

Harvard's Trolley Problem

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The most troublesome of questions, the relationship between intellectuals, truth and truthfulness is discussed. The site for the investigation is Harvard University, whose motto is *Veritas* (truth), and the case discussed is Harvard's long association with the disgraced billionaire Jeffrey Epstein, convicted for paedophilia but whose relationship with Harvard continued long after the conviction. Using the details described in the report of the internal committee, it is argued that a huge gulf exists between the intellectual's ideal of "speaking truth to power," the illusion, and the practice of complicity, falsehood and co-option by power, the reality. The analytical method advocated is the "trolley problem," which is used to highlight the difficulty of moral choices.

One of the most popular lecture series ever, counting both physical attendance and the millions who have tuned in on YouTube, is Michael J Sandel's "Justice: What's the Right Thing to Do?" His brilliance lies in his use of moral dilemmas to introduce complex issues of moral choice if we wish to build a fair and just society. Sandel's favourite example, with which he begins his series, is the trolley problem. Should we intervene and pull the lever on a runaway trolley, redirecting it onto a track and kill one, or abstain and allow it to continue on its existing path, and kill five? Sandel informs us of the moral costs of each option. What, then, is the right thing to do?

The 1 May 2020 report on the Jeffrey Edward Epstein case, by the vice president and general counsel of Harvard University, Diane E Lopez and her team, would present Sandel with an interesting trolley problem. Imagine that he is standing on an overbridge when he sees the trolley car carrying the *Report Concerning Jeffrey E Epstein's Connections to Harvard University* hurtling towards him. If he pulls the lever, the trolley will go towards his classroom made up of moral theorists, lawyers, analytical philosophers, management scholars; in sum the entire Harvard faculty, who would subject the report to withering critical scrutiny. By doing so, the "truth" would be safeguarded but Harvard's reputation as the social embodiment of *Veritas* would be seriously harmed. This is option one. Option two is for Sandel to let the trolley continue on its way and let Harvard's Epstein's problem die with the report's publication. All those concerned could then return to their normal life, treating the case as merely an unfortunate error of judgment and not the "Lord of the Flies" moment that it actually is. The options before Sandel are clear: Uphold the "truth," but by doing so, damage the university's standing, or compromise the "truth" and protect the university. What is the right thing to do?

A close reading of the report leaves one with the feeling that it conceals more than it reveals. Although the committee had access to the entire university e-archive of the case, such as the exchanges between faculty and administration, the email correspondence between members of faculty, minutes of official meetings; in short, all that was required to give a complete and detailed account of the case. What was instead published on 1 May 2020 was a tepid 27-page report. I had hoped, in this paper, to keep the level of polemics to the minimum, and discuss only the facts as presented in the report, but reading it, one gets the feeling that the report is intended to feed the illusion of being a rigorous Harvard investigation, the final word so to speak, after which nothing more needs to be said. This is not the case. The Epstein case raises important questions, and

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therefore, this illusion of a rigorous investigation must be called out. Hence, the brief departure from my original intention not to be polemical. Veritas, Harvard's motto, has it seems gone AWOL.

I have introduced this question of "truth" early in this paper, because, I believe, the report raises issues that go beyond what was done, not done, should have been done, failed to have been done, and so on. I shall discuss these issues after I have presented the facts. My paper is concerned less with the infirmities of the report (which I shall nevertheless point out), and more about what it tells us about the internal working of eminent knowledge institutions, about the integrity of the intellectuals within them, and about the place of Truth (with a capital T) in public life. This, I have described as a "Lord of the Flies" moment for Harvard. This is because it is the leading knowledge institution in the world, involves some of the best minds on the planet who are admired for their achievements, is an institution that is resource abundant (it has an endowment of \$40 billion in 2020), that these questions are important. We expect "Truth" at Harvard to be the bedrock on which everything stands or falls. Harvard is the gold standard of reason, evidence and judgment. We expect no less.

The Case

In what follows, I shall discuss the report in four sections: (i) the procedures adopted by the investigation; (ii) the findings presented in the subsections of the report; (iii) the recommendations for action; and (iv) the troubling aspects of Harvard's "Lord of the Flies" moment. I shall rely mostly on the facts presented in the report itself, and will, only occasionally, draw on data from outside.

Procedures adopted: To assess the thoroughness of the investigation, one needs to be informed of (i) the committee's terms of reference, (ii) the extent of its authority to access confidential documents in the university's archive, (iii) whether its scope would be limited to being just an internal affair or would it, if considered necessary, also extend to engaging with institutions and individuals from outside. For example, the report mentions false financial information given to the Templeton Foundation. Did the committee meet officials of the Templeton Foundation? Further, we also need to know (iv) what procedures the committee had set out for its task, and finally, (v) what was the timeline within which it had to submit its findings.

From President Lawrence Bacow's message to the Harvard community of 12 September 2019, till the submission of the report on 1 May 2020, it took approximately seven months for the committee to complete its investigation. None of the details mentioned in (i) to (v), deemed necessary for anyone to assess the thoroughness and impartiality of the report, is, however, available. Not even as annexures. The vice president and general counsel, in her covering letter to the president when submitting the report, states that the

review addresses three principal areas of focus: (1) Epstein's donations to Harvard; (2) his appointment as a Visiting Fellow; and (3) his relationship with the Program on Evolutionary Dynamics, a program within Harvard's Faculty of Arts and Sciences that Epstein initially funded.

This is not a terms of reference (TOR) given by the president. We are not told what that TOR was. In the face of this lacuna, we have to assume that the investigation was quasi-formal and conducted in good faith. Since it was headed by the vice president and general counsel of the university, it had the necessary gravitas.

On page 2 of the report, it is mentioned that 40 persons were interviewed who were senior members of the administration, faculty, staff, and others. This list is not available. We cannot, therefore, assess why they were interviewed or wonder whether there were others who should have been invited to meet the committee. Some of the names of eminent Harvard professors are mentioned in an article in *The Verge* titled "Professors Rally behind MIT Media Lab Director after Epstein Funding Scandal" (Griggs 2019). We do not know if they were interviewed, even though they had taken a public position on the Epstein controversy. Further, we are informed that eight reports were submitted on the hotline, set up for the investigation, but these too are unavailable. Page 2 of the report informs us that 2,50,000 pages of documents were consulted, but no details are given on the documents used.

This silence is intriguing. Further, the report has no mention of the public controversy that accompanied the media exposure of Epstein's lavish lifestyle, of his sexual exploitation of minors for which he was convicted, and so on. It is written as if it exists in a social and political vacuum, while, in actual fact, a tornado of ethics was raging outside. The context seems to be deliberately missing in the report. We are only told of what Epstein did within the university (a bare-bones account), but not of his world that was so attractive to those within the university.

The report mentions that Epstein chose his associates and friends.

He generally gave Professor Nowak the names of persons he wished to meet and either he or Professor Nowak invited them to meet with Epstein at PED's offices. (p 6)

These meetings most often took place at weekends although some took place during the week. (p 6)

Were there minutes of these 40 meetings for us to assess the agenda for discussion since Epstein, "typically used the visits to meet with professors from Harvard and other institutions to hear about their work" (p 6). Who attended these meetings? Why were they so attractive? No information is available. This is particularly unfortunate since Massachusetts Institute of Technology (MIT), the big neighbour next door, was having its own Epstein trolley problem when 100-plus academicians from both MIT and Harvard signed an open letter (now no longer available online),¹ in support of Joichi Ito the former director of the MIT Media Lab, who resigned because he had solicited and received funds from Epstein.² The missing context, both in terms of the wider public debate around Epstein as a sexual predator and about receiving tainted money faced by a sister institution such as MIT, is what makes the report so feeble.

Findings

This excess of legal, ethical, and philosophical timidity, stands in sharp contrast with the public statement of Bacow who, in his message of 12 September 2019 to the Harvard community,

found Epstein's crimes "utterly abhorrent ... repulsive and reprehensible." He regretted "Harvard's past association" with Epstein. What was the basis of Bacow's judgment? Was it the phone calls with his former colleagues at MIT or the widespread media coverage that made the case a global scandal? Bacow's moral outrage is, however, excised from the report. What we get instead is a story of administrative lapses, false statements intended to mislead, arbitrary decisions, violations of security procedures, a cavalier attitude by senior faculty towards ethical issues, selective amnesia, and, most galling of all, a craven attitude towards the financier. In what follows, let me mention only a few of these, clustering them into five groups: (i) bypassing of norms and rules; (ii) administrative lapses; (iii) financial fraud; (iv) reputational laundering; and (v) faculty support for Epstein even after he was convicted of sexual crimes.

Bypassing of norms and rules: I shall discuss two instances that highlight the ease with which senior faculty showed utter disregard for university norms and rules. The first took place in the psychology department in early September, 2005. Pages 5 to 8 of the report discussed Einstein's application and approval as a visiting fellow in the psychology department. It began by recording, without comment, Epstein's \$2,00,000 gift to Harvard to support the work of Stephen M Kosslyn, then chair of the psychology department. It further noted that Epstein met none of the requirements of a visiting fellow, such as a PhD degree or at least some comparable research experience in the proposed area of study for him to be eligible for consideration. His application identified an area of work similar to that of Kosslyn, that is, "social prosthetics systems and their relationship to the environment." To research this problem, Epstein indicated that he will use, in addition to other techniques, "functional magnetic resonance imaging machines." Kosslyn admitted that Epstein did not meet the requirements or have the expertise to use MRI machines, but recommended his application anyway. "I wish I could have even a single student who asks such good questions or is capable of synthesizing material from such diverse sources" said Kosslyn in his recommendation. With "great enthusiasm," he recommends Epstein because he is "not just intelligent and well informed" but "creative, deep, extraordinarily analytic, and capable of working very hard" (p 7). There is no mention of his \$2,00,000 gift for Kosslyn's research.

Epstein's application went to the administrator who deals with such cases. She advised the dean of the graduate school not to admit Epstein because he did not meet the requirements. The dean spoke to Kosslyn and overruled the administrator on the grounds that a "Visiting Fellow status" was a "status within a department." He would hence "defer to the wishes of the department chair" (p 7). Interestingly, the report mentions that neither the dean nor Kosslyn have any memory of this conversation. Epstein applied for the visiting fellowship on 1 September 2005. It was granted on 3 September 2005, within two days. He did little work during the year, even though in the first recommendation Kosslyn said he was "capable of

working very hard." After a year, he applied for a renewal of the fellowship on 14 February 2006. It was approved on 21 April 2006. The speed of granting the first approval and overlooking his lack of work by the second makes one ask why the chair and the dean disregarded the rules? The discrepancy between their memory of the case and that of the administrator is also very intriguing. Amnesia is a recurring defence in the report. Psychology departments understand amnesia. Is this genuine amnesia or is it a cavalier attitude towards rules by Harvard's eminent professors?

Strangely, the report mentions that Epstein appeared at the "registration accompanied by several women who appeared in their 20s" (p 8). A similar remark is made later where he was "routinely accompanied on these visits by young women, described to be in their 20s, who acted as his assistants" (p 18), but no comment is offered on these facts. The details from MIT of the women accompanying him on his visits says more. Signe Swenson, development associate and alumni coordinator of the MIT Media Lab, writes about one such Epstein visit. The women who accompanied him were

models. Eastern European, definitely, ... all of us women made it a point to be super nice to them. We literally had a conversation about how, on the off chance that they're not there by choice, we could maybe help them. (Farrow 2019)

The second case concerns the Program for Evolutionary Dynamics (PED) set up with Epstein's money. Here, I shall only discuss one aspect of the case. In 2017, Harvard created a tighter security system requiring that those entering a Harvard building have a Harvard identification card, if they entered unaccompanied. For those who were not from Harvard, the security informed the chief administrative officer (CAO) that temporary guest Harvard University numbers were available for a period from 10 days to 12 months. To get them, however, Nowak, the director of the PED and the biggest beneficiary of Epstein's largesse, or the CAO, would have to recommend the applicant who would have to be photographed. The CAO "circumvented" (a term used in the report) this requirement, by asking the security for several unassigned access cards, which were granted with the condition that records be kept of who they were assigned to (p 19). Two cards were sent by courier to Epstein, giving him, thereby, unfettered access to the PED facilities. The report mentions that Nowak and his CAO permitted Epstein unrestricted access to the PED building whenever he came to the campus. The security rules were knowingly "circumvented."

This may seem like a small matter, but it is an illustration of how the system bends to accommodate the powerful. No photograph of Epstein was given to the security, and hence, there were no alerts and no record of who accompanied him. Till 2018, Epstein had unfettered access to Harvard's PED offices and lab. So, if institutions are rules of the game (North 1990), how do we explain this culture of arbitrariness, collusion, and disregard for rules. Are some institutions impervious to transgression of their rules, and if so, what are the necessary and sufficient conditions for such imperviousness? Perhaps, observance of rules is for the ordinary members of a society

who, because they conform to these rules, keep the wheels of society moving. The wealthy and the powerful need not bind themselves by such rules. In fact, perhaps, it is because they are transgressors that society evolves. Is this a credible proposition? So, we have a two-tier theory of rules: abidingness by the ordinary member; and transgression by the powerful. However, Kara Swisher (2019), in an opinion piece in the *New York Times*, has a less ambivalent view:

this story of looking-the-other-way morals should not be seen as an unusual cautionary tale of a few rogue players. These corner-cutting ethics have too often become part and parcel to the way business is done in the top echelons of tech, allowing those who violate clear rules and flout decent behavior to thrive and those who object to such behavior to endure exhausting pushback.

Administrative lapses: There are many instances of administrative lapses mentioned in the report, and whether these are deliberate or the product of incompetence is for the law school, business school, and school of government to determine. I shall, in this paper, discuss just two instances of administrative lapses to raise the suspicion that what is at work is not the standard explanation of inefficiency of personnel, but of the culture of power, which is so contemptuous of systems that regulate the lives of commoners. This is how the elite live and rule.

The first instance of a lapse comes from the office of then president Drew Gilpin Faust. The report mentions that she assumed office on 1 July 2007 and, certainly, by November 2008, had taken a decision, in consultation with vice president Tamara Rogers, that Harvard should “no longer accept gifts from Epstein” (p 10). This “decision was unequivocal” (p 10). Surprisingly, the decision was not recorded and nor was it formally conveyed to the faculty. The report notes that

we have seen no documents indicating that Harvard formally informed either Epstein or the faculty members whose work Epstein had supported of President’s Faust’s decision. (p 10)

Although the report states that the decision of Faust was “unequivocal,” Nowak thought that the “decision might be subject to reconsideration” (p 11). This ambiguity led other professors to ask the faculty of arts and sciences (FAS) development office to solicit more funds from Epstein in 2013. In a note to Michael D Smith, then dean of the FAS, a staff member of the FAS development office writes:

Epstein is a convicted sex offender, who completed a 13 month prison term. His wealth was earned through his work in the financial sector. Both Professor Gross and Jeremy Bloxham, [Divisional] Dean of the Sciences, feel that the Math department should be permitted to solicit Epstein for additional funds. They feel that the good his support can do for Professor Nowak’s research out-weighs the reputational risk of accepting further funds from him. (p 11)

Is this a trolley problem? To his credit (small mercy here), Dean Smith declined to place their request before the Gift Policy Committee.

The second episode comes from a lower level of administration, the development office. Since Faust had decided not to accept donations from Epstein, it is puzzling as to why “the development office invited Epstein to come to the campus to

attend the kick-off of the University’s Capital Campaign” (p 13). Is it illustrative of the ethical casualness that comes into play, even in a university such as Harvard, when it comes to soliciting large amounts of money? If Epstein could not give money, because of Faust’s decision, this did not mean that he could not be asked for help in getting his friends to give money. Nowak and Church of the Harvard Medical School received money from Epstein’s friends. The report acknowledges that, with Epstein’s recommendations, the foundations associated with the black family (Epstein had been a trustee) gifted \$7.5 million for the work of Nowak. The blacks had previously mainly donated to Harvard’s Veteran’s program. This is the first time they were giving money to Nowak (p 15). The report mentions that

Epstein’s staff, for example, took steps, at Professor Nowak’s direction, to ensure that the letters accompanying Black’s gifts earmarked those gifts specifically for Nowak’s research. (p 15)

This is ingenious. Reflect on the reasoning. “I cannot take money from X, but I can take money from the friends X introduces me to. And please ask your office to get the donor to specifically mention that the donated money is for my use.” How does one ethically and legally read this behaviour. Does moral judgment appear firm, when the case is existentially distant, that is, politicians, but is more accommodative when the case is existentially closer, that is, colleagues?

Financial fraud: Here, I shall discuss just one case. The report mentions that in 2014, Nowak applied to the Templeton Foundation for a grant of \$3 million. Nowak was informed that since “the new grant related to work performed on a previous grant, Templeton would consider granting half of the money” (p 16). Further, it informed him that the Templeton charter required him to

demonstrate that [he] had funds available to provide the other 50% of the money from another source and to obtain a letter from either another donor or Harvard attesting that the funds have been secured and will be applied to the proposed project. (p 16)

Nowak got Epstein to send a letter from one of his foundations, Enhanced Education, that such funds had been allotted to the PED. The report acknowledges that this was a false statement in two respects:

First Enhanced Education had never provided support to Nowak’s program and, second, the funds that Epstein had provided had long been spent. (p 16)

When it came to giving a project completion certificate to Templeton Foundation in 2018, the CAO of PED deceived Templeton further, by writing that

We used a gift from Enhanced Education to Harvard University fund 3,47,150 for the Program for Evolutionary Dynamics.

The report states that “this statement was also false” (p 17). The contrast with George Floyd case could not be more glaring. He was arrested and killed by the police for allegedly passing off a counterfeit \$20 bill when buying cigarettes, whereas Templeton Foundation is defrauded of \$1.5 million, and all that happens is that Nowak is placed on paid administrative leave.

Reputational laundering: While Epstein gave funding to Nowak, and secured funding from his friends for George Church at Harvard Medical School, these were not the only beneficiaries of his largesse. Footnote 6 of the report mentions that his foundations

made donations in 2016 of \$50,000 to the Hasty Pudding Institute of 1770 (a student social club) and \$110,000 to Verse Video Education (a non-profit whose president, Elisa New, is a professor at Harvard).

Elisa New is the spouse of former Harvard President Larry Summers. The report suggests that since these were not gifts to Harvard, “the review did not examine the circumstances surrounding these gifts.” If the information did not have a bearing on the Epstein case, why was it mentioned? If it was relevant, why did the review not offer a comment on the propriety of receiving money from Epstein?

If these cases are to be seen as indirect efforts by Epstein to build his reputation as a concerned philanthropist, then his efforts also took a more direct route. His publicist asked Nowak to give Epstein prominence on the PED website, an official Harvard website. Wrong information was given and his photograph was posted on the page. The report mentions that the vice president for alumni affairs and development and other senior officials were unaware that Epstein featured on the Harvard portal. It concludes with a small rebuke to Nowak that he “failed adequately to consider Harvard’s interest in seeing that its name is well used” (p 23).

Seven and a half months after Bacow had regretted “Harvard’s past association” with Epstein, the report could only say that Nowak had “failed adequately to consider Harvard’s interest in seeing that its name is well used.” One wonders if there is a link between such moral timidity when confronted with the moral improbity of those in power across the institutions in America, and the turmoil that has engulfed it. Few American scholars of democracy who preach to the world about corruption have thought it relevant to pose such questions to themselves. There seems to be a surreal disjunction between the lectures in the classroom, especially those on justice, and the behaviour of the university’s officials and professors. Students are taught to align their ethical beliefs with their actions, which they do, while senior professors and administrators apparently do not have to.

Faculty support for Epstein: If this was just a case of an error of judgment by some, whereas others meet the condition of uprightness, then I would drop my harangue. But it is not. It is a problem that seems to permeate every level of the university, from the officers, to many among its professoriat, to its administrative staff, and its social groups. This comes out very clearly in footnote 13. I need to quote it at length. There is not just a problem of an unfortunate series of events, but of a persistent institutional culture.

In spite of the ethical turbulence raging across the world, the committee found the Harvard faculty largely untouched by the Epstein scandal. According to footnote 13,

A number of the Harvard faculty members we interviewed also acknowledged that they visited Epstein at his homes in New York,

Florida, New Mexico or the Virgin Islands, visited him in jail or on work release, or travelled on one of his planes. Faculty members told us that they undertook these off-campus activities primarily in their personal capacities rather than as representatives of Harvard. These actions did not implicate Harvard rules or policies. (p 18)

It is true that this is a private matter and not one for Harvard to legislate on, but that its faculty thought it perfectly proper to enjoy the hospitality of a sexual predator of underage girls raises some difficult questions that I propose to discuss in the next part of this paper. In contrast to the general counsel and professors arguing that this was a private matter, the students had this to say. The editorial in the *Crimson* of 5 May 2020, five days after the publication of the report states:

While Harvard professors can interact with whomever they please, pursuing such trips suggests, at the very least, an extremely concerning lapse in basic moral judgment, and we should judge them accordingly. Relegating that information to a footnote reveals the extent to which Harvard has not only failed to mount sufficient moral criticism but perhaps failed to acknowledge the significance of these relationships. (*Crimson* 2020)

Without ambiguity, the students answered the question: “What is the right thing to do?” No grey zones for them, unlike the professoriat for whom it was business as usual.

Recommendations: In the light of its findings, the committee offered five administrative recommendations on how the system can be improved. These range from reviewing donations, to better dissemination of policy decisions, to refusing to accept donations from people, such as Epstein. The recommendations sought to fine-tune the administrative system, which, it was felt, was basically in order. Surprisingly, even though the committee was constituted by the highest authority of the university, the president, it gave its recommendations of penalties not to the president but to a subordinate authority, the faculty affairs office in the FAS and to the dean of human affairs to determine what disciplinary action should be taken in the Nowak and CAO cases. Some would consider this a whitewash. To me, it is a sign of a deeper problem, which I shall now discuss.

The Issues

In the preceding discussion, I placed on record the facts of the case, as offered by the report itself and, only occasionally, relied on evidence or comment from outside. The time has now come to move from a presentation of facts to a discussion of the ethical and social issues that emerge from the case.

The committee presented the case as if it was discussing a series of “errors of judgment.” The system, for them, remains basically in order—the few lapses mentioned can be fixed through additional review and reporting procedures—just some fine-tuning is required. In contrast, Bacow’s statement regretting Harvard’s “past association” with Epstein has more interpretative potential and can be read in two ways. First, a variation of the committee’s position is that there has been a major failure, but remedy is possible within the system since it is basically sound. Second echoes the position of

MIT President L. Rafael Reif who acknowledged that the “tech world in general, devalues the lives, experiences, and contributions of women and girls” and that

it took this cascade of misjudgments for me to truly see this persistent dynamic and appreciate its full impact. It’s now clear to me that the culture that made possible the mistakes around Jeffrey Epstein has prevailed for much too long at MIT. (*Guardian* 2019)

For Reif, it was the “university’s culture” that allowed an Epstein to roam unchallenged. The university’s pursuit of money, sans ethical engagement, led to the “cascade of misjudgments.” It is this second reading of Bacow that I want to pursue.

I do so with some hesitation because Bacow’s decision to give the balance unspent money, some \$2,00,937, to two groups, “My Life My Choice” and “Girls Educational and Mentoring Service,” who “support victims of human trafficking and sexual assault,” makes one suspect that he belongs to the first reading. Bacow is silent about the entire tainted money of \$9.179 million received from Epstein. Although \$9.179 million is just 0.023% of Harvard’s corpus, keeping it poses no moral issue for Bacow. This takes us to another Harvard trolley problem, that is, keep the money received from Epstein or give it to some worthwhile causes, as is being done with the \$2,00,937?

I have chosen to discuss Harvard because, as I said in the beginning of this paper, it is a knowledge institution that stands at the apex of the global knowledge pyramid in every sphere: humanities, law, business studies, government, ethics, justice, and so on. It is also unrivalled in its resources, both intellectual and material, which gives it a unique position from which to assess the vagaries of the “the human condition.” And so, if Harvard can be shown to be complicit in sustaining falsehood, because material inducements cloud its judgment, then we are faced with more fundamental questions than has been considered so far. By referring to Arendt’s book, *The Human Condition*, I have, at this juncture, brought her into this discussion because hers is the response, a kind of “Eichmann in Jerusalem” and the “banality of evil” framing, that I would like to mimic. The Epstein case at Harvard shows a “culture of casualness towards collective norms by the elite.” Its attempt to treat the case as a fixable one therefore needs to be resisted.

This resistance will not be easy since even the *New York Times* and the *Washington Post*, two crusading and fearless newspapers that have taken on the United States presidency, produced tame comments on the reports. They did not have the courage to take on the intellectual Leviathan, offering merely weak summaries of the report (Levenson 2020; Svrluga 2020). The boldest comment came from the *Crimson* (2020), which stated in its editorial that the report

reveals the extent to which our institution was actively complicit in Epstein’s pattern of abuse. It betrays the influence of power, reputation, and wealth, even within academic institutions that profess to be committed to truth and the nurturing of young people.

Because of Harvard’s tremendous public legitimacy, it is important to raise the issues, since they are necessary for the academy as a whole to introspect.

Let me, therefore, begin by explaining why I have referred to this case as Harvard’s “Lord of the Flies” moment. If William Golding’s acclaimed novel *Lord of the Flies* was a fictional attempt to explore the conflict between the inherent human tendency towards violence and savagery and the societal norms and rules designed to regulate and contain it, then the Epstein episode at Harvard is clearly a “Lord of the Flies moment.” The institution has well-formulated norms and rules, both written and unwritten, which every member of the Harvard community knows about. Students are regularly required to affirm them through the “honour code,” which declares that “we hold honesty as the foundation of our community.” So why was there a deliberate and persistent departure from this honour code?

The “Lord of the Flies” moment requires us to treat Harvard as an island in which there is, at play, all the key elements of a society: money, power, glamour, sexual gratification, glory, social esteem, intellectual curiosity, and self-worth. On this hypothetical island, certain human relationships develop. These, as the Epstein case shows, have violated the norms and institutional rules that have evolved to check and penalise errant behaviour. This regulation did not happen, not even after Epstein was convicted as a sexual predator. Such transgression of norms and rules continued at every level of the institution, from the president’s office to the security system, from the development office to the section that manages the cyber profile of the university, from the office of the alumni affairs to the Gift Policy Committee, and from the academic departments to the non-official social groups. There was complicity in dishonouring the honour code. Only after Epstein died, and only after his actions became a global controversy, did Harvard sit up, take notice and produce a feeble report.

When reviewing the report, I offered, in passing, some propositions to explain the Epstein affair. Proposition (i): In every society, there are two sets of norms—one for the ruling class and the other for the ruled class. The ruled class has to be “rule abiding,” which sustains the institutions and processes of society, whereas the ruling class can be “transgressors” since they benefit, as free riders, from the “rule abidingness” of the ruled class. The ruling class, to continue to rule, offers the ruled class “political formula”—democracy, rights, veritas—as palliatives. This is a modern version of the Pareto–Mosca thesis. Harvard is the ruling class. Proposition (ii): Although the rules of the game are essential for a society to build trust, they do not apply in certain spaces where the chosen few in a society do not pay a price for disregarding them. There are no penalties if the transgressors can mobilise other social forces—money, sex, power, glamour, and status—as factors to trump the rule. Harvard’s grandees can trump the rule. Proposition (iii): Our ethical attitudes, which are firm when judging distant events, begin to flounder and get more accommodative of wrongdoing and falsehood when the event is existentially close. This is particularly so, if the event concerns our intimate circle.

These are important issues, but having stated them, I shall shift to the issue I primarily want to address here; the

relationship between intellectuals and the truth. While the three propositions just mentioned are important, they are not Harvard-specific and concern, more broadly, the human condition. For these issues, Harvard is just an illustration. The relationship between intellectuals and the truth is, however, Harvard-specific. The question therefore is: What does the Epstein case at Harvard tell us about the relationship between intellectuals and the truth. If we can explain it at Harvard, we can explain it anywhere. It is therefore to Veritas, Harvard's core, to which I shall now turn.

The relationship between truth and falsehood has been at the centre of every major philosophical and theological system, both in the East and in the West. It is too big a question to explore here, and so, while it would be interesting to explore, for example, the idea of "Taqiyah" in Islamic theology, where denial of religious belief is accepted as an option if it saves a life as long as the content of the deception is not believed, honesty for a higher cause being the basis of the lie, or the concept of "Apadharmā" in Indic philosophy, where it is permitted to stray from one's "dharma" (moral norms) under extreme circumstances, for example, when life is under threat; these conditions do not obtain in the Epstein case, so I shall skip them.

My attention will focus on two aspects of the issue. First, how has this relationship between truth and falsehood been discussed in different fora, and second, what are the inducements that make intellectuals, who by definition are committed to the truth, stray and flirt with falsehood instead. These are perennial questions, and so my paper should be regarded as just a modest contribution to this continuing philosophical quest.

Rabbi Jonathan Sacks, in his reflections on Judaism, gives two illustrations, the Old Testament story of Jacob and his brothers and that of Abraham and Sarah, of when it is permitted to tell a lie. I shall recount only the latter one. Sacks recounts the story of the angels visiting the childless Abraham and his wife Sarah to tell them that they are about to have a child. Sarah, ever sceptical, laughed at the news saying, "Will I really have a child when both of us are old?" God asked Abraham, "Why did Sarah laugh and say, 'Will I really have a child, now that I am old?'" God did not mention that Sarah believed that she was too old to have a child. So was Abraham. God did not mention it because he did not want there to be bad feeling between husband and wife. From this, the sages derived the principle *Mutar le-shanot mipnei ha-shalom*: "It is permitted to tell an untruth (literally, "to change" the facts) for the sake of peace." A white lie is permitted in Jewish law (Sacks nd). Even god told a white lie to prevent "bad feeling" between the husband and the wife. We then ask: Were the lies recorded in the Epstein report, and the report itself, white lies told for the sake of some higher principle? Emphatically no. They were self-serving. They were intended to deceive, to protect the interests of some powerful professors and the reputation of the university as seen by the president and the general counsel. They were not for Veritas. This line of defence too is, therefore, unavailable.

The second case, when a lie has some justification, comes from Euripides' play *Ion*. Michel Foucault, in his six lectures at the University of California at Berkeley, in October–November 1983, titled "Discourse and Truth: The Problematization of Parrhesia" has a wonderful discussion on the question of lies and truth. Creusa is raped or seduced by the god Apollo from whom she bears a son, who she abandons as an infant in the open expecting him to be killed by wild beasts. Apollo, the father, has the child rescued, and Ion, then grows up in the temple of Delphi, Apollo's abode. Only Apollo knows his genealogy. When, decades later, the king Xuthus and his queen Creusa, who are childless, come to the temple to ask the oracle if they will have a child, they ask separately. The answers given are different to Xuthus and Creusa. "Apollo's temple, the oracle at Delphi, was the place where the truth was told by the gods to any mortals who came to consult it" (Foucault 1983). Xuthus is told that the first person he meets—and he meets Ion—when he leaves the temple will be his son. To Creusa's question on what was the fate of the son she had had with Apollo, the god remains silent. He is ashamed to speak. Foucault writes that

What is even more significant and striking is what occurs at the end of the play when everything has been said by the various characters of the play, and the truth is known to everyone. For everyone then waits for Apollo's appearance — whose presence was not visible throughout the entire play (in spite of the fact that he is a main character in the dramatic events that unfold). It was traditional in ancient Greek tragedy for the god who constituted the main divine figure to appear last. ... [but] Apollo does not dare to appear and speak the truth. (p 16)

Harvard is the modern-day oracle of Delphi. The report was intended to be its answer to Epstein's crimes. As shown in the first part of this paper, it choose not to speak the truth. Apollo did not appear. Is the silence defensible? I think not. I agree with Bernard Williams, who in his book *Truth and Truthfulness: An Essay in Genealogy*, states that the "authority of academics must be rooted in their truthfulness" in respect of both the virtues of truth; "accuracy and sincerity" Williams (2004). On both these counts, Harvard came up short. It lost its way. A 0.023% donation, measured in terms of its corpus, caused it to abandon Veritas. Harvard needs self-introspection, which the report was supposed to do, and return to its core identity. Apollo must appear on stage at the end of the play. To start with, it could give away all of the tainted money received from Epstein.

The second question, however, still continues to trouble. If the first was directed at the university administration, the second is directed at the faculty, the globally renowned intellectuals on the university's rolls. Why was Epstein able to so easily co-opt them? Was it because he made money available for research, gave them access to people in power, introduced them to people of status, offered them a lifestyle that was alluring and titillating? Was it because he makes them members of a high-society social club? Through Epstein, Harvard's intellectuals could be both, knowledge seekers and society icons. He only required from them a suspension of Harvard's honour code and to offer him a platform for a "reputation retouch." For the intellectuals, this was not too heavy a price

to pay. Nobody would notice. For the benefits to be gained, this was small change. Their doing so resulted in what Julien Benda describes as the “treason of the intellectuals,” the abandonment of truth and justice for political gains.

Global capitalism today has, unfortunately, with all its seductions, produced such complicity of “supping with the devil” among most intellectuals across the world. Saying “no” to an Epstein becomes difficult, if not rare. On the contrary, one finds rationalisations for such complicity. Kosslyn the chair of psychology wrote about Epstein, “I wish I could have even a single student who asks such good questions.” Rationalisation

replaces Veritas, which gets obscured by all the rationalisations. Soon, the intellectual mistakes rationalisations for Veritas. We need to get back to a self-examination. We need to return to making connections between our material aspirations and our ethical beliefs. We need to identify the social processes that threaten and undermine our ability to be true to these beliefs. If it can happen at Harvard, it can happen anywhere. Instead of Harvard influencing Wall Street, Wall Street has begun to dominate Harvard. The university needs to stop being a corporation and return to become a university again. Return to Veritas? Yes, Michael?

NOTES

1 Incidentally, the list of 100-plus signatories is now not available on the internet.

2 “Now is a time to revisit how the principles of an organisation are expressed through its funding process—and to explore how we can, together, build mechanisms to ensure our fundraising efforts reflect our core values. However, the conversation has veered into increasingly pessimistic territory, and the media has focused their attention largely on this negativity. As such, it is our responsibility as members of the greater Media Lab community to add our voice to the conversation. We have experienced first-hand Joi’s integrity, and stand in testament to his overwhelmingly positive influence on our lives—and sincerely hope he remains our visionary director for many years to come.”

A number of prominent professors and thinkers involved with MIT and Harvard are listed as signers, including Harvard law professor and creative commons founder Lawrence Lessig, Whole Earth Catalog founder Stewart Brand, Media Lab co-founder Nicholas Negroponte, Harvard law professor and EFF board member Jonathan Zittrain, and synthetic biology pioneer George Church (who also had ties to Epstein). [https://www.theverge.com/2019/8/27/20835696/mit-media-lab-joi-ito-apology-](https://www.theverge.com/2019/8/27/20835696/mit-media-lab-joi-ito-apology)

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NEW

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