

Cluster Title: Human Equations: Compensation and Reparation across Disciplines

Summary. This proposal seeks to galvanize unique assets on the UMass Amherst campus by investing in faculty positions associated with the Feinberg Institute: Life, Value & Compensation Studies. Named after alumnus Kenneth R. Feinberg¹ and housed in the provost's office, the Institute seeks to bring together the most advanced thought on how societies measure and act on their conception of the value of human life.

How, for example, do judges and juries determine compensation schemes for victims of large industrial accidents? How do governments compensate individuals who are the victims of natural disasters? Do societies owe reparations to the victims or descendants of slavery, genocide, and other forms of racial discrimination—and if so, how to calculate the appropriate benefits? Should the government compensate victims of disasters in accordance with their projected future earnings? Or, should it compensate individuals equally?²

Efforts to assign value to human lives inform public policy on topics from abortion to tort reform to “solatia” payments for civilian deaths caused by armed forces. Chancellor Holub has observed that the Feinberg Institute can place UMass Amherst at the center of a vitally important and cross-cultural inquiry.³ However, the institute's promise remains unrealized to date, largely because of the lack of a clear connection between the institute and departments that could provide it with academic content on a consistent basis. Departmental input has been slight—with one notable exception, a series of lectures and other cultural events organized by the History Department in 2008-2009, a series that demonstrated the potential of the Human Equations theme to energize the whole campus.

This proposal advocates the hiring of four new faculty members who will strengthen individual departments; promote an interdisciplinary network among departments; enhance the image of UMass Amherst as a leader in public intellectual discourse; and stimulate fundraising for both departmental and centralized initiatives

The four positions are:

1. A professor of History with a knowledge of the long-term evolution of systems of public compensation for accidental injury and acute social injustice. We also propose that this position be a joint appointment with the Center for Public Policy & Administration.
2. A professor of Afro-American Studies with scholarly expertise on reparations as a literary and philosophical theme.

¹ Kenneth R. Feinberg is a 1967 alumnus of the history department who was also active in theater as a student. He is one of the country's leading experts on mediation and alternative dispute resolution. As Special Master of the September 11th Victim Compensation Fund and a key figure in numerous major compensation disputes, including the use of Agent Orange in Vietnam and the Dalkon Shield birth-control device, he is intimately familiar with the wrenching complexities of valuing human life. He has explored the ethical dimensions of compensation in numerous publications and speeches.

² This last problem, economic status versus equal citizenship, is at the heart of Feinberg's moral reflections in his book *What Is Life Worth: The Unprecedented Effort to Compensate the Victims of 9/11* (2005).

³ UMass Amherst Office of News and Media Relations, Sept. 11, 2008, “New Scholar in Residence at UMass Amherst to Examine the Value of Human Life.”

3. A professor of Legal Studies with expertise on mass torts or other legal terrains where the value of human life is enumerated and contested

4. A professor of Economics with expertise in the analysis of time-use data and valuation of non-market work and/or inter-temporal welfare comparisons and their implications for environmental sustainability.

The Need. There is no academic center in the world, other than the Feinberg Institute, devoted to broad humanistic inquiry into the concept of compensation and the valuing of life. This campus has the potential to become a major research center on this topic.

The development office is currently seeking donations to facilitate the creation of an archive based on Kenneth R. Feinberg's papers relating to his many compensation cases of historic importance: 9/11 victims fund, Virginia Tech shootings, Holocaust slave labor, breast gel implant suit, etc. . The archive would provide a massive base for team-based scholarly research. UMass Amherst's Special Collections and University Archives have both the space and capability for housing this important resource.

We envision that attorneys and policy makers will become visitors to this campus, and will be "consumers" of the scholarship and art produced by the cluster faculty. The campus is easily accessible from Boston and New York--not to mention Hartford, Connecticut, a home to the insurance industry--making it an obvious place for conferences, symposia and retreats that will attract leaders in the fields engaged by these issues.

Proven Excellence. The best evidence of our base of excellence is the highly-successful 2008-09 Feinberg Series.⁴ Hosted by the History Department, the year-long series of events engaged scholarship in history, bioethics, legal studies, the arts, and other realms to explore how value has been ascribed to human lives in courtrooms, labs, archives, boardrooms, and other contexts. Public lectures, panels, and film screenings considered subjects ranging from the role of war and sacrifice in ancient societies to contemporary reparations movements. More than two dozen scholars from UMass as well as campuses around the country (including Harvard University biologist Richard Lewontin, UC-Berkeley historian Daniel Boyarin, NASA scientist and UMass alum Cynthia Rosenweig, Duke University Professor of Public Policy Studies William Darity Jr., and Harvard Divinity School historian David Carrasco) addressed thousands of UMass faculty and students.

Competition. No other university appears to have an interdisciplinary forum for the study of human value and compensation. Economists at Stanford, Princeton and elsewhere have studied some aspects of these issues, but no other campus has cultivated the depth of interdisciplinary expertise proposed here. There is an opportunity for this university to take the lead: to become the key site in which theory and practice interact dynamically around the question of the value of human life.

Leadership. In the absence of leadership in the Feinberg Institute (which currently has no director), the History Department will coordinate the cluster. This means consulting with the other departments to draft job descriptions for the new hires, and organizing periodic meetings among the new faculty. Once the institute establishes its leadership, it will assume the role of coordinating activities in the cluster.

Funding. Funding for the faculty positions would come from the university. However, the cluster will assist the university in attracting funding to the Feinberg Institute from private donors. The cluster will also offer the dean of humanities and social science (assuming these colleges are combined) a unique initiative to attract donors to the deanship or the respective departments.

⁴ For the series program of events, see <http://blogs.umass.edu/thevalue/>.

Faculty connected with the Feinberg Institute may develop into consultants for law firms, governmental commissions, and other agencies. The university may work out an arrangement where it receives a portion of the consulting fees for faculty whose services are publicized through the Feinberg Institute. The faculty associated with the center may also offer revenue-generating workshops and symposia for professionals in the insurance industry, and for law- and policymakers, providing resources to support other joint enterprises.

As a center for interdisciplinary collaboration, the Institute will take the lead in fostering faculty grant writing by sponsoring a grants workshop that will provide mentoring and support for a small number of faculty each year who are applying for competitive national grants related to the Institute's theme.

The proposed archive based on Kenneth Feinberg's papers, mentioned above in the section on "The Need," is also a key fundraising component.

The Cluster Hires.

History. The history department already has strength in the proposed area as well as a proven track record as home of the Feinberg Family Distinguished Lecture Series. Marla Miller directs the History Department's program in Public History. Her expertise and that of other public historians in the program such as David Glassberg will be vital in creating the Feinberg archive and communicating the Institute's work to the general public in a variety of venues.

Daniel Gordon holds degrees in both law and history and teaches comparative law. He was co-chair of the Feinberg lecture series in 2008-2009. As a faculty affiliate of Commonwealth College he facilitated the inclusion of Feinberg's *What Is Life Worth?* into the dean's book course. He is also director of the individual concentration program (BDIC) in which some students organize their interdisciplinary studies around the theme of dispute resolution.

Laura Lovett is an expert on race, eugenics, family, and childhood in U.S. history and U.S. public policy. She is Director of the Five College Women's Studies Research Center. She has organized academic panels on reparations for housing and bank-loan discrimination. She co-edited *The Journal of the History of Childhood and Youth*. The journal is administered at this campus and draws world-wide attention to the ways in which age has been used to justify different forms of compensation and valuation of children.

Joyce Berkman's scholarship on the history of reproductive rights in America, combined with Jennifer Heuer's on gender and the family in France, make the UMass Amherst history department an eminent site for exploring the changing value of women in different nations and eras.

Linking this position to the Center for Public Policy & Administration will promote cross-disciplinary integration. The Center currently has several joint faculty appointments but none yet with the history department. The center offers one of the largest master's degree programs on campus. The 2003 AQAD review of the history department acknowledged the national stature of many history department members but observed that the department was not networked into the whole campus as effectively as possible. Linkage with CPPA will help bridge the humanities and social sciences and connect the history department with contemporary policy debates.

Afro-American Studies. At the heart of the American quest for self-knowledge is the ongoing effort to comprehend and redress the historic exploitation of African Americans. UMass Amherst has a nationally ranked Afro-American Studies department. The Afro-Am faculty team has a proven track record in the cluster area. Examples include and are not limited to:

The department chair, Amilcar Shabazz, has expertise on historical and current public controversies over reparations for past injustices perpetrated against minorities. He published *The Forty Acres Documents*, a sourcebook on reparations. He is particularly interested in how academic inquiry and activism can enrich the study of reparations for the descendant communities wronged by the slave trade, slavery, colonialism, and racial segregation.

The U.S. is currently engaged by complex debates about reparations to African Americans. The debates are not only focused on slavery but on multiple post-slavery incidents and disparities, from the Wilmington riots in 1898 to the Greensboro massacre in 1979 to present-day health disparities.⁵ These debates need to be understood on their own terms but they also need to be enriched by the study of Afro-American literature and intellectual history. A new faculty hire in Afro-American Studies would deepen our university's voice in these controversies and permit greater linkage between Afro-Am and the other departments included in the cluster.

Legal Studies. The department has unique strengths to contribute to the study of the political economy of human life, recognition of victimization, and compensatory justice. Current research and teaching in the department bring together innovative approaches from multiple disciplines to examine popular and state responses to historical wrongs, interpersonal and state violence, war and its human costs, conflict transformation and human rights.

Leah Wing, founding director of the Social Justice Mediation Institute and a member of the Board of Directors of the Association of Conflict Resolution, has extensive research and practical experience in mediation and conflict transformation with a focus on addressing large-scale inequities.

Diana Yoon's work is grounded in jurisprudence and social theory and focuses on U.S. militarism, violence against women, and citizenship. She was on the research team for a human rights project funded by one of the largest grants issued by the Law and Social Sciences Program of the National Science Foundation.

Iza Hussin has conducted research on various comparative law and society subjects funded by the National Science Foundation, Mellon Foundation, Woodrow Wilson Foundation, American Council of Learned Societies, and University of London Institute for Advanced Studies.

The department's close connections to the executive office of the Law and Society Association present opportunities for collaborations with the Feinberg Institute.

A new hire would build on the established strengths of the department to advance empirical and theoretical inquiries into diverse sites where the value of human life is enumerated and contested: indigenous and African American reparations, human rights claims in international law and domestic social movements, law and development, rule of law and war, and transitional justice. The ideal candidate would have expertise in law and in methodologies needed to analyze how legal processes shape and are shaped by other forms of specialized knowledge. The new addition to Legal Studies faculty would strengthen ties with other departments and contribute to the growing graduate program.

Economics. The economics department includes several scholars with interests in issues of the valuation of human life. Several faculty members participated in the Forum on Social Wealth, a collaborative

⁵ Kevin Outterson, "Tragedy and Remedy," Black Reparations for Racial Disparities in Health," *Bepress Legal Series working Paper 1329* (2005), <http://law.bepress.com/expresso/eps/1329/>.

project funded by the Rockefeller Brothers Fund that explored forms of wealth that are not privately owned, including human capabilities and the natural environment.

Nancy Folbre, a recipient of a MacArthur grant, has published widely on the value of women's paid and unpaid care work, exploring its relationship to gender inequality. She is also an expert on collection and analysis of time-use data relevant to development of new economic accounting systems and satellite income accounts.

James Boyce has extensively studied the nexus between economic inequalities, environmental degradation, and disaster vulnerability. His research on toxic emissions quantifies important disparities in risks to human health. He has served on the Program Advisory Board of the Feinberg Institute.

Deepankar Basu has published research on the changing sex ratio of births in India with important implications for understanding the ways parents value male and female children.

Conclusion. What is life worth? The decision maker is caught in a paradox. Assigning monetary value to a lost life simultaneously devalues it by making it fungible with market goods. Yet, having no systems of compensation is not an option in a world filled with tragic accidents and gross injustices. The best universities of the 21st century will be those that are able to educate leaders who will relish difficult decision-making processes while professing the ethical limits of their own decisions, as Feinberg did in *What Is Life Worth?* The Human Equations cluster is designed to highlight this urgent and poignant responsibility.