

CARY M. MAGUIRE CENTER FOR ETHICS AND PUBLIC RESPONSIBILITY

SOUTHERN METHODIST UNIVERSITY

VOLUME 3, SPRING 1998

FROM THE DIRECTOR

WILLIAM F. MAY, PH.D.

In a well-made play, the end returns to the beginning; the last scene reconnects with the first.

This newsletter completes my three year term as founding director of the Maguire Center for Ethics and Public Responsibility. I will begin a sabbatical leave to complete a book on *The Beleaguered Rulers: The Public Obligation of the Professional* and then return to my position in the Maguire Chair in Ethics here at SMU. Mr. Cary Maguire's generous pledge of \$2.5 million, which established the Center, gave me the opportunity to shape a program in a field to which I have committed my life and at a University that had become my intellectual home.

But now, I have the opportunity to see leadership of the Center pass into the hands of a distinguished colleague, Dr. Richard O. Mason, who holds the Carr P. Collins Chair in Management Information Sciences at the Cox School of Business at SMU. Prior to joining the SMU faculty in 1985, Professor Mason served as an Associate Dean of the Business School at the University of Southern California. He currently teaches in the areas of Corporate Ethics and Social Responsibility, Management Information Technology, and Managing Emerging Technologies. The most recent of his eight books include *Ethics of Information Management* (1995) and *Waves of Change* (1995). He has served as consultant to many corporations, various public institutions and services, and to international bodies, including the Nanyang Technological University, Singapore, and the Russian Academy of National Sciences. At SMU, he has served on the Executive Board of the Clements Center for Southwest Studies and on the Faculty Advisory Committee to the Maguire Center.

Thanks to Professor Mason's administrative skill and his substantial resources in ethics, this newsletter marks not simply the third act of a completed play, but the first act of an exciting new one under his direction.

THE J. ERIK JONSSON ETHICS AWARD

On behalf of the Maguire Center, SMU Provost Ross C Murfin presented the 1997-98 J. Erik Jonsson Ethics Award to Charles C. Sprague, M.D. The ceremony took place at the February 25 luncheon in the course of the Maguire Center Conference on *The Ethics of Contract and Other Promises*. The award is a bronze relief in shadowbox of J. Erik Jonsson, circumscribed with the American Revolutionary phrase, "Public Virtue."

Both Dr. Sprague and Curtis W. Meadows, the first recipient of the Ethics Award, 1996-97, found J. Erik Jonsson an inspiration and support for their endeavors. The Dallas Mayor from 1964-71 exemplified in varying ways a readiness to sacrifice self-interest to the common good, a disposition which John Adams and his colleagues, at the time of the American Revolution, defined as "public virtue."

As first President of the University of Texas Health Science Center, Dallas (1972-1987), Dr. Sprague built one of the enduring institutions for the good of this city and of the nation. He would be the first to say that he did not build this great medical center alone, but his own readiness to sacrifice self-interest for the common good inspired many others to join him in this uncommon task.

A graduate of the Dallas Public Schools and Southern Methodist University (B.B.A. and B.S. degrees), with his medical degree from Tulane University Medical School where he later served as Dean, Dr. Sprague symbolizes two aspects of the moral life not always drawn together in a single person. Publicly, he has served the common good. Personally, he has cared for others without stint. In both spheres, he has never walked away from his duties.

Numerous public honors have come his way. They span, among others, a *Sports Illustrated* Silver Anniversary Award for an accomplished athlete, two distinguished alumnus awards, and six honorary degrees. His pastor, colleagues, and friends have also noted the myriad ways in which he has served others personally—at the downtown Dallas Stewpot, the Interfaith Housing Coalition, The Shelter Ministries, or in the reaches of personal life.

Whether in or out of the public eye, Dr. Sprague has fulfilled the ideal of the servant leader for which the Center is privileged to bestow the J. Erik Jonsson Ethics Award, 1998.

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APPOINTMENT OF ETHICS CENTER ADVISORY BOARD

With the assistance of SMU Trustees Cary Maguire and Dr. Bobby Lyle and with the approval of Provost Ross C Murfin, the Maguire Center established an Ethics Center Advisory Board of 24 members as part of the Center's efforts to serve the Dallas community and the North Texas region, and to build enduring alliances with other institutions, academic and non-academic. The Board met on November 12, 1997, and on April 1, 1998. Its members include:

Ruth Sharp Altschuler, Dallas philanthropist and civic leader;

Henry C. Beck Jr., Chairman of Henry C. Beck Co. and civic leader;

Laura Lee Blanton, President of the Scurlock Foundation and Houston philanthropist;

Bennie R. Click, Chief of the Dallas Police Department;

Dr. John Connolly, Superintendent of the Highland Park School District;

Charles G. Cullum, retired chairman and CEO of Cullum Cos., Inc. and civic leader;

Ward L. Huey Jr., Vice Chairman of A.H. Belo Corp. and President of its broadcast division;

Vester T. Hughes Jr., Partner in Hughes and Luce L.L.P.;

Ray L. Hunt, Chairman, President, and CEO of Hunt Consolidated Inc.;

Lee F. Jackson, Dallas County Judge/Commissioners Court;

Raymond F. Johnson, retired chairman, President, and CEO of Caltex Petroleum Corp.;

Tom Landry, Chairman and CEO of Landry Investment Group Inc.;

Dr. Bobby Lyle, Vice Chairman of the Advisory Board and Chairman, President and CEO of Lyco Energy Corp.;

Cary M. Maguire, Chairman of the Advisory Board and Chairman, President and CEO of Maguire Oil Co.;

Rev. William K. McElvaney, Perkins School of Theology LeVan Professor Emeritus of Preaching and Worship;

Curtis W. Meadows Jr., Director Emeritus and former President of the Meadows Foundation;

Dr. Ruth Morgan, SMU Provost Emerita;

Erle Nye, Chairman, President and CEO of Texas Utilities Co.;

Bishop William B. Oden, resident Bishop of the North Texas Conference-Dallas area of the United Methodist Church;

Betty Osborne, member of the Lawyer's Committee of the National Center for State Courts;

Caren Prothro, Dallas philanthropist, President of the Dallas Foundation and civic leader;

Ret. Maj. Gen. Hugh G. Robinson, Chairman and CEO of The Tetra Group Inc., and former chairman of the African American Museum;

Dr. Charles C. Sprague, former President of the University of Texas Southwestern Medical Center at Dallas and Southwestern Medical Foundation;

Rt. Rev. James M. Stanton, Bishop of the Episcopal Diocese of Dallas.

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CENTER ACTIVITIES MARCH 1997 TO MARCH 1998

PUBLIC CONFERENCES AND LECTURES

A. THE ETHICS OF CONTRACT AND OTHER PROMISES, FEBRUARY 25, 1998

The conference on *The Ethics of Contract and Other Promises* explored the ethics of lawyers and business leaders as they bear on making, keeping, and reneging on promises, and also placed the ethics of contract within the wider context of promise making and keeping in the society at large.

Robin W. Lovin, Dean of the Perkins School of Theology and Kenneth L. Penegar, Professor at SMU's Law School, co-directed the conference. Speakers included: Thomas Donaldson, Professor, Business Ethics, Wharton School of Finance, University of Pennsylvania; E. Allan Farnsworth, Professor, School of Law, Columbia University; David J. Luban, Professor of Law and Philosophy, Georgetown University Law Center; and Robert Wuthnow, Professor, Department of Sociology, Princeton University.

Gregory S. Crespi, Professor, SMU Law School, chaired a case study, with panelists including Cary M. Maguire, President of Maguire Oil Company; Anne H. McNamara, Senior Vice President and General Counsel, AMR Corporation and American Airlines; and Professors Farnsworth, Luban, and Penegar.

A generous donation of \$61,100 from American Airlines supported the conference.

B. CONFERENCE OF THE PROFESSIONS, OCTOBER 27, 1997

The Maguire Center joined with the Dallas Bar Association, the Dallas County Medical Association, SMU's Perkins School of Theology, SMU's Law School, and the University of Texas Southwestern Medical Center at Dallas to co-sponsor the 12th Annual Conference of the Professions (law, medicine and clergy) to consider an ethical issue of common interest. The topic for the 1997 conference was "Death and Dying." The keynote speaker, Dr. Kathleen Nolan, is a board-certified physician widely published on topics in medical ethics. A distinguished panel of local professionals, chaired by Prof. William Bridge of the SMU Law School, discussed a case that posed issues for all three professions. The Maguire Center will continue to participate in the planning and management of the conference each year.

C. CO-SPONSORED WORKSHOP, DECEMBER 4-6, 1997

The Maguire Center and the University of Texas Southwestern Medical Center collaborated in sponsoring an extended workshop on the issue of implied values in psychiatric diagnostic systems, entitled "Values in Psychiatric Nosology." Dr. John Sadler of UT Southwestern Medical Center, a member of the Maguire Center Faculty Advisory Committee, planned, directed, and contributed two papers to this important undertaking. A grant of \$24,000 from the Greenwall Foundation made this conference possible.

Directors of the Center



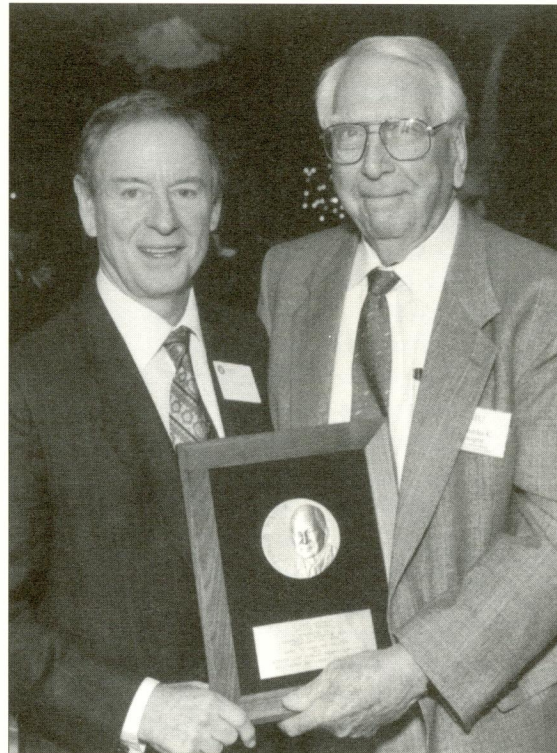
Richard O. Mason,
New Director of Center



William F. May,
Outgoing Director of Center



(L to R) Ross C Murfin, Charles C. Sprague, William F. May, and Cary M. Maguire



(L to R) Cary M. Maguire with Charles C. Sprague, recipient of the J. Erik Jonsson Ethics Award



(L to R) William F. May and SMU Provost Ross C Murfin



(L to R) Ward L. Huey Jr., Vice Chairman of A.H. Belo Corp., and Cary M. Maguire



(L to R) Panelists Cary M. Maguire and David Luban



(L to R) Panelists David Luban, Professor of Law and Philosophy, Georgetown University; Anne McNamara, Senior Vice President and General Counsel, AMR Corporation and American Airlines; and E. Allan Farnsworth, Professor, School of Law, Columbia University

ACTIVITIES 1997-98, *continued*

D. PUBLIC LECTURE: WELLNESS AND THE ETHICS OF SELF-CARE, OCTOBER 27-28, 1997

Dr. Donald B. Ardell of the University of Central Florida lectured before 500 students in attendance each night. He also met with the entire teaching staff of the SMU Wellness Program.

MAGUIRE PUBLIC SCHOLARS

This program commissions SMU and area faculty members to give a public presentation, and follow this presentation with a finished manuscript which the Center will publish as an occasional paper under its logo and/or offer as a website resource.

The first Maguire Public Scholar, **Associate Professor James Hopkins** of the History Department, lectured on "The Private and Public Intellectual in the World and the Academy."

In the second of this series, **Professor Michael Holahan** presented an in-depth reflection on the ethical and political ramifications of Shakespeare's *King Lear* under the title, "'Look, her lips'; Softness of Voice, Construction of Character in *King Lear*."

On February 11, 1998, **Professor Bonnie Wheeler** delivered a public lecture growing out of her interdisciplinary course on the medieval practice of pilgrimage, entitled "Pilgrimage and the Desire for Meaning."

MAGUIRE TEACHING FELLOWS

The Maguire Center encourages fellow faculty members to develop a course in ethics through its Teaching Fellow program. In addition to an honorarium to assist in the development of the course, the Center provides opportunities for the Fellow at the

beginning and end of the venture to discuss the curriculum proposal with interested colleagues. Three awards were made for 1997-98:

Assistant Professor Martha Selby, Religious Studies, a course on *Ethics in Cross Cultural Perspective* for Fall 1998;

Associate Professor Alastair Norcross, Philosophy, a course on *Animal Rights* for Fall 1998;

Assistant Professor Martha Satz, English, a course on *The Ethical Justification of Children's Literature* in Spring 1998.

MAGUIRE PUBLIC SERVICE INTERNS

The Maguire Center supported eleven SMU students in service learning projects for the Summer of 1997, with grants ranging from \$1,000 to \$2,000. Their names and projects were reported in the Newsletter, Spring 1997.

GIFTS TO THE CENTER

American Airlines gave \$61,100 to support the conference on *The Ethics of Contract and Other Promises*.

The National Automobile Dealers Charitable Foundation supported one of the speakers at *The Ethics of Contract and Other Promises* conference with \$3,000.

Mr. Thomas Lardner supported the general work of the Center with a gift of \$2,500.

Cary M. Maguire donated \$8,000 to provide technical assistance in the design of the Center's Website.

Our thanks go to these patrons for their generosity in underwriting the work of the Maguire Center.

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ACTIVITIES FOR 1998-1999

PUBLIC CONFERENCE ON THE ETHICS OF GOVERNMENT

It is an irony that the entire world, the United States included, needs good political decisions coming out of the United States, at a time when many Americans have contempt for politics as a vocation.

The Maguire Center will sponsor a conference on *Ethics in Government* in the Spring of 1999. It will deal with questions of ethical standards as they bear not only on the political process but on the actual content of laws and policies.

CONFERENCE OF THE PROFESSIONS

The 13th Annual Conference of the Professions will be held October 22, 1998. The topic will be "Affirmative Action," with Christopher Edley of Harvard as the keynote speaker. The conference will address issues in affirmative action as they bear on admissions policies, the social purposes of professional education, and hiring practices in the three professions of law, medicine, and ministry. The conference will close with a panel including leaders from the three professions and a person expert in corporate hiring practices.

MAGUIRE PUBLIC SCHOLARS

The Maguire Center has named two Maguire Scholars for 1998-99: **Professor Joseph L. Allen**, Fall 1998; and **Professor Steven Sverdlik**, Department of Philosophy, in Spring 1999, on *Emotions in Ethics: Ancient and Modern*.

MAGUIRE TEACHING FELLOWS

The following three teachers will prepare courses in ethics to be offered 1998-99:

Professor Jeffrey Mark Gaba, Law, *Environmental Ethics*;
Assistant Professor Mark McCullagh, Philosophy, *Can a Corporation be a Good (or Bad) Person?*;

Assistant Professor Alexis McCrossen, History, *From Pew to Bleacher: American Culture and Its Institutions*.

MAGUIRE PUBLIC SERVICE INTERNS

The Maguire Center will provide grants, ranging from \$1,600 to \$2,000, for nine students, Summer 1998:

Lindsey Gaye Bruce, sophomore, will create a volunteer training manual for the Vickery Meadow Learning Center in Dallas;

CENTER BEGINS PUBLISHING EFFORTS WITH SERIES OF SIX OCCASIONAL PAPERS

The Center is concerned that its publications, both in their style and content, reach out beyond the walls of the university to the broader community. To that end, the Center will publish occasional papers growing out of an individual author's work and occasional volumes based on the Center's major public conferences.

This Spring, the Maguire Center will release six essays as occasional papers:

- "The Private and Public Intellectual in the World and the Academy," James Hopkins, Maguire Public Scholar, Spring 1997; No. 1
- "Managed Care: Some Basic Ethical Issues," James Childress, plenary address, *Ethical Issues in Managed Care*, February 1996; No. 2
- "Journalism as a High Profession in Spite of Itself," William Lee Miller, plenary address, *Freedom and Responsibility in a New Media Age*, March 1997; No. 3
- "The New Media: The Internet, Democracy, Free Speech and the Management of Temperance," Richard O. Mason, plenary address, *Freedom and Responsibility in a New Media Age*, March 1997; No. 4
- "Look, her lips': Softness of Voice, Construction of Character in King Lear," Michael Holahan, Maguire Public Scholar, Fall 1997; No. 5
- "Pilgrimage and the Desire for Meaning," Bonnie Wheeler, Maguire Public Scholar, Spring 1998. No. 6

To order, send the essay request along with \$2 to:
Cary M. Maguire Center for Ethics and Public Responsibility
Southern Methodist University
P.O. Box 750316
Dallas, TX 75275

As mentioned earlier, the Maguire Center will complete late this summer an on-line volume on *Ethical Issues in Managed Care*, which grows out of the inaugural conference on that subject and is being edited by SMU School of Law Associate Professor Tom Mayo. The book will be available on the Center's website free of charge. Also underway is a book covering two public conferences in 1996-97: *The Ethics of Philanthropy and Trusteeship* and *Ethical Issues Facing Voluntary Communities*. Director William F. May is editor. Dean Robin Lovin of the Perkins School of Theology, and co-director of the recent elucidating February 1998 conference on the *Ethics of Contract and Other Promises*, will edit a book based on the presentations of that conference, as well as commission additional chapters on the topic.

The Maguire Center would appreciate your comments on publications, as we seek to launch and strengthen this aspect of the Center's program. René Walker Rivers is Research Associate for Publications, and may be reached through the Center at 214-768-4255.

MAGUIRE WEBSITE POSTED SUMMER 1997

Posted to the SMU web server last summer, the Center's homepage www.smu.edu/~ethics_center provides information about the Center's mission and history, Ethics Center Advisory Board, Conferences and Events, Center Staff and Faculty Advisors, Faculty Research and Teaching, Student Programs, and Publications and Newsletters. Publications currently available on-line are:

- "The New Media: The Internet, Democracy, Free Speech and the Management of Temperance," Richard O. Mason
- "The American Spirit in Philanthropy," Curtis W. Meadows, Jr.
- "Journalism as a High Profession in Spite of Itself," William Lee Miller
Center Newsletter, Spring 1996
Center Newsletter, Spring 1997

Plans are underway to post this summer an on-line volume based on the Inaugural conference *Ethical Issues in Managed Care*. The Center's website also contains a keyword search mechanism to find information (whether conference dates or on-line articles) related to one's interests.

In addition to accessing the Center's website through the URL given above, one may also find it through the Southern Methodist University homepage at www.smu.edu under the Academics category "Centers and Institutions."

EXCERPTS ON ADVERSARY ETHICS

PROF. DAVID LUBAN, FEBRUARY 25, CONFERENCE LECTURE

"The adversary system generates a characteristic vision of legal ethics that I shall call *Nonaccountable Partisanship*. Nonaccountable Partisanship combines two broad principles: (1) *the principle of partisanship*, which requires advocates to advance their clients' partisan interests with the maximum zeal permitted by law; and (2) *the principle of nonaccountability*, which insists that an advocate is morally responsible for neither the ends pursued by the client nor the means of pursuing those ends, provided that both means and ends are lawful.

The principal of partisanship follows from two of the adversary system's defining features: party control, rather than judicial control, of the proceeding, and the division of labor placing on each advocate sole responsibility for advancing the client's arguments and attacking the adversary's. Under this arrangement, if an advocate fails to make all the client's arguments as forcefully as possible, they simply won't be made at all. Hence the importance of the principle of partisanship, which fulfills the most basic moral requirement of any system of legal procedure, namely that it ensures that all legitimate arguments are ventilated in a proceeding.

The principle of nonaccountability follows from parallel considerations. If an advocate is morally responsible for the means or ends in a representation, she may be compelled to back off from partisan zeal. Thus, just as the principle of partisanship seems to follow from the structure of the adversary system directly, the principle of nonaccountability seems to follow indirectly, in order to ensure that the principle of partisanship is satisfied.

ADVERSARY SYSTEM, *continued*

Yet Nonaccountable Partisanship is profoundly troubling as a moral ideal governing lawyer's behavior. In Macaulay's words, it implies that the advocate, 'with a wig on his head and a band 'round his neck will do for a guinea what he would otherwise think it wicked and infamous to do for an empire.' To heighten the sense of paradox, notice that Nonaccountable Partisanship implies that a lawyer may have to do on behalf of a client what he believes that neither client nor lawyer is morally entitled to do on their own behalfs."

Despite these morally sobering paragraphs about the adversary system, Professor David Luban of the Georgetown University Law School does not propose that we dismantle the system. Just how lawyers, judges, and the society should restrain it and make it morally accountable was the subject of his lecture "Truth, Contracts, and Adversarial Ethics" at the Maguire Center's Conference on *The Ethics of Contract and Other Promises*. We hope to publish his lecture soon, either as an occasional paper or as part of a book issuing from the Conference under the editorship of Dean Robin Lovin of SMU.

PUBLIC SERVICE INTERNS, *continued*

Denise L. Campbell, SMU Law Student, will develop support services for college-bound high school students with the Operation H.O.P.E. Program (Helping Other People Excel) at the Faith Memorial Church in Dallas;

Betsy Kathleen Glasenapp, senior, will work in Cape Coral, Florida, at the Tender Loving Care Complex, a non-profit which provides a home for abused and abandoned children and runs two thrift shops in the area;

Jian Han, Ph.D. student in statistics, will provide statistical services and models for research and clinical data for the Institute of Exercise and Environmental Medicine at Presbyterian Hospital of Dallas;

Matthew C. Kline, graduate student in music, will help implement a new HIV/AIDS patient program at the Cathedral of Hope Metropolitan Church in Dallas;

David M. Moore, Ph.D. student in religious ethics, will work with Latin American immigrants and refugees at Casa Juan Diego, a Catholic Worker House in Houston;

Michelle Neilon, senior, will work with the Preverbal Communication Program at the Callier Center for Communication Disorders at the University of Texas at Dallas;

Denise A. Sawyer, Perkins School of Theology M.Div. student, will implement a lifeskills program for the "Empowering Young Women" program at Jubilee United Methodist Church in Duncanville, Texas;

Colin Vadheim, junior, will assist in the development of the Parish Nursing program at the First Lutheran Church in Miles City, Montana.

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Public Responsibility

Cary M. Maguire Center for Ethics and

