

# ISSA Proceedings 2002 - A Prologue To The Pedagogy Of Judgment



My title is the pedagogy of judgment, a subject I hope is of interest since reasonable judgments represent the desired outcome of most argument. And yet, the pedagogy of judgment is seldom addressed, either in textbooks or scholarship. Indeed, I may not make much progress toward the promised pedagogy myself, at least not in this paper. But I will try to give you some sense of what is at issue, and why I believe the topic merits attention.

This paper, then, is actually *a prologue* to the pedagogy of judgment. That is, like the prologue to a drama, I will introduce the major actors and a bit of their history; forecast the plot and its conflicts; but, at the risk of frustrating the natural desire for catharsis, I will stop short of resolution, or even of predicting if this drama ends in consummation or defeat. Of course, to end so abruptly is to admit to uncertainty about the very possibility of instruction in judgment, especially in a post-modern world rife with incommensurate paradigms and unsure about shared standards for adjudicating controversy. As a result, this particular episode ends with the lead players in the wings, and with no Prospero to point the way to an eventual dénouement. Whether or not my own uncertainty is a sign of a more general *aporia* remains to be seen.

The first task of a prologue is to set the stage, which, in this case, means introducing Judgment itself, the hero of the drama, whose credits are impressive, but whose recent accomplishments may not be generally familiar.

Let's begin, then, with the division of Judgment into three kinds:

1. a human faculty that enables sound decisions,
2. the process or procedures that result in such decisions, and,
3. the outcome or objective of the process, the actual verdict rendered.

My guide here is Edwin Black, who develops this trio through a review of the term *krisis* or judgment in Aristotle's *Rhetoric*. Along the way, Black works to distinguish *krisis* from opinion and belief by arguing that Aristotle might have posited either of these alternatives as the goal of rhetoric; but instead, he

explicitly states that the end or *telos* of rhetoric is to make it possible for an audience to render sound judgment. In turn, Black argues that such judgments issue from systematic practices that can be identified, whereas opinions and beliefs are too obscure to influence. Consequently, our initial distinction is that Judgment (at least in its classroom role) is first of all a process by which we deliberate controversial claims and arrive at sound decisions. If this process is, in fact, systematic and identifiable, then it should be teachable. But this also remains to be seen.

Having cast the process of Judgment as our protagonist, the next step is to identify the roles our hero is prepared to perform. In this case, we can begin with the Kantian division of reasoned judgment into its logical, moral, and aesthetic forms, the first two of which rely on universal standards to guide the decision-making process. Alternatively, aesthetic judgment (which includes questions of taste and purpose) is that category which deals with matters for which determinate standards are not readily available. For our purposes, Kant's first two forms constitute a single type that I will call Theoretical Judgment, i.e., judgment that invokes abstract, formal criteria in an effort to render decisions that are determinate. Kant's third category, however, deals with matters of motive and purpose that are more concrete and contingent, matters that resist absolute standards and certain judgments. I will refer to this latter type as Practical Judgment, decisions regarding the qualified conditions of human conduct.

In effect, we have two protagonists vying for the lead: or could it be that Theoretical and Practical Judgment are actually antagonists, members of the same family with nothing in common and little respect for one another? Or are they simply siblings who have taken different paths? Should our syllabus in judgement make a place for both; should they get equal time, and how should we handle potential conflicts between them? To address these questions, my prologue takes the unusual step of inviting our two protagonists to audition - in person.

So, enter stage right Theoretical Judgment himself, or Theo for short, wearing a school tie and a lab coat, and holding a typed script, which he reads verbatim as follows:

"As a specialist, I am convinced that a rational system properly applied can identify the truth value of any claim by invoking foundational premises that are universally valid. So, naturally, you can expect me to act according to prescribed

methods, with technical precision as the algorithm of my judgment. In practice, my methods appear under a variety of names, including formal logic, mathematical calculation, and scientific deduction based on empirical evidence. But in general, I proceed by interrogating the formal validity of a claim at issue and, in the end, I produce a judgment that is determinate and rationally binding. And yet, despite what you may think, I am ultimately an idealist, a seeker after knowledge in its purist form, abstracted from the idiosyncrasies of any particular manifestation. You can assess for yourself the success of my work in the great pageant of modern medicine and the sciences, but I have also had leading roles in the creation of wealth, the ordering of nations, and the resolution of social problems. It is self-evident, then, that every student should see me in action; and, in fact, I am already starring in many school curricula. So I am well rehearsed and ready for my role in this new production of yours."

At this point, Theo nods, puts his script away, and takes a seat in the orchestra.

Not much stage presence, I admit. But Theo's resume is replete with triumphs. In fact, his genealogy extends back to the ancients, with significant accomplishments in the late Middle Ages and Enlightenment. But the real ascendancy of analytical judgment is more recent and notably British, with Continental contributions from the Vienna Circle and others. Nonetheless, Kant is the grandfather of this particular tradition, having advanced the notion that judgment illuminates particular subjects by subsuming them within a set of transcendental categories. In turn, this notion follows naturally from Kant's historic insight that what we take to be real is mediated by human agency, so that the actively judging subject contributes directly to the shape and meaning of phenomena instead of simply receiving sense impressions. Or, more precisely, human understanding assigns nature a formal structure dictated by a priori principles or categories that are mental in origin but universal in application. We access these principles by virtue of our ability to occupy a position that is purely rational and, as such, beyond the contingency of empirical conditions. In this idealized scheme, Judgment operates by fitting the fragmentary data of particular cases into a conceptual framework that is logically consistent and rationally compelling. And, as Theo hinted, this particular act has been filling seats in professional theatres since the debut of Modern epistemology.

Of course, we still have another actor to audition, an actor who has also been working steadily, but who tends to perform in smaller venues, with less fanfare,

and fewer critical reviews. This lack of notoriety is perhaps due to the artless quality of her performance: she operates without explicit procedures, she adjusts herself somewhat differently to each new scene, and the finale of her shows is seldom grand and never actually final. But her star seems on the rise and she has recently landed some important new roles.

And so, entering stage left, is Practical Judgment, dressed in jeans and a T-shirt, with copies of her c.v. for circulation. This resume is an impressive one: she has been acting for a great many seasons, with memorable performances under such stage names as *phronesis*, prudence, and common sense, with supporting credits in smaller roles as *kairos*, decorum, and practical wisdom. Nor is she nearly as stiff as her counterpart, which she makes clear right away:

“Call me PJ; and while it is all very well for Theo to go by the book, one has to be a little less formal in dealing with human affairs, you know. I mean when people call on me, they typically need to know the difference between things that benefit their interests and things that don’t. Making such choices is never a formal process, though I do have my own methods. For example, I do my best to figure out what is advantageous and appropriate for the people and circumstances involved. Am I an opportunist? I don’t think so, because the ability to identify an equitable course of action for a particular situation is an important public benefit, which I think would be clear if you saw me perform.”

At this point, Theo, who had been taking notes, says, “how can you be sure your choices are ethical?” To which PJ responds: “Of course, good people make bad choices every day; my goal is simply to listen to all sides, balance claims, and identify the position that seems most likely to enhance the public good. I know that this will hardly satisfy you, Theo, but perhaps if we could talk things over. There is a café around the corner named Le Jarin. It’s very nice.”

At which point, she turns to Theo, who gets up and walks with her into the lobby and out of the theatre.

With our lead characters offstage, let me add a few things about PJ. In the first place, she went to a Lyceum, where she learned about a kind of knowledge that is personal, emotional, non-technical, but not irrational. Moreover, her attention to the daily demands on judgment, to the small as well as the big things, to the people involved rather than just the principles at issue, and most of all, to the spontaneity required to respond to each new situation in new ways, all these things seem in PJ more a matter of character than of method. Which raises the question, can qualities of this kind be taught in an organized way?

But there are also questions about Theo's practice, though at least he has a specific *techne* to pass along. The question in his case seems to be whether or not this *techne* is field specific. That is, do these technical methods change with a discipline's specific approach to evidence, its unique mode of reasoning, and the degree of certitude in its governing principles?

If so, should Theo change costumes according to the needs of a particular discipline, which may or may not be feasible in the academy; and if not, how would a single course address the multiplicity of technical practice? Moreover, if Judgment studies are to be distributed across-the curriculum, would they include the critique of reason mounted by feminist and post-modern scholars; and if not, is our instruction in theoretical judgment actually indoctrination?

Provocative as these questions are, it seems to me that there are potential responses that would allow a pedagogy of theoretical judgment to proceed. Of course, we still don't know if Theo and PJ can share the stage? But the question with which I will close deals with PJ and with our original notion that the process of judgment is "identifiable and systematic." What happens if that is not the case; where do we turn for guidance? To this last question, at least, we are fortunate to have some help, for in the last two decades a number of admirers have taken up PJ's mantle and rearranged it in new and interesting ways.

The inspiration for these writers comes most often from Aristotle, but Gadamer and Hannah Arendt also figure as influences on an emerging tradition of modern practical judgment. No modern critic has surveyed this tradition more fully than Joseph Dunne in *Back to the Rough Ground*, a work of special interest because Dunne also has a strong commitment to education. In his critique of pedagogy based on *techne*, he argues that an obsession with learning outcomes has aggrandized method and objectified teachers and students alike. Conversely, good teaching, he claims, remains deeply engaged with the subjects and contingencies of particular situations, a commitment only practical knowledge is prepared to address. As for nurturing such knowledge, Dunne admits that mature teaching comes with experience; but he does promote constant attention to the details of one's teaching life and sufficient opportunity to reflect on this complex experience. Through this combination of engagement and reflection, teachers can find appropriate stimuli for the development of their practical and pedagogical judgment. Or so Dunne hopes.

A different dialectic is at work in Ronald Beiner's book on *Political Judgment*. Like

Dunne, Beiner follows Aristotle in claiming that practical judgment requires a thorough understanding of local contingencies. But he also appreciates the substantive contribution of general ideas to the practice of political decision-making. This practice is not rule-bound, but it does follow a logical contour in which particulars are classified under general categories in order to invoke shared standards and discriminate amongst options. The appeal to shared standards, says Beiner, makes judgment meaningful and societies cohesive. In turn, he argues that this practice can be taught by exposure to specific exemplars, individuals who manifest good political judgment. These personalized examples are important because political judgment is never abstract and so cannot be reduced to formula. We are “schooled” in effective practice by observing the best practitioners. How we represent these exemplars in class Beiner does not address.

A more definite pedagogy is on offer in *The Abuse of Casuistry*, by Albert Jonsen and Stephen Toulmin, who direct their attention to a tradition of moral reasoning that reached its height in the 16th C. Like Dunne and Beiner, Jonsen and Toulmin argue that no theoretical model can illuminate the practical problems of specific cases. They go on to outline casuistry’s appeal to general (as opposed to universal) principles. But since no principle is self-interpreting, casuistry proceeds by examining a series of cases related to the issue at hand, paradigmatic circumstances from which guidelines for future action can be extrapolated. Casuistry, then complements general ideas with what Aristotle called “universal particulars,” significant, related cases that don’t sacrifice the complexity and ambiguity of the problem at hand. One can imagine the adaptation of casuistic training to the rhetorical classroom, which has a long history of case study. The drawback of this approach is that case narratives are typically static and don’t render the progressive dynamics that distinguish practical arguments.

Finally, I would mention Donald Schön, Donald. *The Reflective Practitioner* n’s *The Reflective Practitioner*, which promotes the kind of knowledge-in-action that expert professionals exhibit. Such knowledge is typically tacit and may not be teachable, admits Schön; but it can be learned because it can be modeled. So, like Beiner, Schön endorses the value of exposure to professional expertise, but he argues that this exposure works best when there is direct, tutorial contact between student and expert. Through this contact, the student can observe practical knowledge in action and build a repertoire of adaptable strategies. So, along with Dunne’s emphasis on experience, Beiner’s promotion of expert

modeling, and casuistry's study of paradigm cases, we now have master tutorials as a potential pedagogy of judgment. None of which I find particularly promising, or feasible; which is why I am suspending this prologue while we are still in the green room of theoretical critique and before our entrance on stage for an actual pedagogical performance.

What we can say in closing is this, that an argument is more than the invention of claims or positions, that judgment has been too long neglected, that pedagogy is not a puerile subject suitable only for supporting players in the profession, that there is a seductive clarity in technical method, that practical judgment must distinguish relevant from irrelevant particulars, and, most importantly, as Aristotle notes at the end of his *Ethics*, that virtue is a matter of making choices. For our students and ourselves, the process of making good choices is too important to overlook, even if good judgment may not be identifiable and systematic.

At the end of another work, Aristotle says, "I have had my say, I ask for your judgment." In our case, PJ and Theo are at a café next door getting to know each other. So making any final decisions about our cast is out of the question. Luckily an experienced stand-in is available. *Epoche*, better known as "the suspension of judgment," is waiting in the wings and should fill in admirably during rehearsal as we continue to work on the script and revise our syllabus. We may even find that her presence lends our ensemble new range and possibility.

## References

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