



# NEWSLETTER

Vol. 2, No. 2

10 October 1997

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## PROGRAM NOTES

### Short Notes on a Long Art

Newsletter of the Program in Human Rights & Medicine

Department of Obstetrics & Gynecology  
John M. Dolan, Editor

*Life is short, the art long; opportunity fleeting,  
judgment difficult, experiment, dangerous.*  
Hippocrates

*Many physicians are interested in a rich man's  
illness.*  
Chinese Proverb

## I. Program News

### Theodore Nagel on New Approach to Fertility Clinic Fee-Setting.

We are pleased to announce that Theodore C. Nagel, MD, will open our Fall Schedule with a seminar devoted to a new method of setting fees at fertility clinics which has spurred controversy. The method, sometimes crudely caricatured with the slogan "A baby or your money back," is one under which couples seeking help at an assisted reproduction clinic are offered rebates if the assisted reproductive technology does not result in conception after a certain number of attempts. The idea is to leave the couples in such cases with funds to pursue adoption. Dr. Nagel, clinical associate professor in the Department of Obstetrics and Gynecology, will speak about the cost rebate incentives which several assisted reproduction clinics in the United States are now offering. His title: "The Fertility Cost Warranty Program -- A New Paradigm of Payment for Assisted Reproductive Technologies." Dr. Nagel will present several case studies illustrating features of this program. The seminar is jointly sponsored by the Program in Human Rights & Medicine and the Graduate Medical Education Program of the Department of Obstetrics & Gynecology. The seminar will take place on Saturday, the 18th of October, at 9:00 AM, in Room 2-2520 Moos Tower. We look forward to seeing you at the seminar. For further information, call 626-6559.

### Uzawa to Lecture & Present Awards

Advisory board member Hirofumi Uzawa (an eminent economist who was declared "a national living treasure" by the Emperor of Japan) will be here at the University in January and early February as an official guest of our program and of the department of economics. At the outset of an address on the economics of health care, Dr. Uzawa will present certificates of award to

the winners of this year's human rights internships. The ceremony and lecture, sponsored jointly by the College of Liberal Arts and our Program, will take place in the Lecture Theater of Coffman Union at the University of Minnesota on the 28th of January at 12:20 PM. As usual, admission is free and everyone is welcome. Plan to attend.

### **Noam Chomsky Presents Awards**

Our human rights internships awards ceremony in the Great Hall of Coffman Union on April 15th was attended by over 1000 persons. Steven Rosenstone, the new Dean of the College of Liberal Arts, introduced Noam Chomsky and announced the winners of our internship awards: Jeff Hoelscher, a philosophy major at the University of Minnesota who will be working with the American Indian AIDS Task Force; Kehri Kazcmarek, a second year law student who will be working with Feminists for Life of Minnesota; and Richele Macht, of Southwest University, who will be working with Birthright of Minnesota.

The enormous audience was welcomed by Program co-char Steven E. Calvin. John M. Dolan introduced Steven Rosenstone. The Dean then announced the names of the award winners and invited them onstage to receive their certificates of award from Chomsky.

Chomsky, a member of our Advisory Board, delivered an address on the topic "Democracy and Rights" and led a lively question and answer period. Anyone interested in obtaining tapes of the lecture and Q&A session should contact Mary Clifford at 626-6559.

### **Program Conference for Medical Professionals a Success!**

The Program's conference for medical professionals, "Vulnerable Patients and the Aim of Medicine" last April 19th was a smash success. We turned a number of would-be enrollees at the door, having reached the capacity of the room. The total enrollment was 80 (41 of them physicians). The conference, which carries 6.0 clock hours of continuing medical education credit, had a faculty staff which included the Program's co-chairs, Steven Calvin and John M. Dolan, Ruth Bolton, MD (former member of the Department of Family Practice), Paul Byrne, MD, the nationally known expert on brain death criteria, Ron Hoekstra, MD, of Children's Hospital, Mahmoud Nagib, MD, of the University's Department of Neurosurgery, and Konald Prem, MD, from the Department of Obstetrics and Gynecology. The proceedings are being readied for publication.

### **Human Rights Internships**

The Program is conducting its second annual competition for student human rights internships. The awards enable students at Minnesota institutions of higher learning (graduate and undergraduate) to carry out projects with organizations whose work focuses on persons who risk unfair treatment under our health care system. Interested students can obtain guidelines and application forms in room 12-190 Moos Tower (from 1-5 PM weekdays), the CHIP lounge in Moos Tower, and the Philosophy Department office in room 355 Ford Hall. It is also possible to download the forms from the Program's web site ([www.umn.edu/phrm](http://www.umn.edu/phrm)). If you are in contact with any students in a position to carry out internships, please encourage them to apply. For further information, call 626-6559.

## **II. Calendar**

### **Donald Davidson's Lectures on Language and Thought**

The distinguished philosopher Donald Davidson, of Berkeley, who arrives shortly for his residency as Visiting Hill Professor, will be teaching two courses with Program co-chair John M. Dolan and delivering a series of lectures on "Language and Thought" under the sponsorship of the Graduate School, the Program in Human Rights & Medicine, a number of other University departments, and five local colleges and universities. The lecture schedule is as follows:

### **Lecture I**

20 Oct. (Mon.) 3:30 PM  
"Seeing Through Language"  
Room 2-530 Moos Tower

### **Lecture II**

5 Nov. (Weds.) 3:30 PM  
"Restoring Truth"  
Room 211 Nicholson Hall

### **Lecture III**

12 Nov. (Weds.) 3:30 PM  
"Triangulating the World"  
Room 211 Nicholson Hall

For those curious as to what will be going on in the lectures, Professor Davidson has provided us with a synopsis.

"What is the role of language in our relations with people and to the world we share with them? Language is not a device interposed between us and reality ("Seeing Through Language"), but an ability without which there would be no organized perception, desire, belief, intention, or action. With speech we acquire the distinction between what is, and what merely seems to be the case, the distinction between belief and truth ("Restoring Truth"). Learning to talk and conversing are interpersonal activities. Since language is essential to thought, it follows that thought itself is a social phenomenon ("Triangulating the World")."

Admission is free and all are welcome to attend.

### **Symposium involving Robert Morris and Donald Davidson**

The pioneering minimalist artist, Robert Morris, has produced a remarkable series of art works whose canvases incorporate actual texts from the philosophical writings of Donald Davidson. These works have been exhibited at the Guggenheim in New York, the Pompidou in Paris, and other major venues.

### **Symposium**

29 Oct. (Weds.) 2:00 PM  
"Blind Time Drawing with Davidson"  
Weisman Museum

Admission is free, but, because of the keen interest in this event and the limited seating capacity of the Weisman auditorium, people interested in attending must pick up (free) tickets at the Weisman before the day of the symposium.

### **Chomsky Film**

Once again, the three-hour Canadian film, "Manufacturing Consent," devoted to advisory board member Noam Chomsky's critique of the U.S. news media, is being shown to one of John Dolan's logic classes. The screening is at 7 PM, on the 29th of October (a Wednesday), in room 3210 EE/CSci. Once again, people associated with the Program in Human Rights and Medicine and their guests can attend without cost. If you haven't seen the film, plan to attend. (The wait to see it on one of the major TV networks is likely to be infinite.)

### **Bioethics Film Festival Redux**

We plan to show again this year the film which was the biggest hit of our Bioethics Film Festival last academic year. That was the BBC documentary "Are the Donors Really Dead?" We have a tentative commitment from Dr. Paul Byrne, an expert on brain death who is among the physicians interviewed in the documentary, to give a presentation in connection with the film. Details concerning the screening of the film and Dr. Byrne's lecture will be announced later in the academic year. Stay tuned.

### **David Bryden on rape**

Professor David Bryden, advisory board member and the Gray, Plant, Mooty, Mooty & Bennett Professor of Law at the University of Minnesota's Law School, will be giving a sequel to the enthusiastically received seminar on "Redefining Rape" which he led under our auspices in May of 1995. In the seminar, which will take place on the 21st of February, Professor Bryden will draw on a booklength monograph he recently completed on the topic of redefining rape. (See the paragraph devoted to him below in Section III, "Scholarly Activity," for bibliographical and other information.)

### **Officers Teach Medical Ethics**

This Winter Quarter, Steven E. Calvin, MD, (co-chair of the program), John M. Dolan, PhD, (the other co-chair), and Jasper Hopkins, PhD, RN (advisory board member) will, once again jointly offer Philosophy 5235, "Medical Ethics," a course required of graduate students minoring in bioethics.

### **Officers Teach Law Seminar**

This Fall Quarter, David Bryden (constitutional lawyer and member of our advisory board) is teaching the law school course, "Our Obligations Towards Various Forms of Life," he and John M. Dolan introduced into the Law School curriculum four years ago. Steven Calvin, who served as guest lecturer in the course in previous years, is serving in that capacity again.

## **III. Scholarly Activity**

### **Kirk Allison**

Kirk Allison, Program member and doctoral student in German, wrote from Europe this Spring, where he was teaching and conducting research earlier this year, to tell us that "I am working pretty hard...commuting between Marbach Germany and Salzburg weekly. At the former is the German Literature Archive where I am also renting a room. Consequently, I am eating the European equivalent of a ramen noodle diet." Kirk reported that he "wrote 4 articles for The Robert Frost Encyclopedia, including one on a little noticed quatrain concerning nuclear war and politics (U.S. 1946 King's X). The others are of a more literary and somewhat less political and polemical character, but have less to do with" the program's focus. His communication contained the following paragraph:

I went to Poland two weeks ago -- to Krakow. Also to Auschwitz I and Birkenau. The latter is over 400 acres in size. Near the rubble of crematorium/gas chamber IV there were foundations of a number of storage buildings. I noticed something breaking the surface of the dirt, edgewise: a mother of pearl, hand-made button from a woman's garment. I found a fragment of a second not far from it. (I left it -- perhaps one of the history deniers will stumble across it.)

### **Daniel Berrigan, SJ**

Daniel Berrigan spoke at several retreats last spring, including one in Pennsylvania for an ecumenical group of forty. He says that, in these retreats, "I relate the Bible to people's lives, to give them hope -- these are difficult times for good people." Later in the Spring, he addressed a national gathering of campus ministers in San Francisco. In addition, he has been helping to take care of members of his community who are ill with cancer. He is on the road this fall, giving retreats and talks. Next spring he will be teaching a course at Fordham University on "Poetry and Politics," which will be a study of the works of poets from all over the world "who have gotten in trouble for their poetry."

### **David Bryden, JD**

Professor David Bryden, advisory board member and Gray, Plant, Mooty, Mooty, and Bennett Professor of Law at the University, has completed his monograph "Redefining Rape." (On the 21st of February, Professor Bryden will present a sequel to the marvelous seminar on that topic which he gave for us in 1995.) His article on "Rape in the Criminal Justice System" appears in the June issue of the Journal of Criminal Law and Criminology, and his article titled "Affirmative Action: Are Compromises Tenable?" appears in the Fall 1997 issue of the journal The Public Interest.

### **Steven E. Calvin, MD**

Steven Calvin, Co-Chair of the Program, addressed the topic of abortion before the law school seminar taught last fall by David Bryden and John Dolan, taught medical ethics with John Dolan and Jasper Hopkins during the Winter quarter, and was kept busy advising Senator Rick Santorum (of Pennsylvania) during the debates over the Partial Birth Abortion Ban this spring. In March, his review of the book, Life as We Know It, was accepted for publication by the journal Minnesota Medicine. In April, he was a Visiting Scholar at Northwestern College in Orange City, Iowa, where he gave a seminar and a chapel presentation about various aspects of the current abortion debate, and, on the 14th of May, he was interviewed on National Public Radio's "All Things Considered" concerning the Partial Birth Abortion Ban.

### **Mary Krumholz Clifford, RN**

In addition to carrying out her many tasks as Associate Director of our Program, Mary Clifford addressed the New Ulm Council of Catholic Women on the 23rd of January on the topic "Euthanasia and Living Wills." She also had an article, "A Nurse's Perspective on Physician-Assisted Suicide and Euthanasia," accepted for publication in the volume on Suicide: A Postmodern Perspective (edited by Demy and Stewart), Kregel. At the moment, she and John Dolan are engaged in the preparation of the proceedings of our April conference for medical professionals for publication.

### **John M. Dolan, PhD**

John Dolan taught the Department of Philosophy's graduate course in medical ethics in the winter term of this year. He proposed the theme for our successful conference for medical professionals on the 19th of April and, with Steven Calvin and Mary Clifford, organized the event. In September, he was the keynote speaker at the annual convention of the Pennsylvania Pro-Life Federation in Harrisburg, Penn. His topic: "Is Assisted Suicide the Next Step in Homicidal Medicine?" Last month, he also addressed the annual convention of Birthright of Minnesota. His paper "Is Physician-Assisted Suicide Possible?" appeared in the Duquesne Law Review last fall and his paper "Homicidal Medicine" is scheduled to appear in Suicide: A Postmodern Perspective. This term he is teaching two courses with Donald Davidson (one on philosophy of language and another on moral philosophy).

### **Jasper Hopkins, PhD, RN**

Jasper Hopkins spent the week of June 9-13 examining three medieval Latin manuscripts in Italy -- one at the Biblioteca Apostolica Vaticana, another at the Biblioteca Medicea Laurenziana (Florence), and a third at the Biblioteca di Santa Scolastica (Subiaco). These are manuscripts of Nicholas of Cusa's De Aequalitate, the Latin text and translation of which will be included in Hopkins's forthcoming book of translations entitled Nicholas of Cusa: Metaphysical Speculations.

### **Jane Hoyt, MEd**

Long time program member Jane Hoyt, Chair of the Nursing Home Action Group, has been continuing her intensive advocacy work on behalf of persons with disabilities. In April, at the invitation of Good Age, published by the Wilder Foundation, she published an article titled "Doctor Assisted Suicide Should be Shunned" as a counterpoint to an article favoring physician-assisted suicide written by a philosophy professor from Duluth.

### **Paul Benjamin Linton, JD**

Paul Benjamin Linton, of Illinois, who has presented penetrating analyses of topics in law and medicine for our Program over the years and has served as a guest lecturer in the law school course taught by John Dolan and David Bryden, wrote an amicus curiae brief last fall on behalf of state legislators in support of the states of New York and Washington, which appealed two controversial rulings concerning the legality of suicide and "physician-assisted" suicide (Compassion in Dying v. Washington and Quill v. Vacco) to the U.S. Supreme Court. He was one of only three non-government attorneys who took part in three moot courts for New York Attorney General Dennis Vacco and Senior Assistant Attorney General William Williams of the state of Washington in these cases. More important, he and his colleagues prevailed in both cases: the U.S. Supreme Court ruled in June that the bans against assisted suicide in New York and Washington are both constitutional.

His article, "The Illinois Equal Rights Provision at Twenty-Five: Has it Made a Difference?" was published by the Southern Illinois University Law Journal in its Winter 1997 issue.

Mr. Linton, who recently left his position as General Counsel of American United for Life, is currently working with the Texas state legislature on a case which has been brought there involving the issue of state funding of abortion. He is in contact with attorneys in South Africa, who have sought his advice regarding a challenge they may mount to the new abortion law which went into effect there in February of this year. If the challenge goes forward, Mr. Linton may travel to South Africa to assist with the case. He will be leading a seminar for us on the 22nd of November.

### **Carl Malmquist, MD**

Carl Malmquist's book, Homicide: A Psychiatric Perspective, was published by the American Psychiatric Press last year and has enjoyed widespread notice and acclaim. After modestly declining our invitation to have his book the focus of a symposium, he participated instead last Fall in a symposium titled "Homicide: Clinical, Legal, and Philosophical Perspectives" at which he shared the stage with John M. Dolan and Michael Tonry of the Law School.

### **Sandra Menssen, PhD**

Advisory board member Sandra Menssen's recent publication include "Grading Worlds," American Catholic Philosophical Quarterly, "Must God Create?," Faith and Philosophy (her co-author was Thomas D. Sullivan), and "Reason and Religion," in the volume Science and Theology (which she also edited).

**Leo B. Twiggs, MD**

Leo B. Twiggs, MD, Head of the Department of Obstetrics and Gynecology and member of the Program's advisory board, was an invited speaker at the Aldara National Investigators Conference sponsored by 3M, which was held in Phoenix in March of this year. He traveled to Coimbra, Portugal, in April to attend the Tenth International Meeting of Gynecological Oncologists. In May the Department hosted a group of national leaders in the field of Obstetrics and Gynecology. Dr. Twiggs also reports that he and his colleagues in the Department are very excited that Dr. John Yeh, of Brigham and Women's Hospital in Boston, has joined the Department as Head of the Division of Reproductive Research.

**David Weissbrodt, JD**

Prof. David Weissbrodt, member of our advisory board and Co-Director of the Human Rights Center, has just returned from Geneva where he worked with the United Nations on the preparation of a book to provide guidance to the monitoring efforts of on-site U.N. human rights field operations. The book deals with observing assemblies, elections, trials, and the process of returning refugees as well as visiting refugee camps and prisons. In January, he chaired a meeting of experts to provide guidelines for the U.N. Decade on Human Rights Education. Professor Weissbrodt taught a course on human rights at the Graduate Institute of International Studies of the University of Geneva in the Fall of 1996 and a seminar on the right to a fair trial last Spring. In August, Prof. Weissbrodt served for the second year as the U.S. member on the U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities.