. And it is with this new research agenda in mind that I will begin work next year at Harvard Law School towards a joint JD/PhD.

Marie Gryphon

My year as a Graduate Fellow was an exceptional experience for many reasons. Foremost among them, though, must be the uncommonly talented and thoughtful colleagues with whom I was privileged to spend my time. Our fellowship group included students with backgrounds in history, mathematics, political science, economics, law,

philosophy, and political theory—a mixture that enabled the fellows to bring a wide variety of disciplinary perspectives to bear on ethical questions during our time together at the Center, as well as to provide constructive interdisciplinary guidance to each of us as we presented our projects. Our Director, Frances Kamm, kept us focused while encouraging us to think clearly and deeply on questions of morality both within and beyond our academic projects. I will always be grateful to her and to my colleagues for their collegial guidance and generosity of spirit.

It was also wonderful to have the opportunity to glean wisdom from the many talented and professionally generous Faculty Fellows working at the Center this year. Their projects, ranging from philosophical critiques of political obligation to interdisciplinary analyses of real-world ethical decision-making in professional contexts, broadened my understanding of my own subjects. Special thanks are also owed to Erica Jaffe and the whole staff of the Center, whose professional excellence and dedication to the Center's mission are critical to its success.

During my time at the Center, I was able to draft and present two new papers, "A Reply to Klosko Regarding Political Obligation" and "Reflections on Asymmetric Exit and the Just Distribution of Burdens." The valuable feedback I received on both papers will make them far better than they would have been without the guidance provided by my Center colleagues and mentors.

The Center's lecture series was an invaluable opportunity to gain an understanding of the problem of institutional corruption in a variety of contexts, including politics, medicine, and banking. In addition to being informative, the lectures served as a focal point for ongoing, productive follow-up discussions between Center fellows and affiliates about the nature of corruption and about the most appropriate cultural and public policy responses to it. As the year closes, I find myself more grateful than ever to have become a part of the extended family of Center alumni, and I hope and intend to remain close to the Center in years to come.

Ryan Doerfler and Sean Ingham

Sean Ingham

The Center provided me with a wonderful intellectual environment in which to work on my dissertation. I'm happy to report that I made some progress.

During the fall semester, I worked on a chapter of my dissertation that critically examines Rawls' political liberalism and his theory of public reasoning. Like many liberals, Rawls believes that political philosophy should be, in a special, technical sense, neutral among different conceptions of the good life, and, more generally, neutral among different moral, religious, and philosophical doctrines. More precisely, Rawls believes that justifications of the use of political power should not invoke moral, religious, or philosophical claims about which "reasonable" citizens may disagree. But for quite basic and fundamental reasons, which my paper identifies, justifications of political power cannot, in an important and large class of cases, avoid implicitly pronouncing on the truth of some of the "reasonable" moral, religious, or philosophical doctrines toward which Rawls and other liberals purport to remain neutral. The paper is currently under review for publication.

During the second semester, I began work on a new chapter looking at different criteria by which we might evaluate market allocations of productive assets and democratic institutions for constraining, influencing, or more directly controlling those allocations. The typical approach to this question within economics is to evaluate such institutions as instruments of "efficient" allocations of productive assets. The chapter that I began and have almost completed this semester explains the shortcomings and limitations of this approach. It then examines Rawls' theory of justice, according to which such institutions should be evaluated in terms of their impact on the prospects of the least advantaged segments of society. I argue that Rawls' particular way of measuring "prospects"—in terms of "primary social goods," such as income and wealth, which all reasonable citizens can recognize as valuable irrespective of their conception of the good life—severely limits the usefulness of this approach. It is, moreover, precisely on account of the constraints of "liberal neutrality," which I critically examine in the chapter described above, that Rawls' approach comes up short.

The graduate fellow seminar has been a useful forum in which to test these arguments. Frances Kamm departed from what I understand was past practice by having every session focus on the work of one graduate fellow or on readings directly relevant to a fellow's research. This way of conducting the seminar allowed each fellow to have two sessions per semester devoted to his or her own work. The feedback I received over the course of these four sessions on my work proved very useful, as one would expect with such a sharp and committed group.

The lecture series and faculty workshops also made valuable contributions to intellectual life at the Center. Although everyone recognizes in theory the potential rewards of interdisciplinary exchanges, they often seem difficult to realize in practice. The Center does a good job of realizing these potential rewards, and the opportunity to be part of such an intellectually diverse group of scholars is one of the special benefits of being a fellow.

Many thanks to everyone at the Center for making these opportunities possible!

Nataliya Palatnik

My year at the Center for Ethics has been very stimulating and provided a unique opportunity not only to make significant progress on my dissertation, but also to engage with ethical issues that cross a number of academic fields, from philosophy, to history, to political theory, public policy, medicine and law. The series of public lectures, workshops and discussions on institutional corruption have been especially eye-opening and challenged me to think about the ways philosophy can contribute to solutions to this crucial issue.

I would especially like to thank Frances Kamm and the talented group of Graduate Fellows in the weekly seminar for making this year such a rewarding and inspiring experience. The seminars have offered a friendly and open intellectual environment for stimulating and rigorous discussions. I received valuable feedback on my work and came to understand better how the fundamental questions in moral and political philosophy that interest me connect with important problems addressed in the work of my graduate fellow colleagues. I have been continuously impressed with how well we were able to engage with each other's concerns and interests and with the depth and rigor of the graduate seminar discussion. I am very grateful to Frances Kamm, who led the graduate fellow seminar, for her incisive comments, thoughtful advice, sincere interest in graduate fellows' work, as well as her open-mindedness and humor—all of which made these seminars a great place to discuss and develop new ideas and to re-think old ones.

This year I have been able to make significant progress on my project by completing two papers that will also serve as dissertation chapters and by giving my dissertation a sharper overall focus by re-thinking its structure. In the fall, I presented my work on the foundations of ethics and practical philosophy, focusing on Kant's theory of ethical community and of moral action. The comments

and questions raised in the discussion have led me to explore new ways in which a Kantian ethical theory is able to address some important Hegelian and communitarian criticisms. In the spring, I presented my new work on the role of intersubjectivity in Kant's practical thought in which I attempt to shed a new light on Kant's moral philosophy as a holistic account of moral agency and autonomy that recognizes the fundamental importance of social and historical aspects of our practical life. In my second spring presentation I discussed my most recent paper on a Kantian account of the moral relation of right.

Being a Graduate Fellow at the Center this year has been one of the most wonderful educational and intellectual experiences of my graduate career, and I am extremely grateful to everyone at the Center for being given this opportunity.

Paul Schofield

The top priority of a Graduate Fellow is, our advisor Frances Kamm reminded us frequently, to make progress on the dissertation. The Center provides ample opportunity for extra-dissertational intellectual stimulation—I attended various seminars on corruption, I got to meet Eliot Spitzer, and so on. But I take it that the true measure of success for the year is how far one moves his dissertation along by using the time and resources the Center provides. By this measure, my year was a significant success; I will remember this as the year my dissertation really began to take form, transitioning from a stage in which I had a few outlines and drafts of arguments, to a fuller position that I have argued for. I see the light at the end of the very long tunnel that is graduate school, and the Center had much to do with this.

My project develops an account of group agency, argues that political states are group agents, and attempts to derive substantive political conclusions using the idea of group agency. At the beginning of the year, I had written a draft of part of the argument, had loosely outlined another part, and had vaguely imagined what another part would look like. Now, at the end of the year, I have approximately 150 pages written, several of which I think will appear in my final dissertation. In the graduate fellow seminar, each of us was allowed to present several times, and I used three of my sessions to present the most recent draft of a piece of my dissertation—whether that be a rewrite of a previous draft or something brand new. Anyone who engages in the writing process knows that outside feedback helps improve the product quickly. Also, anyone who writes in a field called "Group Action Theory" knows that it helps to have a captive audience, forced to read what you have to say. I was lucky in the captive audience I happened to draw. The group of graduate fellows, along with our leader Frances Kamm, was helpful and constructive. As a result of each session, I made substantial alterations to my chapters, improving them well beyond what I could have done on my own. I also simply enjoyed the sessions. Independent of utilitarian considerations, the conversations we had were good ones, and it was a great group with whom to trade and share work.

I think the Center is a valuable resource at Harvard, and I am glad I was able to be a part of it this year. As I look around at my graduate student colleagues and the Faculty Fellows, I see a lot of valuable projects and interesting research that could not have been pursued but for the support provided by the Center. I would like to thank Jennifer, Stephanie, and Erica for all of their administrative help, as well as their patience. And finally, I would like to thank Larry Lessig, who I think did a nice job balancing various interests and agendas during what was, I take it, a year of transition for the Center.

Reports of the Edmond J. Safra Faculty Fellows in Ethics 2009-10

Eric Beerbohm, Moshe Cohen-Eliya, Nir Eyal, Jonathan Marks, Tommie Shelby (Senior Scholar), Daniel Viehoff

Eric Beerbohm, Faculty Fellow in Ethics

I am grateful for a wonderful year at the Edmond J. Safra Center for Ethics. It was a warm and intellectually exciting environment. I couldn't imagine a more ideal home for a first sabbatical. The confluence of fellows thinking about democratic theory at every level and a themed program had a considerable impact on the direction of my work. In the interest of disclosure, I should note that my debt to the Center has long been accumulating. I wrote my undergraduate thesis in Stanford University's Ethics in Society Program, one of the programs modeled after the founding vision of Dennis Thompson and Arthur Applbaum. After graduation I went on to spend a year at Duke University's Kenan Ethics Program, another "seeded" program. And time spent at the University Center for Human Values at Princeton University brought into focus the central problems of my dissertation. All of these programs have taken inspiration from the Center's interdisciplinary approach to ethics.

So it should have come as no surprise that a year here would disrupt my research plans—in the most welcome way. In the fall I submitted my first book manuscript, *In Our Name: The Ethics of Representative Democracy* (forthcoming from Princeton University Press). My manuscript benefited from vigorous objections—some dangerously close to knock-down!—from my fellow democratic theorist, Daniel Viehoff. My sabbatical year centered around two new projects. I first began to explore what I call the investigative priority of injustice. What makes a basic structure unjust? Is an ideal theory of distributive justice sufficiently action-guiding under actual conditions? Presenting papers at several conferences, the Humanities Center, and the faculty fellow seminar helped me see just how many overlapping problems are implicated in working out the moral property of injustice.

The second project was unexpected. The Center's theming encouraged reflection on the morality of democratic lawmaking. After investing so much thought into the moral requirements that attend to citizenship as an office, I began to investigate a parallel program for democratic lawmakers. When is legislative compromise morally justifiable? What are the bounds of civility? Can the demands of morality and legislative politics make any kind of peace? I owe my broader philosophical interests—in democratic theory, approaches to justice and the morality of public policy—to ethics programs inspired by the Center. So, too, the second project was a natural result of taking up some remainder questions from my first book manuscript and bringing them to bear upon the problems of legislative morality that exercise scholars of congressional ethics.

Exposure to the work of the Faculty Fellows nudged my interests in fruitful directions. Tommie Shelby's work on structural injustice modeled an approach to nonideal theory. Nir Eyal's unwavering consequentialist bent forced me to reflect more carefully on how contractualists can treat aggregation and risk imposition. Moshe Cohen-Eliya's work on lobbying helped me question an approach to lawmaking that reduces legislatures to a single, common good aim. And Jonathan Marks' search for a "unified theory" of professional ethics made me cast about for an analogue in legislative bodies. I also benefited from working lunches with several Graduate Fellows.

I'm fortunate to stay connected to the Center after this sabbatical year. Beginning in the fall of 2010, I will take up directorship of the Graduate Fellowship Program. For the graduate fellow seminar, I'm designing a curriculum themed around ideal and nonideal theory—an often-made distinction that hasn't received the philosophical treatment it deserves. Special philosophical difficulties arise when theorists attempt to speak to corrupted or unjust social and political conditions. How should moral principles bear upon institutions marked by noncompliance? Our 2010-11 Graduate Fellows hail from health policy, international relations,

2009-2010 Edmond J. Safra Faculty Fellows, Senior Scholar, and Director

government, philosophy, and law. Their interests span from financial regulation to family law, from the individual virtue of justice to its institutional and global counterpart.

The Center is blessed with an extraordinary team. I want to thank Stephanie Dant, Jennifer Jeffery, and Erica Jaffe for their support as they charted the future—including the future location—of the Center. Larry Lessig led the faculty fellow seminar with an authentic respect and co-equal concern for philosophical and legal modes of reasoning. His example encouraged me to anchor my interests in practical—and hopefully practicable—problems of our moral life.

Moshe Cohen-Eliya, Faculty Fellow in Ethics
As an Israeli constitutional law scholar, this year has been much more than a period of time to devote to research. It transformed me and shaped the way I understand the roles of law, morality, and academic research. I am most grateful to the generosity of the Center and have benefitted greatly from the exciting intellectual environment that Harvard offers. I also want to thank the wonderful administrative staff of the Center: Stephanie, Jennifer, and Erica are fantastic. I have never encountered an administrative staff that is both so professional as well as kind!

The new focus of the Center on institutional corruption is exciting and of much interest to me, as prior to my arrival at Harvard, I conducted research on the morality of lobbying. The public lectures, which were followed by morning workshops, provided me with an excellent opportunity to learn more about the context in which the lobbying phenomenon should be assessed. At the Center, I finished a draft article titled "Lobbying and the Democratic Process," which focuses on an often overlooked fact that the lion's share of lobbying occurs in narrowly defined niches with no involvement of the public and almost without rivalry. It is in exactly those niches that rent-seeking lobbying succeeds. In the article (co-authored with Yoav Hammer), we proposed to expand the scope of the transparency requirements set in the Lobbying Disclosure Act 1995 and to require lobbyists to concurrently publish online all written material that is transmitted to politicians as well as list all areas of lobbying activity. This requirement should reduce the monitoring costs of rival interest groups and will likely increase competitive lobbying, which we argue, would better fit into the pluralist vision of democracy. I have benefitted greatly from discussions in the faculty fellow seminar on this paper, and learned much from Larry's opening lecture, his three sessions at the faculty fellow seminar on institutional corruption, and from Robert Reich's lecture and morning workshop. I especially liked the combination of the more "down to earth" public lectures with philosophical discussions and fantastic comments I received during the faculty fellow seminar. It is this combination that makes my stay at the Center such a unique experience.

My prime area of research is the emerging concept of global constitutionalism. I am presently co-authoring a book with Iddo Porat on Proportionality in Global Constitutionalism (a tentative title), in which we attempt to explain and evaluate the dramatic global spread of the proportionality doctrine. At a faculty fellow seminar, I presented one chapter of the book: "Proportionality and the Culture of Justification." In this chapter we review

Moshe Cohen-Eliya and Faculty Associate Mathias Risse

and criticize several functional explanations that have been used to account for the spread of proportionality and suggest a new explanation that ties the spread of proportionality to deep processes within global constitutional law. Proportionality, we believe, represents a profound shift in constitutional law across the globe, which we characterize as a shift from a culture of authority to a culture of justification. We also suggest two preliminary historical explanations for the rise of the culture of justification. One is its connection to the rise of the human rights ideology that developed after WWII and provided a response to the threats of nationalism and populism. The other is its roots in the optimistic belief in rationality and reason that can be traced to the nineteenth-century German legal science movement.

We have already published two articles which will constitute two chapters in the book: the first, "American Balancing and German Proportionality: The Historical Origins" (I-Con: *International Journal of Constitutional Law*); the second, "The Hidden Foreign Law Debate in Heller: Proportionality Approach in American Constitutional Law" (*San Diego Law Review*). We intend to dedicate the remaining three months of the summer to writing the normative chapter of the book that will support a more instrumental conception of judicial balancing (balancing as smoking out illicit motives), and will reject the European intrinsic conception of balancing. Earlier this year, Iddo and I also organized a meeting at Yale Law School for the purpose of assembling a group of constitutional scholars for a conference on this topic, which is also expected to produce a book.

In another article I am writing, "The Perfectionist Constitution: The Transition of Israeli Constitutionalism from America to Germany," I situate Israeli constitutionalism between two comparative models: the rising influence of German constitutionalism and the declining impact of American constitutionalism. In it, I argue that while judicially enforced constitutional transformation in post-WWII Germany was widely supported by the relatively homogenous—yet traumatized—German populace, Israel is a heterogeneous, deeply-divided society, with flexible constitutional arrangements. Thus, the transformative ambition of the Barak Court is not likely to succeed and faces strong opposition and political backlash.

I also edited the fourth volume of the journal *Law and Ethics of Human Rights* (Berkeley Electronic Press), which has just been launched, on the subject of "Rights, Balancing and Proportionality". I will present an article on "Probability Thresholds as Deontological Constraints in Global Constitutionalism" at the annual conference of the Association of Law and Society in Chicago. I have presented an article at New York University titled, "The Controversy over the Core Curriculum in the Ultra Orthodox Schools in Israel"; participated in a panel on "Human Rights in Israel" at Washington College of Law; and organized and participated in an international workshop titled "Private Power and Human Rights" in Tel Aviv, which focused on the threats to rights emanating from private power.

Recently I have accepted an offer to be the next dean of my law school. There has been so much that I have gained from this transformative year. Yet, there is one remaining issue that I still intend to pursue: to establish the first center for ethics in Israel, something that is clearly lacking and sorely needed at a private university that offers academic degrees in the professions. I am most thankful for the Center, Mrs. Lily Safra, and especially, Larry, for providing me with such a

wonderful environment that allowed me to gain the skills as well as to learn how to pursue this goal in Israel.

Nir Eyal, Faculty Fellow in Ethics

This was a very productive year, and, coming from the Longwood side of campus, a refreshing revisit of my earlier backgrounds in the humanities and the social sciences. The friendly atmosphere, instilled by Larry Lessig, the Center's administrative staff, and the fellows, provided for a perfect work environment.

My initial plan was to write up a book, but Arthur Applbaum, representing the Center's Faculty Committee, as well as several paper deadlines, convinced me to focus on more bioethics-y articles. As it turned out, that worked, and I am grateful to the Committee for the suggestion.

The Center's new emphasis on institutional corruption panned out surprisingly well for someone with a philosophical background. What I learned in lectures and seminars will inform my work in years to come. A paper on what I call global health impact labels benefited tremendously from my new sensibility to this issue, and I am already at work on other projects surrounding institutional corruption.

I would like to thank Larry for having allowed the fellows to keep an open topic seminar, and for the relaxed and pleasant atmosphere that he gave our sessions. Conversation in that seminar often continued over coffee and lunches, and hopefully we will sustain them in coming years. For example, I hope to continue talking to Moshe Cohen-Eliya about discrimination, when I return to work on this topic, in which we are both interested.

My own seminar sessions informed the three papers I delivered quite pervasively. One paper now incorporates several added pages of a far more sophisticated solution to a problem of which I had been aware, but that I had overlooked, until persistent comments from Larry and Jonathan Marks finally made me relent. Larry and Jonathan helped me hone the solution in the following weeks. It was also admirable that staunch anti-consequentialists Eric Beerbohm and Tommie Shelby did their best to help me bolster a very consequentialist paper on Bernard Williams' case of Jim and the Indians. And I am especially grateful to Graduate Fellows Paul Schofield and Sean Ingham, who made a special appearance at one of my sessions, offering comments that rivaled in their depths the ones that experienced Faculty Fellows gave.

No less than the formal seminars, informal conversations on my rough drafts and nascent ideas were tremendously invigorating. Here I must give the highest credit to my colleague Daniel Viehoff, for—oh, I don't know how many—conversations, including last minute help, even on weekends. Daniel's thoughts were invariably deep, rigorous, and constructive. I very much envy Daniel's future colleagues in Sheffield. He is an excellent philosopher.

The Center's administrative staff: Stephanie Dant, Jennifer Jeffery, and Erica Jaffe, deserve every possible kudo. They faced the combined challenges of the recent retirement of Jean McVeigh, the soul of the Center, and the radical change of guard and agenda at the helm. They addressed those challenges with almost heroic success. I cannot recall a single failure, one glitch on their parts, throughout this testing year. Everything ran as smoothly and pleasantly and as it could. This is an incredible achievement, which the University should find a way to recognize.

Here is a small sampling of the papers that I completed or came very near to completing during this academic year: "Global health impact labels" (forthcoming in *Global Justice in Bioethics* from Oxford University Press); "Rescuing Cohen and equality"; "Jim! Shoot the Indian!"; and "Equality and Egalitariansim" (with Kasper Lippert-Rasmussen as first author, forthcoming in the *Encyclodedia of Applied Ethics*, 2nd ed.).

I also participated at a World Health Organization consultation on the ethics of research on electronic data and gave seminars on bioethics and political philosophy in Israel, Sweden, and Switzerland, as

well as at the Program in Ethics and Health and Harvard Medical School. In addition, I reviewed papers for *Ethics* and for other journals, and a grant application for Britain's Wellcome Trust.

One accomplishment, materializing as I write this, gives me great joy. In collaboration with my colleagues Dan Wikler and Samia Hurst and generous funding from the Fondation Brocher, I co-organized a July 2010 conference in Hermance, Switzerland, on health inequalities, the first in a series on global population-level bioethics. The speakers include Sir Tony Atkinson (plenary), Julian LeGrand, Angus Deaton, Dan Brock, Norm Daniels, Larry Temkin, Dan Hausman, Kasper Lippert Rasmussen, Wlodek Rabinowicz, David Evans and many others. We've read more than 2000 pages of applications for 25 funded non-speaking participant spots, and are currently skimming them for young academics of the highest quality—the future of our field.

Jonathan Marks
Edmond J. Safra Faculty Fellow in Ethics

The focus of my fellowship was my book project tentatively entitled *Terrorism, Torture and the Professions*. This project builds on work I have published elsewhere—including the *Columbia Human Rights Law Review*, the *New England Journal of Medicine*, the *American Journal of Law and Medicine*, and the bioethics journal, the *Hastings Center Report*—addressing the law and ethics of health professionals' participation in interrogation in the "war on terror." Although I have written at length about this issue, I had postponed a particularly challenging part of my project—a detailed account of the relationship between professional ethical obligations and human rights that applies across multiple professions. While at the Center, I spent much of my time working on that part of the project, and I benefited immensely from the input of Center Director Larry Lessig, Senior Scholar Tommie Shelby, and my four other Faculty Fellows, Eric Beerbohm, Nir Eyal, Moshe Cohen-Eliya and Daniel Viehoff.

In February, I presented three sections of my book project to the faculty fellow seminar. The first section, which is principally descriptive, draws on work in cognitive psychology and behavioral economics to explain the impact of our emotional responses to terrorism and related cognitive biases on counterterrorism policies. The second, entitled "Toward a Unified Theory of Professional Ethics and Human Rights," provides an account of professional ethical obligations that is tied to international human rights law and practice. There is much scholarly literature on both professional ethics and human rights, but little that ties the two together. My work is intended to fill that gap by building on the empirical claim that a wide range of professionals, by virtue of their expertise, access and social status, have the power either to facilitate or prevent human rights abuses. I offer a theory of professional ethics and human rights that is intended to be broad enough to apply across different professions but nuanced enough to take into account the subtle and complex differences between professions. The third section offers practical proposals for preventing the complicity of professionals (especially health professionals) in human rights violations in the future. The feedback I received—particularly on the theoretical core—will be invaluable as I refine my ideas in the coming months.

I believe this project is not only challenging and important as an academic enterprise. It has serious real-world implications, and I intend for my work to speak to policy makers and professionals as well as fellow lawyers and ethicists. So, although a sage colleague counseled against too many professional engagements during my year's leave, I enthusiastically attended a workshop in New York on the ethical and policy challenges of health professionals' roles in detention environments. Following the workshop, I was invited by the organizers to join a task force on Preserving Medical Professionalism in National Security Detention Centers. The task force is being convened by the Open Society Institute and the Institute for Medicine as a Profession, and it includes leading experts in the

Jonathan Marks

military, medicine, law, ethics, human rights, and social sciences. Naturally, I accepted the invitation without hesitation.

I also spent some time this year working on a related project—the ethics of neuroscience and national security. Just a few weeks into my fellowship, I gave a plenary lecture on neuroscience and national security at an international neuroethics conference in Halifax, Nova Scotia. The lecture—which was intended to provide a critical foundation for a discussion of the ethics of national security neuroscience—became the text of a target article in the *American Journal of Bioethics: Neuroscience*. That article elicited more than a dozen responses—many of them somewhat overheated! But these responses served only to fuel my interest in neuroscience and neuroethics. As a result, I applied to attend an intensive neuroscience training program for lawyers, ethicists and other professionals being run by the University of Pennsylvania. I am happy to report that I was accepted into this program for summer 2010, and that my tuition is being supported by funds from the MacArthur Foundation.

The Center provided an ideal hub for my activities at Harvard this year. Its spokes reached many other centers across the University. I gave presentations of my work to the Science, Technology and Society Program and the Program on Ethics and Health. I also took advantage of the Center's university-wide reputation to make wonderful connections with faculty at the Kennedy School, the Law School, the Business School and the Faculty of Arts and Sciences. I am confident that my scholarship will be greatly enhanced by these connections.

There is a running joke at the Center that the only people who are asked to stay on are those who "didn't get it right"! So I feel it is my obligation to report that I will be spending a further year at the Center. Prompted by a fascinating and provocative lecture series on institutional corruption organized by Larry, I decided to throw my hat into the ring and apply for a residential fellowship at the Edmond J. Safra Lab. Happily for me, Larry and his committee liked my proposal. During the coming year, I will work on conflicts of interest in scientific research and professional practice—with a focus on food and nutrition research—and on the normative tools that might be used to address such conflicts. This will be part of a multi-year collaboration between the Rock Ethics Institute at my home institution, the Pennsylvania State University, and the Edmond J. Safra Center for Ethics. I am excited about joining Larry and his wonderful staff—in particular Stephanie Dant, Jennifer Jeffery and Erica Jaffe—for this next stage in the life of the Center. This year, the Center gave me dear friends, invaluable colleagues and much ethical insight. I look forward to more of each in the Lab.

Tommie Shelby, Senior Scholar in Ethics

My primary goal for my year at the Center for Ethics was to make substantial progress on my book manuscript, tentatively entitled "Justice and the Dark Ghetto: The Moral Limits of Liberal Pragmatism." To that end, I completed drafts of two chapters, both of which were discussed at length at the faculty fellow seminar meetings and greatly improved as a result.

Ghettos in the United States are predominantly black urban neighborhoods with a high concentration of poverty. Some social scientists and commentators have suggested that (1) the ghetto poor

identify with and are strongly attached to a set of self-defeating and otherwise problematic learned behaviors and attitudes (i.e. a culture of poverty) and (2) that public policy should aim to break this identification and attachment in order to better enable the black urban poor to flourish. One chapter of my book criticizes this approach, not by challenging its basic empirical claims, but by arguing that it fails to appreciate adequately that these behaviors and attitudes may reflect legitimate claims of justice. In particular, I focus on the value of self-respect, both as self-esteem and as equal moral self-worth. Once we recognize the value of self-respect, in this dual sense, for ghetto denizens, we will see the limitations of direct attacks on ghetto identities as a solution to the problem of ghetto poverty and we will look for ways to engage the ghetto poor as potential allies in the fight against injustice rather than seeing them solely as the passive beneficiaries of liberal reform efforts.

Other social scientists and policymakers have emphasized joblessness—in particular, the fact that many among the urban black poor choose not to work regularly—in explaining the persistence of ghettos. Thus, they recommend instituting strong measures to ensure that the ghetto poor work, including mandating work as a condition of receiving welfare benefits. In another chapter, I criticize this approach on the grounds that (1) the structure of the United States economy is deeply unfair, exploitative, and stigmatizing for the ghetto poor and (2) perceiving this, some among this disadvantaged group, in choosing not to work, are legitimately refusing to accommodate themselves to their low position in this stratified social order.

At our faculty fellow seminars, I received invaluable critical feedback on these two chapters. I also had follow-up individual discussions with several of the fellows. These informal exchanges—in the halls, over lunch, at receptions—proved to be most helpful, and pleasurable. And I equally enjoyed, and learned from, discussing the work of the other fellows, who are all gifted scholars doing exciting research on a broad range of topics. This feature of

Tommie Shelby, Faculty Associates Frank Michelman and Norm Daniels

the Center—bringing together scholars from different disciplines who are working on different though related topics to discuss questions of ethics with the expectation that they will learn from each other—is, I think, the key to the Center's success. I hope it continues.

In addition to drafting chapters of my book, I wrote an article comparing Martin Luther King's and Barack Obama's visions for race relations in America, which is due to appear in *Daedalus* in the fall. This essay, though not slated for the book, advanced my thinking about appropriate responses, from government and individual citizens, to the history of racial injustice in the United States, which is a core theme of my book project. I also substantially reworked a piece on Richard Wright and the ethics of the oppressed. The work I completed this year would not have been possible if not for the generous support and hospitable environment of the Center.

I feel particularly fortunate to have been a Senior Scholar in Ethics during Lawrence Lessig's inaugural year as the Center's Director. The invited lectures and morning workshops, along with Larry's own public lecture and seminar presentations, greatly enhanced my knowledge and thinking about institutional corruption and its many forms. And they strengthened my conviction that systematic moral reflection on this

seemingly intractable problem (along with suitable empirical research and strategic political thinking) can point the way toward practical solutions. I look forward to seeing the fruits of the new Research Lab and to participating in Center events for years to come.

Finally, I'd like to thank Stephanie Dant, Jennifer Jeffery, and Erica Jaffe for all the work they do to make the Center the special place that it is.

Daniel Viehoff, Faculty Fellow in Ethics

My year at the Center was extraordinarily rewarding. Larry and my fellow Fellows created the perfect environment for thinking and talking about ethics and political philosophy, and the many points where they intersect with law, medicine, and public policy.

The most significant place for discussion was the Fellows' seminar—closely followed by the regular pre-seminar lunches on Tuesday, and by the many hours spent continuing our seminar debates in the hallway afterwards. I had the pleasure to start off the year's seminar meetings in September with a discussion of several chapters of a book manuscript (provisionally entitled 'The Authority of Democracy') that grew out of my dissertation. The book considers whether democracy, on conceptual or practical grounds, aspires to authority, and whether it genuinely possesses it; and the interdisciplinary character of the faculty fellow seminar proved exceptionally helpful in clarifying and developing my ideas, many of which deal with issues at the intersection of philosophy, political theory, and law. I could, in fact, not have hoped for a more fitting audience than this, combining as it did (often in one person) philosophical acumen, legal knowledge, political concerns, and experience with a variety of contexts—like medicine and the army—where questions of authority take on particular urgency. Now, in the spring, while putting final touches on the manuscript, I am regularly impressed—and very much pleased—to see how much better it has become as a result of my fellow Fellows' gentle and not so gentle prodding and pushing on one point or another.

Daniel Viehoff

The help of my colleagues did not stop there. At the beginning of the year I presented a paper on the justification of authority at the American Political Science Association meeting in Toronto, that was subsequently much improved by Eric's careful comments over several lunches on Brattle Street. The final version of the paper has just been accepted for publication in *The Journal of Political Philosophy*. Nir patiently discussed a related piece—on what it means to say that a legitimate government 'serves' the governed, and why it matters—over many an excellent dinner at his apartment. Jonathan and Moshe got me thinking about the politics and political theory of health care, and about the legal authority of international law and institutions, respectively. Tommie spent many hours on the 2nd floor landing of the Taubman Building talking with me about the relationship each of us has to our fellow citizens and the state. And Larry made me see the significance for political theory of the very many different ways in which states—and other agents—can shape our options. These vignettes offer merely a glimpse of the exceptionally fruitful discussions I have had at the Center; it will, I am certain, take me several years before I have written up all the ideas and arguments inspired by conversations I have had in my time here.

One of the great advantages of spending a year at the Center for Ethics is the chance it provides to meet and talk to people who, in and around Boston, think about political philosophy and theory. I learned much from the presenters Larry invited to the Faculty Workshops, in particular Jenny Mansbridge and Corey Brettschneider; and from regular participants in the Center's events like Dennis Thompson, Mathias Risse, and Archon Fung. I also had the opportunity to attend (sadly—due to a busy schedule of conferences and talks that often forced me out of town during the spring term—much too irregularly) Tim Scanlon's seminar on practical reason. Last, but not least, I should mention the Graduate Fellows: Though we had only a few joint seminars, I was fortunate enough to meet with several of them for very fruitful discussions of their work and mine.

My year was, however, not solely dedicated to matters intellectual. I spent several months in the winter applying for academic positions, a period during which my fellow Fellows generously offered much moral support and practical counsel. I also owe thanks in this regard to Dennis Thompson, who provided valuable advice, and a helping hand, at a key stage in the process. As a result of all this, in the fall—or, as I should get used to saying again, 'the autumn'—I will be joining the Philosophy Department at the University of Sheffield as Lecturer in Political Philosophy. The most important event this year, however, was that in January Thania and I got married at Cambridge City Hall!

I will thus leave Cambridge with the fondest memories. My thanks are due to the Center staff—Stephanie, Jennifer, and Erica—whose warmth and helpfulness were matched only by their administrative efficiency; to Arthur, for selecting this exceptional group; and to Dennis, who inspired the entire endeavor. The greatest gratitude I owe, however, to my fellow Fellows and to Larry, who made this year what it was.

2009-10 Faculy Fellows Moshe Cohen-Eliya and Jonathan Marks

Reports of the Edmond J. Safra Graduate Fellows in Ethics 2010-11

Maria Banda, Nicolas Cornell, Prithviraj Datta, Micha Glaeser, Candice Player, Sabeel Rahman

Maria Banda

This past year as a Graduate Fellow at the Edmond J. Safra Center for Ethics was an extremely productive and enriching one.

My fellowship year coincided with the final year of my D.Phil. in International Relations (IR), which means that most of my written work was focused on submission. The graduate fellow seminar afforded a great opportunity to test out ideas about my integrated theoretical framework for my thesis, which drew liberally on different IR theories of normative change and inter-agent bargaining, as well as on international legal theory, to explain the evolution of R2P. I am grateful to Eric Beerbohm, our seminar leader, and my fellow Fellows—Candice, Micha, Nico, Prithvi, and Sabeel—for patiently, and even enthusiastically, engaging with my topic and for their insightful comments and feedback over the course of the year. My work greatly benefited from these exchanges.

By the same token, I feel fortunate to have had the chance to learn so much from my fellow Fellows, who brought to the table a variety of academic backgrounds and experiences, and whose work ranged from moral philosophy to public health to administrative law to the analysis of street gangs. I was amazed by their brilliance and insight.

The weekly graduate fellow seminar, of course, is much more than a forum for presenting our works-in-progress: it was the centerpiece of our academic program and a place to exchange ideas with, and learn from, an outstanding group of people, whom I feel fortunate to count as friends and colleagues. We were exposed to a range of conceptual and applied issues in the study of ethics through Eric's careful selection of readings. It is easy for a finishing doctoral student to get lost in the labyrinth of their own thoughts and ideas on their narrow research area. The seminar discussions provided a weekly exit by highlighting other theoretical perspectives and research angles. The Center's public lectures at the Law School, which exposed us to key issues in ethics, law, and philosophy, played a similar role.

The Center provided a wonderful work environment for the Graduate Fellows. I would like to thank the Center's terrific staff—Erica, Jennifer, and Stephanie—who, ever since welcoming us to the Center's new location in the fall, helped make the fellowship year such a great, and productive, experience. I am most grateful to Eric for his enthusiasm and support for our research. My thanks also go to Professor Lessig, the Center's Director, and to the Edmond J. Safra Philantropic Foundation, for its continued and generous support of the Center's programs and our individual projects.

Nicolas Cornell

My year as a Graduate Fellow at the Edmond J. Safra Center for Ethics has been an exceptionally productive time for me. The financial support has provided me the opportunity to focus my time on my own research and writing. The graduate fellow seminar has provided me with invaluable feedback on my work, a valuable impetus to produce work, exposure to a wide variety of ideas, and a set of supportive friends who will remain with me into the future. Finally, the lecture series has been an extremely positive stimulus for thought, and the discussions that it has prompted have been some of the best academic discussions that I have witnessed.

During my fellowship year, I have been able to draft five chapters of my dissertation, plus an introductory section. This boon of productivity included a rough draft of the dissertation's central chapter, attempting to offer an account of the concepts of rights and wrongings. It has also included two chapters that have been primarily aimed at addressing alternative views—interest theories of rights, and skeptics about rights—

Prithviraj Datta

which involved substantial work acquainting myself with new literature. Overall, the year has brought my dissertation from nascent stages to an almost complete, though rough, draft. In addition, the year has afforded me a chance to have four papers accepted at conferences in the United States and abroad. I was able to use my Center-funded research budget to attend an international conference on the philosophy of law, at which I presented a paper on contract law.

The graduate fellow seminar has been the cornerstone of my year. The feedback that I received has been incredibly valuable. Even as the year winds down, I find myself with pages upon pages of notes to myself based on the comments that I have received or simply witnessed. Eric Beerbohm has been a masterful discussion leader, both giving extremely insightful comments and suggestions of his own, but also cultivating a collegial atmosphere in which all the fellows have gained a great deal from each other. I literally cannot count how many relevant articles Eric has brought to my attention. And the other fellows have been so supportive that I am confident that they will be good friends going forward. Moreover, the multiple opportunities to present work have been an important impetus to produce. And the opportunity to watch and learn from the presentations of my cohort has been highly educational.

Finally, the speaker series has been an especially enjoyable aspect of the year. Although I cannot say that any of the lectures were a disappointment, I think that, for me, the lectures by Josh Cohen and Barbara Herman stand out as particularly memorable. This is perhaps in part because the fascinating discussions generated by those lectures were carried forward not only in the lecture hall, but also over dinner and subsequent workshops.

Prithviraj Datta

I've had a truly special time while a Graduate Fellow at the Edmond J Safra Center for Ethics, and feel genuine regret at leaving this great community of scholars (and friends) behind to re-enter the unsheltered academic world. Many things which happened in the past year go towards making it such a memorable period of my life, but the most notable feature was that I received my first job offer during this stint as a graduate fellow. Regrettably, this was also the first time I had to reject employment in my life, but I'd prefer to dwell on the more positive features of the scholarship year in this brief report.

Another most marvelous feature of the program was Eric Beerbohm's fearless, charismatic and nurturing leadership. While the program's main aim, as I understand, is to motivate graduate students to produce regular written work, Eric's innovations to the format of our meetings ensured that the weekly workshop became more than just a forum for presentations. By prescribing readings around particular themes—of ideal and non-ideal theory in the first term, and around each of the topics of our dissertations in the second—he also made sure that we were exposed to a variety of materials from distinct academic disciplines which we might not otherwise have encountered. The seminar, therefore, was not just a nudging exercise to move us from procrastination to productivity, but also a genuine learning experience.

It is important to emphasize, however, that the primary goal of the program was also of tremendous benefit to me, personally. In the course of the year, I was able to complete two chapters of my dissertation, which is titled "Freedom of Association and the Promise of Progressive Political Theory." The first chapter, which I presented before the graduate fellow seminar in the fall, examined the recent debate among democratic and constitutional theorists over the recently decided Supreme Court case of Citizens United v Federal Election Commission. I argued, in the course of the chapter, that the initial impulse on the part of contemporary progressives to treat Citizens United as a problematic decision for democratic politics might not be correct. I went on to argue that the Court's emphasis on disclosure as a means of regulating campaign finance is a commendable means of striking a balance for protection of political speech, while at the same time meeting many of the concerns about the distortion of the representative process which democratic theorists attribute to unlimited campaign expenditures. I rely on the arguments of two early Progressive theorists—John Dewey and Louis Brandeis—to support this endorsement of disclosure. The second chapter, which I presented at the very end of the academic year, looked at the important role which democratic theorists of the Progressive era—Dewey and Mary Parker Follett in particular—ascribed to associations as a means of democratic reform. In the course of this chapter, I argued that tangible democratic benefits arise from a system which provides local associations with the power to undertake major political decisions on behalf of their members, and made a case for why the associational theory of Progressive-era theorists continues to be of relevance to us.

An account of my impressions and experiences as a Graduate Fellow will be incomplete without a reference to the wonderful group of colleagues with whom I came into contact this year. While virtually none of them agreed with the conclusions I drew in my presentations at the weekly seminar, they engaged with my research with great respect and conscientiousness. The critiques and suggestions they offered were always in the spirit of helpful amendment, rather than that of academic brinkmanship. While my academic research has benefited tremendously from their contributions, it is important to mention that the attitude of collegial contestation which they created in the seminar has also left a very deep impression on me.

Micha Glaeser

My year as a Graduate Fellow at the Center has been one of great intellectual turmoil. I could think of no greater compliment to pay to a program whose purpose is to facilitate the free exchange between scholars-in-the-making from a multitude of different backgrounds.

I entered the year with the intention of writing a dissertation which would help adjudicate a certain debate that has dominated Anglo-American political philosophy in recent years, namely the debate between John Rawls and G.A. Cohen about the proper scope of the concept of justice. According to Rawls, the concept of justice refers to the proper setup of the basic structure of society, whereas Cohen thinks that justice properly governs both social institutions and the choices of individuals within these institutions. My thought was to show that Cohen's critique of Rawls runs deeper than is often appreciated but that a Rawlsian reply to Cohen is nonetheless available.

Accordingly, the first of my two presentations in the fall term provided a qualified defense of Rawls' discussion of the family as a locus of justice, an aspect of Rawls' view which Cohen thinks is particularly apt to bring into focus the shortcomings of the Rawlsian approach to justice. My defense of Rawls on this particular point was meant to provide a model for a more general reply to Cohen's attack. My second fall presentation, consisting of a first draft of my dissertation prospectus, sketched what I envisioned such a reply to look like. In particular, I argued that the sui generis normative significance of the basic structure derives from its coercive nature, a point

insufficiently discussed by Rawls and underappreciated by Cohen. The basic structure, in virtue of its coerciveness, not only establishes a certain justificatory relation between citizens qua citizens but also creates the people as a people, that is, as a collective agent.

While I still believe that this response is on the right track, I have come to think of the debate between Rawls and Cohen as being beset by a general inattentiveness to the distinction between justice and legitimacy. The later Rawls frames his project as one of exploring the question of political legitimacy in a liberal society, rather than the question of social justice, a fact altogether ignored by Cohen. However, Rawls is partly to blame for Cohen's insensitivity to this change in focus, seeing that he all but conflates the two concepts. In the second draft of my prospectus, which I presented to my fellow Fellows in the spring and am planning to defend this coming fall, I therefore shifted my attention to the relation between justice and legitimacy. I argued there that legitimacy is to be thought of as a precondition for justice. The concept of justice only applies when legitimacy has been established, because only under conditions of legitimacy is the sort of collective action on which the realization of justice depends even ascribable to the people qua people. This way of framing the relation between justice and legitimacy is, I think, ultimately not unfriendly to Rawls, but it renders Cohen's critique of Rawls largely inapplicable.

My year as a member of the Center has been instrumental to the peripatetic progress of my thinking just sketched, in both a specific and a general way. Specifically, the exposure of my work to my more empirically-minded colleagues at our weekly seminar, as well as my exposure to theirs, has served as a continuous reminder of the complexity of political life and the need for a correspondingly rich normative framework. More generally, the friendly encouragement which I received in response to my various presentations, paired with thoughtful criticism and helpful suggestions for further deliberation, have been of enormous benefit to the development of my project. For both I am deeply grateful. Lastly, I would like to thank the staff at the Center, who have been nothing but wonderful to me.

Candice Player

I am thankful for being invited to participate in the life of the Center as a Graduate Fellow. An important purpose of the fellowship is to help move students along in the dissertation writing process. In the fall I presented a paper on procedural due process and outpatient commitment hearings under a statute called Kendra's Law in New York. The purpose of the paper is to examine the shift from a medical model of civil commitment to a legal model of civil commitment where judges and attorneys, rather than clinicians, make decisions about outpatient treatment. My fellow graduate fellows, trained in a mix of law and philosophy, provided great insights on this new role for lawyers and judges.

In the spring I presented a paper on ethics and assisted outpatient treatment, once again thinking about court-ordered treatment under Kendra's Law. Although I began the year thinking that I would write a paper surveying arguments for and against outpatient commitment generally, as I began to write the paper, I realized that I wanted to write a more focused critique of impaired insight as a justification for outpatient commitment. I am forever indebted to Eric Beerbohm and my fellow graduate fellows who listened to me, sat with me, talked with me, and argued with me, as I tried to put my finger on exactly what, if anything, is wrong with an impaired insight justification for outpatient commitment. I am so grateful for the many hours they spent combing through my work and trying to help me hammer out the finer points of my argument.

The next step for me will be to begin work on my third dissertation paper on the use of conditional benefits like housing and welfare to leverage treatment adherence among people with psychiatric disabilities. That paper will ask whether, as a legal matter, such programs amount to unlawful or unconstitutional conditions on government benefits and whether as a philosophical matter,

such policies are unduly coercive. As I leave the Center, I am so glad to know that I now have a few more friends and faculty contacts who will be there for me as move on to this next set of ideas.

Sabeel Rahman

This past academic year has been immensely productive and enriching, thanks to the Edmond J. Safra Center for Ethics. The Center's community, resources, office space, and other modes of support have helped my research develop in a critical stage for my dissertation development.

In the fall semester, I pursued three main research directions at the Center. First, I developed a revised draft of my dissertation prospectus that I presented in short form in early October, and then revised throughout the semester on the basis of the feedback from the graduate fellow seminar. Second, our seminar conversations throughout the fall on the theme of "ideal and nonideal theory" helped me come to a more refined set of views about my own methodology in my dissertation, and in particular how I am situating my work in the domain of non-ideal theory. Third, the time and office space provided by the fellowship were a tremendous support, enabling me to engage in in-depth research into the specific elements of my dissertation project, focusing in the fall on readings in democratic theory, administrative law, and examples of more participatory regulatory governance.

These influences and efforts combined for my presentation in the graduate fellow seminar in December, where I presented a first draft of an introduction and central theoretical chapter for my dissertation—the first time I had developed a draft of actual chapters for the dissertation project. Feedback from this presentation continues to shape my thinking on the whole first half of my dissertation, which focuses more on democratic theory and the regulatory state, and which I hope to redraft this summer. In addition, I was able to finalize and defend a dissertation prospectus in March, leaning heavily on the presentation and feedback from my December session.

Micha Glaeser and Sabeel Rahman

In the spring semester, I shifted focus to delve deeper into the primary case study in my dissertation: the debate over financial regulatory reform in the Obama administration. Again, the time and office support provided by the Center enabled me to engage in my first major in-depth research effort, focusing on the details of financial reform from a policy, economic, and legal standpoint. Second, I developed and presented a separate paper on the theme of private power and democratic theory, which I presented at the graduate fellow seminar, and which I am developing into either another dissertation chapter or a standalone paper for publication. As in the fall, the feedback from the seminar proved enormously helpful, while the presentation itself helped me to develop the paper draft in a timely fashion.

Now in the summer, I plan to build on the progress achieved during my fellowship, continuing my research into financial reform and democratic theory, and developing drafts of subsequent dissertation chapters.

I would like to take this opportunity to thank the Center, its staff, Eric Beerbohm, and the other graduate fellows for providing an enriching, engaging community and space in which to develop my research. The experience has been meaningful as well as invaluable.

Reports of the Edmond J. Safra Lab Fellows 2010-11

Kirsten Austad, Abigail Brown, Lisa Cosgrove, Sreedhari Desai, Roman Feiman, Marc-André Gagnon, Michael Jones, Abby Larson, Jonathan Marks, Seana Moran, Susannah Rose, Jennifer Sheehy-Skeffington

Kirsten Austad

As the story is told to me, from the moment I put on the little plastic glasses that came with my Fisher-Price Doctor's Kit, I firmly decided that I wanted to be a doctor. Given this, it is somewhat surprising that I now hesitantly return to medical school to start my third year clerkship at Cambridge Hospital. Let me assure you that this hesitancy stems not from a lack of enthusiasm about the transition to patient care, but instead from sadness at reaching the end of my fellowship at the Edmond J. Safra Center for Ethics. For a variety of reasons, this year at the Center as a part of the project on institutional corruption has been one of the most enriching experiences of my life.

My primary project during this fellowship year was to look at the impact of the pharmaceutical industry on undergraduate medical education, in collaboration with Dr. Aaron Kesselheim and Dr. Jerry Avorn at the Division of Pharmacoepidemiology and Pharmacoeconomics in the Department of Medicine at Brigham and Women's Hospital. Our first goal was to understand the current state of knowledge in this domain by conducting a systematic review of past research on medical students' interactions with the pharmaceutical industry. We found that contact with industry begins in the first years of medical training and becomes nearly universal by the time students transition to residency. In addition, there appears to be a shift in attitudes between preclinical (years 1 and 2) and clinical (years 3 and 4) medical students; for example, clinical students were more likely to see promotional materials from drug manufacturers as a useful educational resource. Our results were recently published in the April issue of the peer-reviewed medical journal *PLoS Medicine*.

We then used these data to develop a national, random-sample survey of first- and fourth-year medical students, as well as third-year residents, regarding their exposure to and attitudes about the pharmaceutical industry. Our survey is novel both because of its national breadth and its effort to assess how attitudes and behaviors change among students at different stations in their professional training. Our research will specifically examine whether aspects of the professional learning environment—such as a school's conflict of interest policy—impacts how trainees handle personal interactions with industry, view the role of pharmaceutical sales representatives in their education, and display knowledge about evidence-based pharmaceutical prescribing choices. This effort represented my primary project while at the Center, and data collection for this project is now coming to a close. We will next work to analyze the data and develop insights into how socialization may be an important component of initiation and maintenance of institutional corruption.

I was very fortunate to be welcomed as well as a member of the Division of Pharmacoepidemiology and Pharmacoeconomics, and to gain from the collective insight and experience of this group of physicians and researchers. In addition to collaborating on my primary research project, I also authored with Dr. Kesselheim an article in the *New England Journal of Medicine* concerning medical education. The piece considered the issue of how to weigh medical residents' dual roles as students and workers by examining the recent Supreme Court case *Mayo Foundation for Medical Education and Research, et al. v. United States*. I was also involved in a number of Dr. Kesselheim's other ongoing projects, including an endeavor funded by the Robert Wood Johnson Foundation to identify the most innovative therapeutics developed over the last twenty-five years and better understand the role of academia, the public sector, and the pharmaceutical industry in bringing these drugs from scientific conceptions to bedside

therapies. I cannot thank Dr. Kesselheim and Dr. Avorn enough for the time and energy they devoted to mentorship from which I benefited greatly.

By far the highlight of the fellowship was the privilege to work with the other members of the Lab. I always looked forward to our Wednesday afternoon lab seminars, which provided a discussion of socially important topics from a diversity of perspectives consistently analyzed with both intellectual rigor and a passion to create positive change in the world. The exchange of ideas amongst members of the Lab was not only critical to my own research project—helping me gain a framework for thinking of how institutional corruption intersects with undergraduate medical education—but also educated me on pressing topics within domains of American politics, academia, business, and professional sports. As a very junior member of the group, I benefited much more from these interactions than I was able to contribute, and I am eternally grateful to the other fellows who have enhanced my work this year in such meaningful ways, involved me in their own research, and taught me so much during our time together.

Lastly, I will briefly mention efforts during my fellowship year to engage other medical students in the manifestations of institutional corruption in the world of medicine. Much of my work in this realm has been through the American Medical Student Association (AMSA). In October, I spoke at their Regional Conference in Nashville on efforts to strengthen conflict of interest policies at academic medical centers. I have also written a short opinion piece (with Dr. Kesselheim) on the role of pre-lecture disclosure in the first two (preclinical) years of medical school, which when published will hopefully aid other medical students in thinking about the benefits and drawbacks of this institutional change and will promote productive discussions regarding policy reforms among students and medical school administrators. Most recently in April, I worked with other medical students and residents to respond to the proposed budget amendments before the Massachusetts House of Representatives that sought to repeal or weaken the ban on gifts from pharmaceutical companies to physicians in the Commonwealth.

I am indebted to so many other people whose efforts and commitment made this year such a great experience. Thanks to everyone who keeps the Center not only highly functional, but also the type of work environment that I looked forward to coming to every day: Stephanie Dant, Jennifer Campbell, Neeru Paharia, and Szelena Gray. Of course, my great fortune to be part of the Lab would not have been possible without Larry Lessig. I am thankful that he not only decided to devote his efforts to the topic of conflict of interest in my profession, but also for his interest in what a newcomer to the field like me thinks about the issue. All of these individuals with whom I have had the great fortunate to work are not only highly accomplished people in the professional domain, but also extraordinary and inspirational individuals outside of their academic roles as well; I consider them all both role models and friends.

Quite a few people have asked me how I see this fellowship relating to my future career plans of becoming a primary care physician. As I see it, my role as a medical provider can only be effective if trust underlies the doctor-patient relationship; most people would not undergo dangerous and painful procedures based on the advice of someone off the street, but people do so every day based on the guidance of their physician. Without trust, honest conversations between physicians and patients are not had, unpleasant but essential medical recommendations are not followed, and as a result we fail at our charge of improving health. I believe that the Lab's project on institutional corruption is doing critically important work to make medicine a trustworthy institution in American society by distinguishing fruitful collaborations between academic medicine and clinicians and the pharmaceutical industry from those that can induce bias in clinical decision-making or distort the fund of scientific knowledge.

Thank you to everyone involved in the Lab for devoting your time, energy, and talent to helping this cause.

While my year as a Lab Fellow must end so that I can return to finish my medical degree, I sincerely hope this will not be the conclusion of my work with the project on institutional corruption. My year as a fellow at the Center has allowed me to grow both intellectually and personally in ways that medicine does not facilitate (and in some cases, actively discourages). While there is no symbol of "institutional corruption" equivalent to that of medicine's Fisher-Price plastic glasses, I will carry this experience with me even without such a token as I continue in my medical training and future career (whatever that may be) as a source of perspective, moral grounding, and inspiration.

Abigail Brown

This has been a fantastic year for me at the Edmond J. Safra Center for Ethics, and I am very grateful that I will have the opportunity to be here for a second year.

My primary project here is to write a book on the financial auditing profession as an example of private sector institutional corruption. I have spent this academic year developing my thoughts on the mechanisms by which the institution of auditing have been corrupted and expanding on the historical research done in my dissertation.

Of particular note, I have had my research assistant code a pilot data set of companies from 1926, their auditors, various controls, and whether or not they survived until 1929, 1933, and 1938. This will help me understand who decided to hire an auditor when it was a voluntary act, and whether that decision has any predictive value for firm survival through the natural "stress-test" the Great Depression provided. This project has the potential to make significant contributions to our understanding of the signaling hypothesis of auditing and the related question of how reputation profits audit firms.

I made one trip back to the PwC archives. Even though it was a short trip, I was able to gather some very valuable material and reacquaint myself with the archives' process to help plan future trips this summer.

I have also spent significant time working on the economic theory papers that form the foundation of my thinking on auditing. I currently have three pieces at different stages of development:

I overhauled a paper for a revise and resubmit to *European Accounting Review*, in the process confirming my intuition that repeated-play games allow for auditors to be bribed to not invest effort in their audit with an explicit formalization of the repeated game scenario. I also executed a Monte Carlo simulation that demonstrated that the empirical literature that finds no negative relationship between fees and audit quality is unidentified.

I'm finishing off the final touches on a mechanism design piece intended for an economics journal that demonstrates the difficulties of designing a collusion-proof contract when the outcome is not consistently common knowledge and when the agent can use the principal's resources to bribe the monitor. These scenarios have not been considered by the literature before, and I think they generate some important insights for many of the situations we have been considering institutional corruption. I was able to present the paper at the International Industrial Organization Conference, which is a major gathering of (among others) economists who work on principal-agent theory.

I had a proposal accepted and a small grant (AUD2500) awarded to develop and present a paper on the consequences of oligopoly market structure on reputation-based industries' quality choices at an Australian conference in October 2011. This will look at the role market structure plays in reducing the effectiveness of industries such as auditing and credit rating. This theory comes organically out of the historical work I have done, and has the potential to make a significant contribution to our understanding of the limits of the constraining role reputation plays.

I have found the Lab seminars to be invaluable sources of inspiration and insight. I couldn't have asked for a more thoughtful, constructive group of colleagues. Our conversations, both in seminar and informally, have been an ongoing source of stimulation for me in my own work. I hope that the ties we have formed this year lead to many future collaborations. The diversity of substantive interests and disciplinary approaches is a much-appreciated challenge to my pre-conceived approaches and perspectives.

Lisa Cosgrove

My principal project this year was an empirical study investigating how commercial interests impact the American Psychiatric Association's (APA) practice guidelines for Major Depressive Disorder. Practice guidelines are a critical resource for health care providers—they are the means by which state-of the-art treatment interventions are communicated to clinicians. This project builds on the empirical and theoretical work I and my colleagues have previously published (e.g. Developing unbiased diagnostic and treatment guidelines in psychiatry. *New England Journal of Medicine* (2009), *360*, 2035-2037; Financial ties between DSM-IV panel members and the pharmaceutical industry. *Psychotherapy and Psychosomatics* (2006), 75, 154-160).

The weekly seminars and interactions with the other Lab Fellows were incredibly helpful to me in terms of refining the analytic framework of my empirical project. Being a part of such a diverse community of researchers was inspirational and illuminating; I have learned so much about a wide variety of topics. Perhaps most importantly, this fellowship year gave me the opportunity to re-think some of my assumptions. Larry encouraged us each week to reflect on and question our ideas about institutional corruption, and as he did I found myself less convinced that transparency of financial conflicts of interest is a necessary but insufficient solution. Instead, I have been thinking a great deal about what kind of institutional re-structuring would be necessary to better align public health interests with those of APA and industry. In December I presented the conceptual framework of (and some preliminary data from) my project. The feedback I received was invaluable in helping me craft a commentary, "When guidelines don't provide guidance" (which will soon be submitted to the *Journal of the American Medical Association*). This year I also co-authored a book chapter, "Professional, Legal, Ethical, and Inter-Professional Issues in Clinical Psychopharmacology." Hearing presentations and ideas from the other Lab Fellows helped shape the content of this chapter; I emphasize the fact that simple disclosure of financial conflicts is insufficient and I discuss the need for transparency of research design features and the importance of developing patient-centered, rather than disease-oriented, outcome measures. This chapter is a good example of how this year has influenced my work.

My experience this year has stimulated my thinking and strengthened my scholarship. I published 3 peer-reviewed articles. "Antidepressants and breast and ovarian cancer risk: A systematic review of the epidemiological and pre-clinical literature and researchers' financial associations with industry" in *PLoS ONE*. This study was truly a collaborative project; 2 of the co-authors are affiliated with Harvard and it was my fellowship that afforded me the opportunity to work with them. I also published "The DSM, Big Pharma, and Clinical Practice Guidelines: Protecting Patient Autonomy and Informed Consent," in the *International Journal of Feminist Bioethics*, and I co-authored (with Abi Gobal and Harold Bursztajn), "The public health consequences of an industry-influenced psychiatric taxonomy: "Attenuated psychotic symptoms syndrome" as a case example," in *Accountability in Research*.

In addition to the journal articles, I wrote an editorial on conflict of interest that was published in the Boston Globe, and an article ("Diagnosing conflict of interest disorder") for a special issue of *Academe*. In November, *Fox News* interviewed me for a story on preschool depression and the controversy over widening the diagnostic boundaries of psychiatric disorders. The study on

antidepressants and breast and ovarian cancer also received media attention; it was covered by *USA Today*, *Bloomberg News*, *The Boston Globe*, Canadian National Television, and WBUR.org.

Currently, I am writing 2 manuscripts that will be submitted to medical journals this summer. Both of these papers are based on the empirical project that brought me to the Lab this year—a critical analysis of APA's practice guidelines. Attending the public lectures and symposia, as well as the many conversations that I had with faculty, distinguished speakers, and the other fellows, provided multiple opportunities for reflection and feedback as I worked on these papers. Allen Shaughnessy and Harold Bursztajn also worked on this project with me and my scholarship has benefited enormously from my interactions with them. I am very pleased that Lab Fellow Kirsten Austad will be one of the co-authors of the first paper. Also, I am working on a book (*Ethical Issues in the Pharmaceutical Industry*) with Dr. Harold Bursztajn and colleagues that will be published by UNESCO.

This year has been an intellectually stimulating one—beginning with the first seminar when Larry outlined his framework for identifying and responding to institutional corruption to the informal conversations and social hours. I would also like to thank Neeru Paharia for her keen insights, great leadership as the research director, and of course, her wonderful sense of humor! Stephanie Dant, Jennifer Campbell, and Szelena Gray were great to work with—supportive, creative, and all three have a generosity of spirit that helped foster a real sense of community. I am grateful for the friendships forged this year, it has indeed been a 'pleasure and privilege' to be a fellow at the Edmond J. Safra Center for Ethics.

Sreedhari Desai

My year as a Lab Fellow at the Center has been tremendously exciting and satisfying. As a newly ordained PhD, I had hoped for nothing beyond stimulating discussions during Lab meetings at the Center but instead, as the year draws to a close, I am overwhelmed at how much the Center has helped me and how much it has come to mean to me. The Center not only served as a means for carrying out my research projects but its wonderful people have come to feel like family. So much so that my husband and I got married at the Center in February! But I will do my best to try and focus on only my research related activities in this report.

I am very happy to report that I have had a productive year. My paper, "When fairness neither satisfies nor motivates" was accepted for publication by the journal *Organizational Behavior and Human Decision Processes*. In this paper, my co-authors and I describe the uncertainty reducing properties of fair treatment and examine empirically how such reduction in uncertainty influences risk seeking people negatively. I wrote another paper, "When executives rake in millions: Meanness in organizations." This piece which was co-authored with several collaborators examines how excessive income inequality within organizations causes those at the top to perceive themselves as being very powerful, and causes them to maltreat rank and file workers. This body of work received a fair share of media attention and has appeared in *The Boston Globe*, *Wall Street Journal*, *Forbes*, *Harvard Business Review*, *NineMSN*, *Motley Fool*, *Indian Express*, and the *Marker—Haaretz*, to name a few.

The crux of my research at the Center focuses broadly on issues related to fairness and ethics. Across a range of projects, my co-authors and I investigated broadly the role of ethical nudges or non-coercive ways of leading people down moral pathways. In one of my papers, "Mahatma Gandhi, email signatures, and moral decisions: The power of ethical nudges," we examined how exposure to moral cues can trigger implicit psychological processes such that people feel discouraged from behaving unethically. We first conducted a field experiment in a unique café that employs a pay-what-you-want pricing scheme and relies on patrons' moral behavior to stay in business. We examined how tweaking a small aspect of the

restaurants interior could influence patrons' behavior. We found that hanging portraits of moral leaders such as Mahatma Gandhi and Mother Teresa increased patrons' payments. We followed up with controlled experiments in the laboratory and discovered that exposure to ethical nudges such as moral quotations at the bottom of outgoing emails makes moral goals salient in people's minds and leads them to behave better, often without their awareness of the effects of such cues on their behavior.

In another paper, "The return to innocence: Nursery rhymes, soft toys, and everyday morality," currently under review at the journal *Organizational Behavior and Human Decision Processes*, my co-author and I examined how cues related to childhood can nonconsciously lead people down the moral aisle. We propose that child-related cues, which are often present in organizations, lead individuals to behave more prosocially and less unethically because these cues implicitly activate the construct of moral purity. We tested this main hypothesis using both controlled experiments and archival data. In the first study, people exposed to nursery rhymes were less likely to cheat. In three subsequent studies, interacting with a soft toy or drawing for ten minutes led to non-conscious activation of the construct of moral purity, which in turn led to reduced unethical behavior and increased generous actions. In the final study, we used archival data to show that the presence of daycare centers, kindergartens, and nurseries around corporate headquarters is correlated to charitable giving at the organizational level. Collectively, our results demonstrate that the presence of child-related cues lead to ethical behavior. This work was covered by the *Marker—Haaretz*, an Israeli newspaper.

In a paper that builds on the previous paper and is called, "Memory lane and morality: How childhood memories promote prosocial behavior," my co-author and I examined how recalling events from one's own childhood leads to more prosocial behavior. Four experiments demonstrated that recalling memories from one's own childhood lead people to experience feelings of moral purity and to behave prosocially. In the first study, participants instructed to recall memories from their childhood were more likely to help the experimenter with a supplementary task than were participants in a control condition, and this effect was mediated by self-reported feelings of moral purity. In the second study, the same manipulation increased the amount of money participants donated to a good cause, and self-reported feelings of moral purity mediated this relationship. In the third study, participants who recalled childhood memories judged the ethically-questionable behavior of others more harshly, suggesting that childhood memories lead to altruistic punishment. Finally, in the fourth study, compared to a control condition, both positively-valenced and negatively-valenced childhood memories led to higher empathic concern for a person in need, which, in turn increased intentions to help.

In a paper titled, "When a little anxiety improves moral health: A story of accountability nudges and honest billing," my co-author and I examine if an "accountability nudge" or a non-coercive intervention designed to make an individual experience felt accountability can suppress unethical behavior. We report a field experiment conducted in the auto repair industry as our first study. According to a report by the Better Business Bureau, in 2010 the auto repair and service industry was among the top 10 industries by volume of consumer complaints filed across North America, with a 3.5 percent increase over 2009. Therefore, we considered the auto repair industry suitable for investigating unethical behavior. We called various local garages for quotes to change the brake pads and resurface the rotors of an automobile. In the control condition, we asked them to simply quote their total price. In the accountability nudge condition, we asked them to parse out labor and parts and then state their total price. Interestingly, we found that garages quoted lower prices in the accountability nudge condition. Since, our field data were unable to shed light on the psychological mechanisms behind the accountability nudge effect, we designed two laboratory experiments. In

the first laboratory experiments, we used a similar manipulation as our field study, and found that people were less likely to overbill for a task that paid by the minute when they were asked to report both the time spent on the task and the total dollars earned as opposed to reporting just the final dollar figure. In a second laboratory study, we investigated the phenomenon of accountability nudges in a different example of everyday work situations. Specifically, we wanted to examine if having one's office door open may improve one's ethical decision-making. Open doors implicitly suggest that one's actions may be exposed for public scrutiny, and it is possible that office sounds of other employees milling about, printers and fax machines running, may all serve to make salient accountability to others. Indeed, we found that open doors led to less fraudulent accounting in a subsequent in-basket exercise, and that anxiety mediated this effect. We are currently readying this paper for submission to the *Journal of Applied Psychology*.

All of the papers described above have benefited vastly from professors affiliated with the Center—Max Bazerman, Mahzarin Banaji, and Joshua Margolis, to name a few. They guided me in my endeavors, always finding time to meet with me and assist me with whatever research challenge I happened to be facing. My work also benefited from seminar presentations, particularly our fall session, in which I presented, and others very kindly gave me feedback on three of my projects.

In closing, I would like to thank the Center for granting me plentiful resources to carry out my research. I am particularly thankful to Neeru Paharia, Stephanie Dant, and Jennifer Campbell for their patience, assistance and resourcefulness. And huge thanks to Larry for asking me a memorable question over breakfast last fall: "Yes, but what is the real world evidence and implication of your research?" Larry's question has altered forever the way I approach my work. I now try to pair laboratory studies with either archival data or field experiments in the "real world," and doing so has considerably improved the quality of work that I produce. Thank you, Larry, and thank you, Edmond J. Safra Center for Ethics!

Roman Feiman and
Jennifer Sheehy-Skeffington

Writing a report describing our accomplishments over the past year signifies our time at the Center is drawing to a close. However, our progress and engagement with other Fellows leaves us feeling more like the past year has opened up further possibilities for our work rather than led to its end. With backgrounds in social, political and developmental psychology, we already considered our team diverse as far as psychology goes, but the Center taught us the meaning of 'interdisciplinary'. The progress we have made on our project and the directions our new research has taken have been enriched by the Center's influence, made more nuanced and more relevant.

Central to refining how we understand institutional corruption, the Center's team of Lab fellows were an invaluable resource. We will cherish and miss most our coworkers' refreshing ideas for fixing faulty systems and their selfless willingness to invest in each other's research. Whether helping generate field-specific experimental questions from their professions or taking thirty minutes to participate as mock subjects in our survey, the Fellows always made time to help us with our project. Weekly seminars, in addition to serving as forums for the presenters to gather feedback on their research, became a place to engage in debates about the meaning of our mission at the Center for Ethics and what concrete change would look like in Congress, the healthcare system, pharmaceutical industry or business. Larry proved an adept mediator, keeping us on track while injecting new insights, and always making time for the seminar even if it meant Skyping in from halfway around the world! He would often challenge commonly accepted points and "push back" against a presenter's thesis, promoting the norm of open discourse and freedom to disagree. The ability of different lab members to present input from varied fields and critique each other's ideas from divergent perspectives created a uniquely rich environment

and led to better-informed discussions that spanned areas of expertise. The input we received helped correct flaws in our methodology and exposed us to literature in other fields we could not have found on our own. Rarely do you encounter such respected and influential intellectuals being humble enough to put aside their own endeavors and lend a hand in helping advance your research; we appreciated all the support both the fellows and staff provided throughout the year, making our research goals both more wide-spanning, and yet somehow also more achievable.

Considering the evolving discussions during the weekly seminars and the Lab's mission to combat institutional corruption, over the year our research aims expanded from understanding how peers respond to whistleblowers who report individual wrongdoing to considering institutional wrongdoing. We ran several studies attempting to disentangle the mechanisms driving negative peer responses to those who report on unethical acts. We wanted to know whether whistleblowers face retaliation or ostracism because they violated group cohesion, because their peers fear they might be reported for a similar wrongdoing, or because they simply hate people who 'tattle'. We also examined what differences exist when the whistleblowing occurs in a peer's own organization versus a different one (e.g. would physicians dislike a fellow physician who blew the whistle on another doctor overcharging a patient, more than a lawyer who reported on a similar infringement?). In our initial studies, we researched and designed four character profiles, consisting of newspaper, diary entries, and photographs about their lives. We asked participants to rate their impressions of hypothetical individuals, some of whom had acted as a whistleblower in their professional lives. We have administered the survey to students and found results confirming our hypotheses, and are currently attempting to replicate this with a sample of professionals from the medical and legal fields. We have also initiated an experimental study of whistleblowing among city police officers and firefighters, attempting to determine if, and why, the frequency and/or severity of a wrongdoing affects how peers feel about its reporting. Our final studies will employ laboratory-based experimental manipulations, rather than surveys, to gather data; we hope to have completed data collection and begun writing up our findings by the time our project ends in September, though we'll no doubt remain engaged in the work long beyond.

Aside from the intellectual input and encouragement of our peers at the Lab, the Center's support enabled us to collaborate with working professionals and university faculty members. Outstanding among those who helped our research at all stages, we would like to thank Kirsten Austad, Dr. Harold Bursztajn, Dr. Abigail Brown and Professor Jonathan Marks for their continued support and feedback on our experimental materials, and Dr. Bursztajn for the chance to present our research at the Harvard Medical School's Program in Psychiatry and the Law meeting in late May. The last few months at the Center have proven instrumental in reshaping how we understand the contexts driving whistleblowing and peer retaliation, providing a space for us to learn and more importantly, to create. We helped to initiate at the Center committees focused on Psychological Mechanisms and Tools and Interventions, in the hope of building a framework to be taken forward by future Fellows. We look forward to hearing how this past year's discussions and research will help the advancement of the Lab's project, as the Edmond J. Safra Center for Ethics moves towards developing sustainable, achievable ways of reducing institutional corruption.

Marc-André Gagnon

The focus of my research for the Lab's project on institutional corruption was "The Political Economy of Pharmaceutical Corruption," which I undertook as a non-residential fellow. Shortly before beginning my fellowship, I was hired as an Assistant Professor at Carleton University in Ottawa, which jostled a little bit my agenda for research for the year.

Based on my ongoing research, I published a report on "The Economic Case for Universal Pharmacare" in September, which identified many of the monopolistic capacities of the pharmaceutical industry that allow drug companies to increase their profit without contributing to public health. The report received important media coverage and its impact on political circles forced me to continue to work on this issue during the year.

I presented a paper during a visit to the Lab at the end of November called, "Rising profits and declining innovation in the pharmaceutical sector: When Promotion and Corruption become a Business-Model". In the paper, I provide an important empirical analysis of the rising profits in the pharmaceutical sector while comparing this to the decline in therapeutic innovation. The paper also introduces a new type of analytical framework to analyze the political economy of the sector in order to identify corrupted practices in the sector (i.e. by defining capital as power, and by defining power based on the works of Michel Foucault). After the presentation, however, it seemed clear that the two dimensions of the paper would benefit if they were presented and published separately, in two different types of journals. I am still working on finalizing the papers to submit the empirical analysis to Nature Drug Discovery and the analytical framework to *BioSocieties*.

Finally, I prepared a 40-page report analyzing all the public financial support received by the Canadian pharmaceutical sector as compared to all economic spin-offs received by the Canadian population. Based on very conservative assumptions, it was possible to show that it costs Canadians at least $1.41 in public support to the brand-name pharmaceutical industry to generate each $1.00 of economic spin-off in terms of payroll, which represents a net return on investment of -29%. I intend to publish a summary of the report in the Lancet.

While I was a non-residential fellow and came to the Center only twice during the year, I must say that I benefited a lot from presenting and discussing my works with people at in the Lab. I stayed in contact with some of the fellows and continued to collaborate on other projects. I also appreciated receiving and discussing the texts of other fellows by email. I was "Skyped in" to attend some of the seminars, which allowed me to participate in activities and develop my own research based on ideas and insights taken from other issues relating to institutional corruption.

Michael Jones

My year spent at the Edmond J. Safra Center for Ethics surpassed my expectations. I knew that I would be entering a world populated with first-rate scholars drawn from a myriad of academic fields and walks of life. I also knew that the common institutional corruption focus could go a long way in facilitating understanding and collaboration on what is clearly a pressing societal problem across multiple substantive areas. What I underestimated though, was the chemistry of this particular group and the importance of the group's diversity. Together these traits, manifested weekly in our seminars, have helped the Lab take critical steps towards its more lofty goals of identifying and dealing with institutional corruption. I am not at all sure we can collectively find a consensus on what institutional corruption is or the interventions that would stop it; we can, however, all agree that the problem of institutional corruption is real and we are all hopeful that we can help do something about it.

During my first of the two years I will be with the Edmond J. Safra Center for Ethics I managed to make large advances in our study examining the relationship between cultural cognition and campaign finance reform. Working with the help of John Byrnes and Dan Kahan from the Cultural Cognition Project at Yale University, we assembled and sifted through the vast literature and research related to campaign finance. Of course much of this literature was of the standard book and article variety, but thanks to the Center's Director, Larry Lessig, we were able to acquire rawer forms of data and research through his contacts. For example, we obtained focus group transcripts from Lake

Research Partners and raw survey data from Drew Westen at Westen Strategies LLC. All of the research proved valuable and despite the added time needed to process the rawer forms of data, we managed to navigate the information to produce a set of interview questions we thought captured the elements of the debate that were most salient to our project.

Next we assembled a list of nearly ninety elites and stakeholders in the area of campaign finance reform. We obtained IRB approval and set upon the difficult task of contacting these individuals (sometimes involving several follow-ups), scheduling interview times, and conducting the interviews. We will likely continue interviewing throughout the next year, but to date we have conducted thirty interviews and are now in the process of transcribing and coding. Names on the list of people we have interviewed range from the popular conservative columnist George Will to congresswoman Chellie Pingree. Although we fully intend to continue interviewing, we are sufficiently satisfied with the breadth and depth of our interviews and, as a consequence, have decided to move on to the next phase of our research.

We used the information acquired from the interviews to construct a second set of questions intended to help assess focus groups. Eight in total, our focus groups will be conducted this summer, with four occurring in Oklahoma City, Oklahoma and four here in Cambridge, Massachusetts. The aim of these groups is to provide a better picture of the issue of campaign finance reform. That is, we believe we have a solid understanding of how elites think and address the issue; this next phase will allow us to gain a similar understanding of how average members of the public think about this issue. Next year will be an exciting year for us. Moving forward from the focus groups we will launch a battery of surveys and experiments designed to give us the best leverage possible over how the public has come to understand campaign finance and how the public processes information related to this issue.

My year at the Edmond J. Safra Center for Ethics was not only spent on the cultural cognition and campaign finance reform project. My dissertation work on climate change, which employed similar methods and theory used for the project here at Harvard, received some attention and yielded a handful of papers. Titled *Heroes and Villains: Cultural Narratives, Mass Opinions, and Climate Change* (2010), my dissertation was cited in *USA Today* by science writer Dan Vergano and featured in an article by Andrea Pitzer from the Nieman Storyboard here at Harvard. Also, based upon the success of the narrative techniques used in my dissertation, I was invited to the University of North Carolina's Center for Poverty, Work and Opportunity to speak to how narrative may be usefully applied to the study of poverty.

The Center has also provided valuable space and resources that have allowed me to pursue my own scholarship during the past year. Two papers have been submitted to journals and returned with decisions. One has been accepted for publication with the *Policy Studies Journal* and the other received a revise and resubmit decision. Additionally, I presented three different papers at the Midwest Political Science Association's annual meeting in Chicago. Two of those papers are already under review with academic journals and I am diligently working with my co-authors to submit the remaining piece.

In total, I have to admit that it has been one of the busiest years of my life—it has also been one of the most fruitful. I have taken great steps in my own personal development as a scholar through both the cultural cognition and campaign finance project here at the Center and through my independent scholarship. Certainly, there is more to do and I look forward to my next year being even more productive.

Abby Larson

My fieldwork on financial crisis began in 2008. That summer, as a graduate student in sociology at New York University, I began conducting research around the failure of Bear Stearns, interviewing

professionals in the financial industry. But as the summer came to a close, other major banking organizations failed, the stock market plummeted, and credit markets around the world all but ceased to function. As the landscape changed with each closing bell, my focus shifted from the investigation of the failure of one firm, to the collapse of the global financial system. I spent the months of August 2008 to January 2009 conducting in-depth interviews and ethnography in the investment banking sectors of New York, London, and Frankfurt.

This year as a non-residential Lab Fellow, I have enjoyed the privilege of working on specific questions related to financial crisis as well as on broader institutional themes related to sustainability and public trust. Drawing on my fieldwork from 2008, I have developed a series of articles that explore how actors make sense of and rationalize their experiences of financial crisis. My analysis examines the development and articulation of crisis over time—during the boom market, through the collapse, and into reconstruction—in what I have referred to as an Institutional Biography of Financial Crisis. The research illuminates the institutional underpinnings of the financial industry in particular, and offers a new perspective on the intersection of culture, politics, globalization, and technology more broadly.

I was fortunate to have the chance to share these materials both formally and informally in the context of the Center's intellectual life, and my thinking about the work has been influenced in important ways by the insights of my colleagues there. I want to extend my gratitude and acknowledge them for their support and collegiality throughout the year, and I very much look forward to continued collaboration in the months and years to come.

Jonathan Marks

It has been a real privilege and pleasure to spend two years at the Edmond J. Safra Center for Ethics—as a member of the last Faculty Fellow cohort in 2009-10, and of the first Lab Fellow cohort in 2010-11. Both experiences have been incredibly stimulating in very different but complementary ways. My second year has allowed me to develop my thinking, and enrich my writing on my project on institutional corruption in health-related food research, nutrition education and practice, and—incidentally—to consolidate some of last year's achievements.

Working on the food project this year, I have been the beneficiary of invaluable research support from Stephanie Woods, my talented research assistant from New Zealand who was an LL.M. student at Harvard Law School. I have also benefited immensely from the intellectual and moral support of Donald B. Thompson, professor of food science at Penn State (and former department head), who is a consultant on the project. Don and I began the year by writing and publishing a piece entitled "Shifting the Focus: Conflict of Interest and the Food Industry." This appeared in the January 2011 issue of the *American Journal of Bioethics*, the highest-impact bioethics journal. In this piece, we argue that much attention has been focused on conflicts of interest in biomedical research and medical practice, while the impact of industry sponsorship on health-related food research, nutrition education and practice has been neglected. This publication launched and framed the project, which is now a continuing collaborative endeavor between the Center and the Rock Ethics Institute at Penn State, my academic home.

This year, I was delighted to receive an invitation from the editor of the *Hastings Center Report (HCR)* to become a regular contributor to the journal's "At Law" section. HCR is the most established bioethics journal in the country, and it is widely recognized and respected for the quality of its writing. I took advantage of this opportunity to advance the project by submitting a contribution that critiques the weaknesses in the U.S. regulatory framework for the labeling and advertising of food on the basis of purported health benefits. This piece, entitled "On Regularity and Regulation, Health Claims and Hype," draws on my knowledge of the

U.S. regulatory framework that was greatly enriched by auditing a food and drug law course at Harvard Law School (taught by Peter Barton Hutt, former chief counsel of the FDA, in the January term) and from spending three days at the American Dietetic Association's annual meeting in Boston. I also draw on my comparative knowledge of E.U. law (derived from my experience as a barrister) and on my research into the recent European regulation on health and nutrition claims made on foods to identify some ways in which the U.S. regulatory framework might be tightened.

I have also been working on two other drafts—one will be completed in the summer, and the other will be completed in the fall. In the former, co-authored with Don Thompson and currently titled "Unhealthy research on the health benefits of food? Industry-sponsorship and the problem of one-sided health-related food research," we argue that industry-funded health-related food and nutrition research may be problematic in ways that have not been fully recognized. Although there is some evidence that industry-funded food research tends to produce outcomes more favorable to industry sponsors, we argue that—even absent such evidence—there are reasons to be concerned about this research. In particular, it tends to explore only the health benefits of foods or the ingredients in foods. We argue that the resulting body of published research may be characterized as a "corruption" of food and nutrition science, since it neglects adverse effects. While this is, in our view, problematic in its own right, there are other reasons to be concerned, especially given the potential impact of the research on consumer behavior and public health. Although we recognize the need for further empirical work to explore the extent and impact of industry-funded health-related food research, we also propose some potential remedies to be explored in the interim. Notably, double-blind funding—in which the industry sponsor and the research institution are not informed of each other's identity—would not eliminate the problem we have identified. We need to address a variety of structural incentives—including funding streams and reputational networks—that tend to promote one-sided research on the health benefits of foods and food components.

The other draft takes the form of a paper aimed at a variety of policymakers—including academic administrators of food and nutrition research units—and its objective is to facilitate the development of new policies to address conflicts of interest and other industry-related sources of institutional corruption. The paper is intended to have several functions: first, to explain to policymakers why these issues are particularly important in the food and nutrition arena; second, to provide a normative foundation for addressing them, and third, to offer a toolkit (including sample templates and decision-trees) that policymakers can employ to resolve them.

In conjunction with this scholarly work, we have begun planning—and recruiting potential participants for—a symposium to be held in March 2012, jointly funded by the Center and by the Rock Ethics Institute at Penn State. This symposium, entitled "Industry Sponsorship and Health-Related Food Research: Scientific Integrity, Ethical Challenges, and Policy Implications," will be designed to elicit responses to the policy paper described above and will work to develop an action plan for the engagement of policymakers with these issues. Participants will include current or former regulators from the FDA and FTC, as well as academics and representatives from industry and public interest groups.

In addition to the research and writing on the food project, I was able to secure publication for some of last year's work on my project exploring the complicity of professionals in torture and detainee abuse in the war on terror—a phenomenon that might also be framed as an example of institutional corruption. The theoretical core of this book project was accepted for publication by the *Michigan Journal of International Law*, and will appear as an article entitled "Toward a Unified

Theory of Professional Ethics and Human Rights" in the forthcoming volume. Another article I worked on last year, entitled "Survival, Evasion, Resistance and Escape: A Framework Proposal for the Comprehension and Prevention of Health Professionals' Complicity in Detainee Abuse," was accepted for a peer-reviewed edited volume from Oxford University Press on mental health and human rights. In this article, I synthesize literature in law, ethics and social sciences, to offer a suite of measures to minimize the participation of military health professionals in human rights violations—measures informed by (and to be further refined by) relevant empirical work.

During this year, I have also served on the Lab's Theory Committee and the Tools Committee—in which I and other Lab Fellows have been tackling some of the definitional and pragmatic issues raised by the institutional corruption project across a variety of fields. I also served on the Center's Graduate Fellow recruitment committee, and I reviewed files for the coming year's Lab Fellows. Both filled me with great excitement about the fellows, their work and the future of the Center.

When I return to Penn State this summer, I will miss the opportunity to participate regularly in engaging and thought-provoking conversation with Larry Lessig, Neeru Paharia, the many faculty and fellows associated with the Center and, of course, the Center's talented and dedicated staff, Stephanie Dant, Jennifer Jeffery and Szelena Gray. However, I am very excited about the ongoing collaborative relationship that has been established between the Center and the Rock Ethics Institute around the food project, and I very much look forward to visiting the Center in my capacity as a non-residential fellow in the coming year as I continue to work on that project.

Seana Moran

My intellectual interests over the past few years have addressed how the "new" and the "good" interact. I came to the Center to explore how collaborators determine whether any particular person's contribution is worthy and allowed to perpetuate, or is considered harmful and removed. Conceptually, I consider extreme beneficial novel contributions to be creativity, and extreme malevolent novel contributions to be corruption. Both creativity and corruption alter the possibilities open to later contributors.

I began and completed an empirical study to evaluate and statistically analyze edits to seven controversy-ridden Wikipedia pages: Financial Crisis 2007-2010, Dodd–Frank Wall Street Reform and Consumer Protection Act, Education Reform, Evidence-Based Medicine, Obesity, Pluto, and Global Warming. I asked 2-3 experts or professionals familiar with each page topic to briefly assess Wikipedia's handling of the topic as an external evaluation of quality. Three wonderful Harvard student research assistants and I reviewed approximately 12,000 edits and retained 4,400 substantively meaningful edits in a database for further analysis.

My focus on institutional corruption, thus, is not at the financial level but rather at the symbolic level—how collaborators affect the way each other believe, think, and judge. Instead of following the money trail—who pays whom for what considerations—as is more common in corruption studies, I followed the meaning trail—whose edits add, reframe, evaluate, or corrupt the overall tenor of a topic of knowledge?

By July, I will have completed two papers. The first empirical paper answers my research questions: What are the developmental trajectories of these Wikipedia pages? How do Wikipedia contributors assess each other's contributions? How quickly after a new contribution is introduced is it determined to be good or bad? The second conceptual paper presents the study's implications regarding the cognitive and social demands for assessing information in a dynamic, unvetted environment like Wikipedia. I will be presenting two talks in August at the American Psychological Association Convention. The first describes the study's findings. For the second presentation, I was invited to

be part of a more general panel cosponsored by several APA divisions to talk about the intersection of creativity and morality.

To help guide my thinking about various conceptions and studies of corruption within a broader, interdisciplinary context, I built a process model of institutional corruption. Thanks to the focus on institutional corruption, which I probably would not have taken without this fellowship, I have read more than 100 articles on corruption, institution building, the "dark side" of creativity, and the diffusion of innovations from a variety of disciplines—ranging from the expected psychology, business ethics, political science and sociology venues, to the less expected anthropology and humanities journals. Also, over the year, I attended several meetings or conferences sponsored by Harvard that addressed the topics of particular Wikipedia pages I was studying to capture the latest discussions on these issues. These included sessions on climate change, sociology of science, public health, and Wikipedia.

I was so excited about this fellowship that I started attending Center seminars and public events last spring even before the fellowship started. I was struck by the strong sense of community that surrounds the Center. Many former fellows and affiliates continue to contribute to the vibrant dialogue around practical ethics. I am indebted to Larry Lessig for making the Wikipedia project possible and expanding my ideas about creativity and morality. I had the good fortune to meet Lily Safra and personally thank her for her generous support of my intellectual adventure this year. I tremendously appreciate the assistance of administrators-extraordinaire Stephanie Dant, Jennifer Campbell, and Szelena Gray during more times over the year than I can count. And I am grateful to the fellows, speakers, and affiliates who helped me find expert reviewers for Wikipedia pages, and who provided humor, insight, and good will in our collective efforts to tackle the thorny issues of institutional corruption.

Susannah Rose

My year as a Lab Fellow at the Center has been exciting and inspiring. My primary project this year has been to develop an empirical research study aimed at assessing the nature of financial conflicts of interest among patient advocacy groups in the United States. During the first semester, I finished a paper that describes the significant role of patient advocacy groups in health policy, and provides recommendations for helping advocacy groups better manage institutional conflicts of interest. During the spring semester, my work has turned to refining the survey I will use in my empirical investigations of advocacy groups. Given that this is a multiple-year research project, data collection and analysis will begin in the fall.

In addition to my patient advocacy group study, I have also collaborated with Dr. Christopher Robertson (University of Arizona) and Dr. Aaron Kesselheim (Harvard Medical School) on a randomized trial investigating the impact of different forms of conflicts of disclosure on physicians' perceptions of the methodological rigor of drug clinical trials. Collaborating with Robertson and Kesselheim was one of the highlights of my year at the Center.

In addition to my two research projects, participating in the weekly Lab seminar was a central aspect of my year as a fellow. In response to the fascinating and varied topics covered in the seminar, I expanded my thinking on many topics related to institutional corruption, such as conflicts of interest in academic medicine and corruption in many other instrumental organizations and markets. For example, seminar topics focused on corruption in the food industry, the auditing profession, the government and many other institutions that profoundly shape the lives of citizens.

As a result of participating in the seminar, I am deeply troubled by the magnitude and implications of institutional corruption. Before starting this year, I was more narrowly focused on how

financial conflicts can affect medical and academic institutions. However, I have learned that "improper dependencies" among institutions are widespread and pervasive. This kind of corruption is changing our government, educational systems, financial institutions, and many other important institutions. Understanding the significance of institutional corruption has invigorated not only my academic interest in this subject, but it has also motivated me to find ways to change policies and incentive structures to help reduce the negative consequences of corruption. For example, my project on conflicts of interest among advocacy groups will focus not only on describing the nature of the dependencies between these organizations and for-profit industry, but I will also propose informed and specific policies that advocacy groups can implement to reduce the risk of harm associated with financial ties to industry.

In addition to the seminars, the Center's public lectures were thought provoking and enjoyable. In particular, I found Tim Scanlon's lecture, entitled "Individual Morality and the Morality of Institutions," and the symposium on "The Scientific Basis of Conflicts of Interest: The Role of Implicit Cognition" to be particularly interesting and relevant. In addition to the diverse content, these events highlight the range of methods used by the Lab to examine problems of institutional corruption. There is an important role for empirical research, but this research also should be coupled with theory and analysis; successfully balancing such methods is a unique aspect of the Lab.

These formal activities have been instrumental in my growth over the last year. However, the more informal opportunities to learn from my fellow Fellows, and other Center affiliates, have been equally important to me. We not only engaged in lively debate over the course of the year, but we also focused on helping each other improve our own research and thinking. The atmosphere of the Center was one of support and improvement, not one of maladaptive competition. Over the past year, these professional relationships have deepened into genuine friendships; it saddens me to leave the Center after being surrounded by such creative, passionate, intelligent and interesting people.

As I prepare myself to transition from being a residential fellow this year to a non-residential fellow next year, I will continue to reflect on the wonderful opportunities and perspectives that the Center has provided me. The Center has been an important part of my academic life at Harvard for several years (I was a Graduate Fellow in 2008-09), and I am very glad that I will continue to be a part of the Center as I transition to life after Harvard. Starting in the fall, I will be a member of the Bioethics Department at The Cleveland Clinic and Department of Medicine at Case Western University. Even after my departure, I will look forward to continuing my research and remaining part of the community.

I thank Larry Lessig for giving me the opportunity to be a Lab Fellow. Larry's passion for identifying important problems and for improving these problems stands as an inspiration to me. I also want to thank Stephanie Dant. Stephanie runs the Center like a well-oiled machine, and creates an environment of collegiality and support. I want to thank Neeru Paharia for organizing the seminars and the social activities that allowed us fellows to learn, collaborate and (most importantly!) enjoy ourselves. I also want to thank Jennifer Campbell who not only attends to the details of the Center with grace, but also created insightful and wonderfully written summaries of our seminars. In addition, I want to thank Szelena Gray, for providing support throughout my year as a fellow. All of the people associated with the Center helped create a unique environment for academic and personal development. Thank you!

APPENDIX II EDMOND J. SAFRA LAB RESEARCH PROJECTS 2010-12

Mahzarin Banaji, *Richard Clarke Cabot Professor of Social Ethics, Harvard University*
"Generating Evidence from Psychology and Neuroscience on Causes, Consequences, and Change"

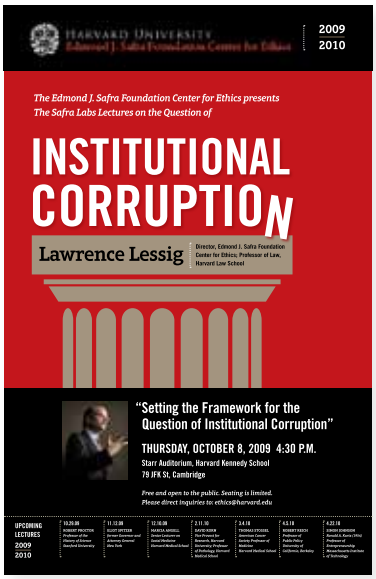
Daniel Carpenter, *Allie Freed Professor of Government, Harvard University*
"Clearinghouse Institutions for Conflict-of-Interest Issues in Medical Products"

Dan Kahan, *Elizabeth K. Dollard Professor of Law, Yale Law School*
"Cultural Cognition and Public Campaign Financing"

Robert Reich, *Associate Professor of Political Science, Stanford University*
"Congress and Nonprofit Foundations"

Christopher Robertson, *Associate Professor, Rogers College of Law, University of Arizona*
"Varying Disclosure Policy for Biomedical Journal Articles: A Randomized Controlled Trial of Remedies for Financial Disclosure of Science"

APPENDIX III PAST EVENTS/2009-10



Left to right: Thomas Stossel; Robert Reich; Robert Proctor; lecture poster

PUBLIC LECTURES

- **Lawrence Lessig**, "Setting the Framework for the Question of Institutional Corruption"
- **Robert Proctor**, "The Entanglement of Scholars in the Global Tobacco Epidemic"
- **Eliot Spitzer**, "From Ayn Rand to Ken Feinberg - How Quickly the Paradigm Shifts. What Should Be the Rationale for Government Participation in the Market?"
- **Marcia Angell**, "Drug Companies and Medicine: What Money Can Buy"
- **David Korn**, "Financial Conflicts of Interest in Academic Medicine: Whence They Came, Where They Went, Why They Vex Us So"
- **Thomas Stossel**, "Money In Medicine: Sin or Salvation?"
- **Robert Reich**, "Everyday Corruption: How Intensifying Market Competition Leads to Abuses of Public Trust, and What Should Be Done"
- **Simon Johnson**, "Wall Street and Washington"

CO-SPONSORED EVENTS

Isaiah Berlin: Centennial Reflections
Co-sponsored with Harvard University's Department of Government, Department of Philosophy, and Center for Jewish Studies

FACULTY WORKSHOPS

- **Jane Mansbridge**, "A Selection Model of Political Representation"
- **Lawrence Lessig**, "*Erie*-Effects of Volume 110: An Essay on Context in Interpretive Theory"
- **Max Bazerman**, chapters from "Mind Your Gap," co-authored by Ann Tenbrunsel
- **Corey Brettschneider**, "When the State Speaks, What Should it Say? Freedom of Expression and the Reasons for Rights"

APPENDIX III PAST EVENTS/2010-11

PUBLIC LECTURES

- **Thomas Scanlon**, "Individual Morality and the Morality of Institutions"
- **Charles Fried**, "Absolutely Wrong and Dirty Hands"
- **Jon Elster**, "Secrecy and Publicity in Jury Proceedings"
- **Congressman Jim Cooper**, "Fixing Congress"
- **Barbara Herman**, "Imperfect Duties, Gratitude, and the Ethics of Possession"
- **Joshua Cohen**, "Citizens United v. Democracy?"
- **Governor Buddy Roemer**, "Fixing Congress: A Republican View"

SYMPOSIA

- **David Korn** and **Max Bazerman**: "The Scientific Basis of Conflicts of Interest: The Role of Implicit Cognition"
- **Michael Rosen**: "Dignity"

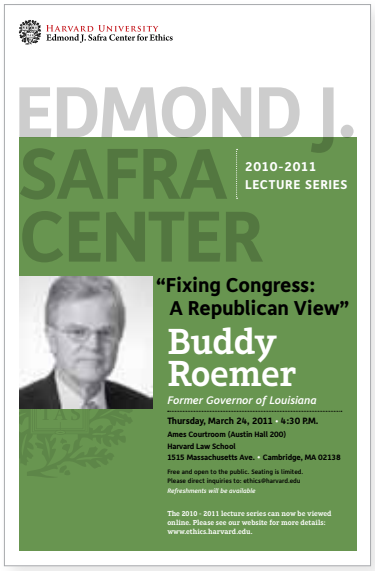
CO-SPONSORED EVENTS

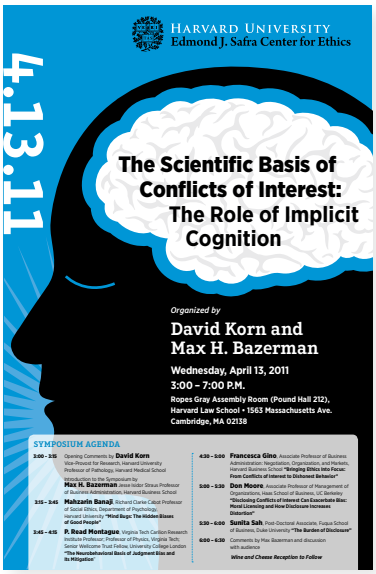
- "New Strategies for Health Promotion: Steering Clear of Ethical Pitfalls"
  Co-sponsored with the Harvard University Program in Ethics and Health
- **M. Gregg Bloche**: "Doctors as Warriors"
  Co-sponsored with the Harvard University Program in Ethics and Health
- "Workshop on Transparency in Policy Research"
  Co-sponsored with the Berkman Center for Internet & Society, Harvard Law School

WORKSHOPS

New England Consequentialism Workshop (NECW)

- **Shelly Kagan**, "The Paradox of Methods"
- **Roger Crisp**, "Pleasure and Hedonism in Sidgwick"
- **Fred Feldman**, "Subjective Obligation for Consequentialists"
- **Stephen Nathanson**, "John Stuart Mill on Economic Justice and the Alleviation of Poverty"
- **Daniel Star**,"Two levels of moral thinking"
- **Helena de Bres**, "What's Special about the State?"





Top to bottom: lecture poster; Barbara Herman; symposium poster

APPENDIX IV NEW FELLOWS

Edmond J. Safra Fellows 2011-2012

Graduate Fellows: Tarun Chhabra, Johann Frick, Adriane Gelpi, David Langlois, Emma Saunders-Hastings, Mira Siegelberg, Gabriel Wollner, Bernardo Zacka (Frances Kamm, Senior Scholar)

Lab Fellows: Abigail Brown, Alek Chakroff, Lisa Cosgrove, Sreedhari Desai, Mirko Draca, Daniel Effron, William English, Yuval Feldman, Garry Gray, Michael Jones, Paul Jorgensen, Sheila Kaplan, Jonathan Marks, Celia Moore, Brandi Newell, Clayton Peoples, Genevieve Pham-Kanter, Marc Rodwin, Susannah Rose, Sunita Sah, Jennifer Shkabatur, Robert Whitaker

Network Fellows: Michael Blanding, Jennifer Bussell, Carl Elliott, Marc-André Gagnon, Daniel Newman, Sergio Sismondo, Jim Snider, Elizabeth Tenney, Heather White

APPENDIX V UPCOMING EVENTS 2011-12

PUBLIC LECTURES

September 22, 2011: Paul Thacker
November 3, 2011: Franz Adlkofer
December 1, 2011: Melissa Lane
February 16, 2012: Drummond Rennie
March 8, 2012: Charles Ferguson
March 22, 2012: John Simmons
Date to be determined: Paul Volcker

CONFERENCE

February 4, 2012: Conference on Institutional Corruption

WORKSHOPS

May 4, 2012: Workshop on Frances Kamm's book, *Ethics for Enemies: Terror, Torture, and War*

New England Consequentialism Workshop (NECW)
September 14, 2011: Jeff McMahan
October 19, 2011: Thomas Scanlon
November 16, 2011: Daniel Brock
December 7, 2011: Debra Satz
February 15, 2012: David Enoch
March 21, 2012: Julia Driver
April 11, 2012: Caspar Hare
May 2, 2012: Kasper Lippert-Rasmussen

CO-SPONSORED EVENTS

March 28-30, 2012: "Industry Sponsorship and Health-Related Food Research: Scientific Integrity, Ethical Challenges, and Policy Implications"
Co-sponsored with the Rock Ethics Institute, The Pennsylvania State University

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Arthur Applbaum
Joseph Badaracco
Nir Eyal
Archon Fung
Frances Kamm
Nancy Rosenblum
Tommie Shelby
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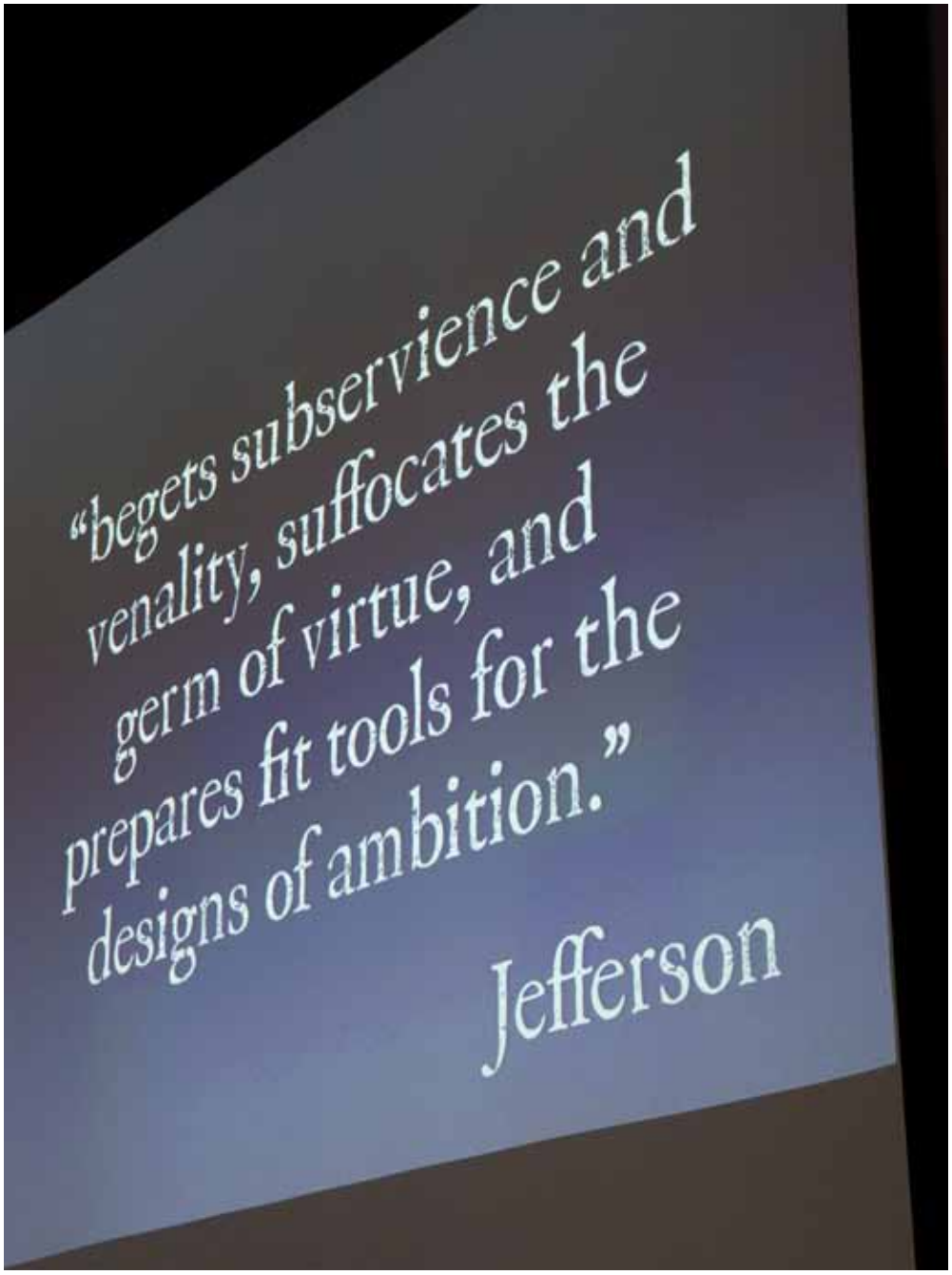
"begets subservience and
venality, suffocates the
germ of virtue, and
prepares fit tools for the
designs of ambition."
Jefferson

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