The Sorensen Fellowship is a fitting tribute to a man who is an inspiration to young people for his public service and international engagement.”

Daniel Terris

FROM THE DIRECTOR – DANIEL TERRIS

A Decent Respect...

In the weeks following the nomination of Judge Sonia Sotomayor to the United States Supreme Court, much of the public scrutiny has focused on issues of “empathy” and identity. I invite you to take a look at the Center’s new “Ethical Inquiry” feature on our website for some competing opinions on how personal background and experience resonate in the judicial role.

At the same time Sotomayor has been pilloried for her willingness to entertain the possibility that American judges and courts might have something to learn from judges and courts outside of the United States. Critics claim that she wants to impose “foreign law” on U.S. citizens.

A favorite text of those opponents is Sotomayor’s introduction to our recent book, The International Judge: An Introduction to the Men and Women Who Decide the World’s Cases. Republican Senator Jeff Sessions took her to task on the floor of the Senate for merely posing the question in that introduction of “how much we have to learn from international courts and from their male and female judges about the process of judging and the factors outside the law that influence our decisions.”

In fact, Sotomayor’s cautious openness to legal ideas and reasoning from overseas is part of a heartening trend. At every level – in both...
The International Center for Ethics, Justice, and Public Life

The mission of the International Center for Ethics, Justice, and Public Life is to develop effective responses to conflict and injustice by offering innovative approaches to coexistence, strengthening the work of international courts, and encouraging ethical practice in civic and professional life.

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Research Guide on International Justice

Brandeis Programs in International Justice and Society has produced a Brandeis library guide to international justice. Available at www.brandeis.libguides.com/justice, the research guide offers information on international courts and tribunals, international judges, significant cases, and more.

2009 Sorensen Fellows Named

Six Brandeis undergraduates have received Sorensen Fellowships, which include a summer internship experience: (from left) Kathleen Rees ’10, who worked in Peru as a public health investigator; Noam Shouster ’11, who worked on a peacebuilding theater project in Rwanda; Beth Bowman ’10, who worked in Jerusalem doing field research with Israelis and Palestinians with the Israeli Committee Against House Demolitions; Lisa Hanania ’11, who worked in prisons in Jamaica on rehabilitation programs and in schools conducting educational programs; Lauren Kraus ’10, who worked with an organization in Lesotho dedicated to providing children’s literature in the country’s native language; and Zev Rowlett ’11, who taught English to children of migrant workers on the Mexico/New Mexico border. See www.brandeis.edu/ethics/atbrandeis/sorensenfellowship/index.html to learn more about the fellowship program.

IN THE NEWS

Davis Projects for Peace Award

Benjamin Bechtolsheim ’09 was awarded a $10,000 grant from the Davis Projects for Peace to work this summer with the NGO Reproductive Health Uganda to support displaced women with HIV/AIDS and survivors of gender-based violence living in resettlement villages in Northern Uganda. As a recipient of a 2008 Ethics Center Student Fellowship (now called the Sorensen Fellowship), Bechtolsheim last year worked with RUH to help internally displaced persons as they transition from camps to permanent housing.


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Coexistence Director Speaks at UN on Arts and Reconciliation

Cynthia Cohen, executive director of the Slifka Program in Intercommunal Coexistence, spoke in May at the United Nations headquarters in New York on “Creative Approaches to Coexistence and Reconciliation.”

Hosted by the Bureau for Crisis Prevention and Recovery at the United Nations Development Programme, the event highlighted experiences from artists and cultural leaders working in conflict or post-conflict regions around the world.

“In such challenging environments, arts offer creative and life-enhancing forms of resistance and provide platforms where otherwise unspeakable truths can be acknowledged for sustainable social cohesion and reconciliation,” Cohen says. “Artistic processes amplify underrepresented voices and build bridges across differences.”

In her talk, Cohen discussed key lessons from the nearly completed anthology Acting Together on the World Stage and from the Brandeis International Fellowship Program on Recasting Reconciliation through Culture and the Arts, whose work the Coexistence Program has catalogued in a virtual collection. Among her recommendations, she called for efforts that would engage artists in violence-prevention initiatives, promote the connection between the arts and peacebuilding, and support artists in documenting and sharing their work.

Following the presentation, discussion focused on the challenges of assessing the impact of the arts, how arts activities could best contribute to conflict prevention, and the benefits of investing in arts and cultural work in places with limited resources.

In addition, Cohen showed a trailer for the upcoming documentary Acting Together on the World Stage (available at http://movmedia.net/actingtogether.html). The film draws on the work of the international theatre artists, coexistence practitioners, and scholars featured in the anthology. Audience members, who were eager to connect with the growing worldwide network harnessing the transformative power of the arts to wage peace, said they would encourage the heads of country of every UN mission to share it with their staffs and local communities.

Epidemiologist Examines Approaches to AIDS Fight

In a keynote address during a residency at Brandeis in February, World Health Organization epidemiologist Brian Williams argued that in the delicate balance between human rights and public health in the battle against AIDS, the pendulum may have swung too far in one direction.

“We’ve been too concerned about individual human rights,” he said.

The third annual Distinguished Visiting Practitioner of the International Center for Ethics, Justice, and Public Life, Williams has worked in the StopTB Department of the World Health Organization in Geneva for the past five years. His primary interest is in the epidemiology and control of tuberculosis, especially in Africa and in places where there is a high burden of HIV infection. During the week, he spoke to Brandeis’s African Forum about HIV/AIDS, to a Heller School class on global infectious diseases, and visited with students about his career in public health. The Brandeis Chemistry Department, with lead faculty member Irv Epstein, co-hosted the visit, which culminated with the keynote address on February 12 titled “Fighting AIDS in Africa: Public Health vs. Human Rights.”

In that talk, Williams cited the “almost unimaginably high rates of infection” of HIV/AIDS in southern Africa and critiqued the government of his native South Africa for its failure to act to stem transmissions. But he contended that the rest of the world hasn’t done much better when it comes to defining the disease as a public health emergency.

People are committed and money is available to fight AIDS, he said, yet the rate of infection has not decreased after 25 years of the epidemic. He pointed to measures that could greatly reduce the spread of the disease, such as male circumcision. While some object to circumcision on individual rights grounds, the procedure could save millions of lives, according to Williams. He also argued that testing people once a year in places with high infection rates and then providing free anti-retroviral drugs for life for those who are HIV-positive would cut transmission rates ten-fold and control the spread of the virus.

Yet he also acknowledged that “the arguments are never straightforward or easy” when considering the balance between human rights and public health. He concluded his talk by showing a short video of miners and sex workers in South Africa who participated in a project Williams directed to find ways to reduce the transmission of HIV. “These are the people you’re dealing with in this work,” he said, “and it’s very easy to forget them.”

For more information on the arts and peacebuilding, the Coexistence Program has established a Virtual Resource Center at www.brandeis.edu/slifka/vrc/library.htm that includes creative works generated by the program.
In Trinidad, BIIJ Explores ‘International Justice: Past, Present, and Future’

The Center presented its sixth Brandeis Institute for International Judges (BIIJ) in January on “International Justice: Past, Present, and Future.” Held in Trinidad and co-hosted by the Caribbean Court of Justice (CCJ), BIIJ 2009 was attended by 14 judges representing 11 international courts and tribunals.

The Institute’s first session, held on the premises of the CCJ court in Port of Spain, was led by Nicolas Michel, former under-secretary-general for Legal Affairs and Legal Counsel at the UN. It examined the interplay of justice and politics in the international justice system, and participants discussed, among other topics, whether judges and their institutions can contribute to peace as well as deliver justice.

Next, an information-gathering session was led by Ruth Mackenzie, deputy director of the Centre for International Courts and Tribunals at University College London, on the development and articulation of professional standards to govern the conduct of lawyers involved in proceedings before international courts and tribunals.

Participants then examined how different courts look at human rights issues. Much attention was paid to the challenges of avoiding legal uncertainty and the problem of conflicting jurisprudence.

The following session focused on issues of multilingualism in international courts. All of these institutions face a range of challenges arising from the diverse linguistic background of their judges and staff members as well as the parties who appear before the court.

As in the previous BIIJ, judges had the opportunity to divide into breakout groups representing the types of courts in which they serve — criminal, human rights, or inter-state dispute resolution.

In the final gathering, participants tackled the broad issue of measuring success in the international justice system. Richard Goldstone, former chief prosecutor for the International Criminal Tribunals for the former Yugoslavia and Rwanda, offered opening remarks that centered on the purposes for which the ad-hoc international criminal tribunals were established. Judges then offered their analysis of whether their own courts have accomplished the goals for which they were created and how the international justice system can be improved in the future.

Since its inception in 2002, the BIIJ has provided a forum for international judges to meet and discuss critical issues concerning the theory and practice of international justice. More on the BIIJ, and a complete report on BIIJ 2009, is available at www.brandeis.edu/ethics/internationaljustice/biij/index.html.

Judge Details Stint on War Crimes Court

In the first of a series that Programs in International Justice and Society is organizing to introduce Brandeis students to the wide array of professions available in the field of international justice, Massachusetts Superior Court Judge Elizabeth Fahey spoke in March about serving on the War Crimes Chamber of the Court of Bosnia and Herzegovina.

“I’ve always been interested in war crimes,” said Fahey. “It never occurred to me that I’d be able to get a job as an international judge.”

Fahey, who arrived in Sarajevo in September 2007 after taking a leave of absence from her regular position, described having to learn a new judicial system, one with different statutes and with a three-judge panel deciding cases rather than juries.

Her most serious case involved Serbian soldiers who, after a funeral of a fellow soldier, rounded up and shot 28 Muslims, 23 of whom were killed (three survivors testified in the case). She cited another case involving murder and rape, describing her disagreement with another judge who didn’t believe an alleged rape victim because she couldn’t remember what she was wearing at the time of the incident more than a decade before.

“I really appreciated, being a judge on war crimes cases, that jurors have the harder job,” she said. “Finding guilt or innocence in war crimes cases isn’t easy.”

International judges attending BIIJ 2009, in the courtroom of the Caribbean Court of Justice

Judge Elizabeth Fahey speaks to Brandeis students about her experience on the War Crimes Chamber of the Court of Bosnia and Herzegovina.
A Day Among the Peacemakers

That day we did nothing but watch and listen, yet the youth made known that our interest in their efforts encouraged them in the positive work they were doing.

By John Lewis Moore

In January of this year, I joined a group of 12 conflict resolution professionals on a trip to Nigeria. We were traveling as part of a State Department grant to conduct trainings on our various approaches to conflict resolution, with a focus on the issue of interfaith conflict. As I prepared to depart Boston’s Logan Airport with my colleagues, I wondered what interesting times might lie ahead. There were many, but one day stands out.

That day was in the middle of our two-week trip. Our team leader, Professor Darren Kew of the University of Massachusetts Boston Graduate Programs in Dispute Resolution, briefed us on the plan for the day as he did every morning. We were leaving Abuja and heading north, to the city of Kaduna. Along the way, we would stop to observe a training session on interfaith conflict resolution.

For three hours, we peppered the Nigerians traveling with us with questions. We passed successions of small communities lined with people often carrying on their heads items such as fruits, firewood, and box-spring mattresses. “What are those dome shaped structures near the homes?” (Granaries). “What is that meat being grilled?” (Suya). “Would it be safe for me to try it at one of these stands along the way?” (Let’s not find out).

Though exhaustion consumed me, fear kept me awake as we careened along the broken road, dodging potholes, people, and oncoming trucks at breakneck speed. For seven days now, we had traveled together in this van from venue to venue, starting early in the morning and ending late at night. As we rode, Darren hung up from a call and informed us: “They want to know where we are. Everyone is waiting.” We didn’t know how many people “everyone” would be.

Eventually, our van rolled into the compound of the facilities where the training was being held. We were led to our seats at the front of a vast room filled with 200 youth leaders from every state of Nigeria, their chaperones, and numerous speakers and trainers, who were there to develop skills for strengthening coexistence between Muslims and Christians in their communities.

After being introduced to the crowd, we spent a couple of hours observing the training. During a break, we had intended to say hello to a few students and then have lunch at the restaurant across the way. But we were quickly swarmed by the whole mass of enthusiastic and smiling youth. We were being pulled at all sides for pictures, with one student grabbing one arm while still in the middle of getting our pictures with another. Eventually we emerged outside, where several more youth were waiting to shake our hands and snap pictures with us. I realized that we had met perhaps every single person who attended the training. That day we did nothing but watch and listen, yet the youth made known that our interest in their efforts encouraged them in the positive work they were doing.

After arriving at the restaurant, I sipped a fiery broth of hot pepper soup. The van was waiting downstairs, and six more days of work lay ahead. During our trip, we would meet with high-level government and religious officials, and representatives from several local nongovernmental organizations. Yet I look back most fondly on the day we spent with these young people. Now, if I question whether the work we do makes a difference, I’ll remember those 200 young peacemakers, and I’ll know that it does.

John Lewis Moore is the program manager for Coexistence International.
**HIGHLIGHTS OF RECENT EVENTS**

**FEBRUARY**

Antonio Meloto detailed efforts to obtain donated land and build housing for the poor by the organization he founded, Gawad Kaling.

An exhibit at the Women’s Studies Research Center called “Intended Consequences: Rwandan Children Born of Rape,” featured a portrait series of Rwandan women who were raped during the 1994 genocide and have a child as a result. Artist Jonathan Torgovnik delivered a lecture at the opening of the exhibit.

In a talk hosted by Coexistence International called “Democracy and Peace-Building: Rethinking the Conventional Wisdom,” former Congressman Howard Wolpe identified strategies for sustainable peace-building and outlined false assumptions that can derail the process. Wolpe, a former board member of CI, was recently named U.S. Special Envoy to the Great Lakes region in Africa.

**MARCH**

Justice Rosalie Silberman Abella, the first Jewish woman to be appointed to the Supreme Court of Canada, spoke on “What History Teaches Us: Gender and Human Rights in the New Century.” Cosponsored by the Ethics Center, the event was hosted by the Haddassah-Brandeis Institute Project on Gender, Culture, Religion, and the Law.

In a talk based on his book *Climate Wars*, social psychologist Harald Welzer argued that climate change has led to increasingly adverse living conditions and that out of such conditions, social unrest and violence often arise.

Rabbi Steve Greenberg, the only openly gay Orthodox rabbi, spoke about being gay and an Orthodox Jew. The MusicUnitesUS world music concert series featured the group Nettle, which performed North African folk, free improvisation, Arab and Western classical traditions, and hip-hop.

The National Center for Jewish Film’s 12th Annual Film Festival premiered the film *Waiting for Armageddon*, a documentary that explores the growing clout of Christian evangelicals, their impact on American foreign policy in the Middle East, and the role of Israel and Israeli Jews in their theology and public policy.

Kim Bobo, founder of Interfaith Worker Justice in Chicago, a network that calls upon religious values in order to educate and mobilize the religious community to improve wages, benefits, and conditions for workers, spoke about her recent book, *Wage Theft in America: How Millions of Working Americans Are Not Getting Paid – And What We Can Do About It*.

Professor Susannah Heschel of Dartmouth College, a Jewish feminist theologian, and Professor Kecia Ali of Boston University, a Muslim feminist scholar, explored the commonalities and differences between the Jewish and Muslim communities.

Mathew Louis-Rosenberg and Glen Collins of the Prenter Water Fund in Prenter, West Virginia, spoke about the causes and effects of the toxic water conditions seen in Prenter and discussed steps to improve conditions for the residents there.

**APRIL**

In a panel moderated by Peniel Joseph, professor of African and Afro-American Studies, experts on foreign policy, economics, and health care discussed Obama’s 100 Days: Looking Ahead.

**MAY**

Imam Muhammad Ashafa and Pastor James Wuye, founders of the Interfaith Mediation Center in Nigeria, answered questions and screened the documentary *The Imam and the Pastor*, which details how they transitioned from participants in ethnoreligious violence in Nigeria to colleagues who work to strengthen coexistence among Muslims and Christians.

**Civil Rights Lawyer Reflects on Detainees, Torture**

Michael Ratner, the president of the Center for Constitutional Rights (CCR), a human rights litigation organization in New York City, spoke in February on “Beyond the Shadows of Guantánamo: Restoring the Rule of Law in the Post-Bush Era.”

Ratner, a member of the Ethics Center’s advisory board, and CCR have represented Guantánamo Bay detainees seeking to restore habeas corpus – the right to be charged with a crime and have their case heard in a court of law. Calling the era of the Bush administration “the worst eight years that I’ve lived through as a civil rights lawyer,” he decried the post-9/11 policy of classifying detainees as “enemy combatants” who may be held indefinitely.

In 2004, CCR won a Supreme Court case allowing Guantánamo detainees to challenge their detention in federal courts. He praised President Barack Obama’s executive order closing Guantánamo in a year as well as orders closing secret CIA prisons, applying the Army field manual to the CIA, and suspending military commissions.

Calling himself an “absolute prohibitionist” on torture, Ratner said that CCR is pressing for accountability of those involved in the policy of allowing torture, including lawsuits against former Secretary of Defense Donald Rumsfeld and others in the Bush administration. While some have called for a truth commission to uncover incidents of torture, Ratner said: “The only way to send a message that this should not happen again in this country … is to prosecute people who were involved in torture.”

Michael Ratner, president of the Center for Constitutional Rights
Goldstone Becomes Chair, Minow Joins Advisory Board

Richard Goldstone is the new chair of the Center’s International Advisory Board, replacing Theodore Sorensen, who stepped down from that role. In addition, Harvard Law School Dean Martha Minow has joined the board.

Goldstone, like Sorensen a member of the board since its founding, served as the chief prosecutor of the United Nations Criminal Tribunals for the former Yugoslavia and Rwanda and was a justice of the Constitutional Court of South Africa. He recently was honored with the MacArthur Award for International Justice, which includes a $100,000 grant to the Ethics Center at Goldstone’s suggestion.

“Richard Goldstone has served the board with distinction, bringing the wisdom of one of the leading figures in the international justice system,” says Center Director Daniel Terris. “He has also helped the Center immensely through his service as a director of the Brandeis Institute for International Judges. I look forward to his continued contribution in an expanded role as chair of the board.”


Minow served on the Independent International Commission Kosovo and helped to launch Imagine Co-existence, a program of the UN High Commissioner for Refugees, to promote peaceful development in post-conflict societies. A graduate of the University of Michigan, she received a master of education from the Harvard Graduate School of Education and a juris doctor from Yale Law School.

“I am pleased that Martha Minow agreed to sit on our board,” Terris says. “Her impressive work in human rights, coexistence, and international justice fits perfectly with our goals of fostering coexistence across the globe and strengthening international courts.”

Sorensen Fellowship

continued from page 1

figures from the fields of diplomacy, international law, and public policy.

“Ted has given the Center invaluable wisdom for the past 10 years,” said Director Daniel Terris. “The Sorensen Fellowship is a fitting tribute to a man who is an inspiration to young people for his public service and international engagement. With the renaming of one of our flagship programs, we honor his service to the board and indeed his service to the world.”

The fellowship was launched with its first group of students in 1998. Since then, the Ethics Center has sent 68 students on internships worldwide. For more information about this program, see www.brandeis.edu/ethics/atbrandeis/sorensenfellowship/index.html.

From the Director

continued from page 1

federal and state courts — U.S. judges have become more knowledgeable about international legal issues, heeding sentiments from America’s founding fathers that “a decent respect to the opinions of mankind” is a critical element of justice.

In the Supreme Court, Justices Stephen Breyer, Ruth Bader Ginsburg, and Anthony Kennedy have taken the lead. This has not taken the form of deference to “foreign” law, but to openness to sound judicial reasoning wherever it is found. Kennedy, whose deepening participation in international legal fora includes a visit to the Brandeis Institute for International Judges, has used reasoning from overseas courts to demonstrate that U.S. law is out of step with the rest of the world when it criminalizes sodomy or when it permits the execution of juvenile offenders.

This trend is by no means dominant. The U.S. is sometimes cavalier about its international treaty obligations, and Americans have maintained an attitude of selective respect for institutions like the International Court of Justice in The Hague.

Sonia Sotomayor’s own comments on international law have actually been quite circumspect. Even her introduction to our book does no more than suggest that these questions deserve thoughtful consideration. But thoughtful consideration represents an important challenge to opponents like Justice Antonin Scalia, who have railed against the “fads and fashions” of international law.

Whatever the future role of Sonia Sotomayor, a burgeoning respect for judges and courts from overseas should help further the heartening idea that the United States is not a nation unto itself, but a nation among nations, working in concert for justice for its own citizenry and for men and women around the globe.
NEW CENTER RESOURCES

New Website Feature on Ethics
In a new online series called “Ethical Inquiry,” the Center each month examines a different ethical issue, highlighting a broad array of opinion from journalism, academia, and advocacy organizations. Our intent is to illuminate and explore the complexity of some of the most vexing ethical questions of our time. To access the current and previous issues in the series, see www.brandeis.edu/ethics/ethicalinquiry/index.html.

Reports on Judicial Conferences
Brandeis Programs in International Justice and Society has produced reports on its two latest conferences. The report on the North American Judicial Colloquium chronicles an event held at Brandeis that brought together U.S. and Canadian judges with international judges to weigh the influence of international law on domestic courts. The report is available at www.brandeis.edu/ethics/internationaljustice/judicialcolloquia/index.html. A report also has been published on the latest Brandeis Institute for International Judges. BIJJ 2009, held in Trinidad, was attended by 14 judges representing 11 international courts and tribunals, who examined “International Justice: Past, Present, and Future.” The report is available at www.brandeis.edu/ethics/internationaljustice/biij/index.html.

CI New Releases
As part of its “Country Studies” publication series, Coexistence International has released its latest study, which focuses on Ghana. CI country studies describe the state of coexistence within different countries, and compare diversity and coexistence policies from countries around the world. In addition, CI has published a new paper in its Complementary Approaches to Coexistence Work series, titled Focus on Coexistence and Democracy-building in West Africa. Both publications, and previous CI publications, can be accessed at www.brandeis.edu/coexistence/pubs/publications.html.

UPCOMING EVENT

Distinguished Lecture in International Justice and Human Rights
Justice Hassan Bubacar Jallow, chief prosecutor of the International Criminal Tribunal for Rwanda, will deliver the inaugural Distinguished Lecture in International Justice and Human Rights at Brandeis on November 30, 2009. Prior to his appointment as chief prosecutor, he was a judge of the Appeals Chamber of the Special Court for Sierra Leone as well as a member of the Commonwealth Secretariat Arbitral Tribunal. In addition to his talk, Jallow will meet with Brandeis students to discuss the work of international justice.

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The International Center for Ethics, Justice, and Public Life was established through the generosity of the late Abraham Feinberg. Visit the Center online at www.brandeis.edu/ethics.