

HIGHER EDUCATION EXCHANGE



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Editors: Derek Barker and David W. Brown
Managing Editor: Joey Easton
Copy Editors: Joey Easton and Jared Namenson
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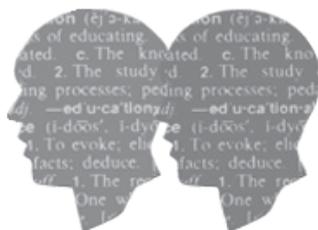
The *Higher Education Exchange* is founded on a thought articulated by Thomas Jefferson in 1820:

I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education.

In the tradition of Jefferson, the *Higher Education Exchange* agrees that a central goal of higher education is to help make democracy possible by preparing citizens for public life. The *Higher Education Exchange* is part of a movement to strengthen higher education's democratic mission and foster a more democratic culture throughout American society. Working in this tradition, the *Higher Education Exchange* publishes case studies, analyses, news, and ideas about efforts within higher education to develop more democratic societies.

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We dedicate this issue of the *Higher Education Exchange* to Dan Yankelovich, who just passed away. His writing about public judgment has been critical to Kettering's understanding of deliberation. His seminal book *Coming to Public Judgment: Making Democracy Work in a Complex World* is required reading for thoughtful scholars of democracy.

He was not only an emeritus board member of the Kettering Foundation; he was also a great friend. We will all miss him.

David Mathews

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WHAT IS POLITICAL JUDGMENT?

Ronald Beiner

Politics concerns questions not only of facts, but of what to do in light of the facts, particularly when people disagree. While higher education traditionally focuses on technical knowledge, Ronald Beiner explains that what citizens really need is judgment, the intellectual skills and habits of dialogue in circumstances of disagreement. The following is drawn from Chapter 1 (pages 1-4) and Chapter 7 (pages 138-143) of Ronald Beiner's Political Judgment, published in 1983 by University of Chicago Press and Methuen and Co., London. It retains its original style and usage conventions.

Why We Should Inquire

The dominant implicit consciousness of contemporary political societies seems locked into a peculiar bind. On the one hand, rationality is exclusively identified with rule-governed behavior, where the rules by which we are guided can be explicitly specified and made available for scrutiny according to strict canons of rational method. On the other hand, questions of ethical norms and political ends are assumed to be beyond rational scrutiny: here we retreat into a jealously guarded subjectivity where any questioning of our choices or priorities is regarded as a form of moral trespass, an intrusion into the realm of privileged individual 'values and preferences.' . . . Consequently, the monopoly of political intelligence is handed over to experts, administrators, and political technicians who coordinate the rules of administration and decision-making that accord with the reigning canons of method, rational procedure, and expertise. This monopoly goes unquestioned because the exercise of political rationality is assumed to be beyond the competence of the ordinary individual, whose proper sphere of competence is the choice of his own moral and social 'values'. Total political responsibility is ceded to the expert or administrator, provided that the individual's private sphere of values is not invaded.

Under these conditions, political reason is stymied from the outset. It is no wonder that for most of us political life has lost its urgency. Nor should it come as a surprise to us that, according to Jürgen Habermas' analysis in his book *Legitimation Crisis*, modern political systems are depleted of the very resources of moral and political legitimation that would alone make it possible for them to fulfill the expectations that they themselves generate. The types of fiscal, political, and ideological crisis analyzed by Habermas all have their roots in the fact that ordinary political reasoning and deliberation has been drained of its legitimacy. Convinced that the administration of the political system is

the prerogative of specially qualified experts and that the opinion of the ordinary citizen fails to satisfy the established canons of rationality, the would-be citizen retreats to his own private domain where political frustration and malaise well up. Pitched between the rigid demands of rule-governed method and the equally constraining stipulations of reigning subjectivity, the rational opinion of the common citizen fails to find its proper voice.

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Inquiry into the power of human judgment offers a possible way out of this impasse. Judgment is a form of mental activity that is not bound to rules, is not subject to explicit specification of its mode of operation (unlike methodical rationality), and comes into play beyond the confines of rule-governed intelligence. At the same time, judgment is not without rule or reason, but rather, must strive for general validity. If subjectivity could not be transcended, at least in principle, the rendering of judgments would be an entirely vain activity of asserting claims that could never be vindicated. For there to be the mere possibility of valid judgments, there must exist a way of breaking the twin stranglehold of methodical rules and arbitrary subjectivism.

Judgment allows us to comport ourselves to the world without dependence upon rules and methods, and allows us to defeat subjectivity by asserting claims that seek general assent. In this way political reason is liberated, and the common citizen can once again reappropriate the right of political responsibility and decision-making that had been monopolized by experts. If all human beings share a faculty of judgment that is sufficient for forming reasoned opinions about the political world, the monopoly of the expert and technocrat no longer possesses legitimacy. Political reason, from being a technical science, is restored to a practical science. As Hans-Georg Gadamer states in one of his essays: ‘practical and political reason can only be realized and transmitted dialogically. I think, then, that the chief task of philosophy is to justify this way of reason and to defend practical and political reason against the domination of technology based on science.’ Thus ‘it vindicates again the noblest task of the citizen—

decision-making according to one's own responsibility—instead of conceding that task to the expert'. (Gadamer 316)



The purpose of inquiring into the nature of judgment is to disclose a mental faculty by which we situate ourselves in the political world without relying upon explicit rules and methods, and thus to open up a space of deliberation that is being closed ever more tightly in technocratic societies. In respect of this faculty, the dignity of the common citizen suffers no derogation. Here the expert can claim no special privileges. If the faculty of judging is a general aptitude that is shared by all citizens, and if the exercise of this faculty is a sufficient qualification for active participation in political life, we have a basis for reclaiming the privilege of responsibility that has been prized from us on grounds of specialized competence. Ultimately, what is sought in this study is a redefinition of citizenship.

As Hans-Georg Gadamer states in one of his essays: “practical and political reason can only be realized and transmitted dialogically.”

Our topic, then, should be of concern to everyone, for it affects not just those with a specialist interest in politics but all of us whose lives are touched by politics, no less, when political affairs seem most remote from our grasp. Politics removed from the sphere of common judgment is a perversion of the political, and as such, cannot help but manifest itself in political crisis. It is precisely because there is a deep seated political crisis in the modern world that we are obliged to inquire into what is involved in judging and what makes it possible for us to exercise this faculty.



The Concept of Judgment in the History of Political Philosophy: Brief Survey

The theme of political judgment, historically considered, is a paradoxical one, for its presence within the western tradition of political thought is at one and the same time pervasive and elusive. The first recognition of a human faculty for judging particulars without the benefit of a universal rule goes back to Plato's dialogue, *The Statesman*. The theme of *phronesis* is developed extensively in Aristotle's work, and is transmitted to later thinkers both directly and via the political thought of Aquinas, who transposes into his own terms the

Aristotelian analysis of moral life. . . . To appreciate fully the centrality of the concepts of taste and judgment in eighteenth-century British empiricist thought, one may turn to Hume's essay 'Of the standard of taste', or to the Introductory Discourse 'On taste' added to Burke's *Philosophical Enquiry*, which could not have failed to influence Kant's aesthetic theory.

And yet, despite this repeated occurrence of the term 'judgment' throughout the tradition of western political thought, there is a sense in which the theme of political judgment has hitherto gone without explicit recognition. There is, strictly speaking, no literature on the concept of political judgment, as there are for other leading political concepts, such as justice, property, freedom, rights, equality, power, rule of law, revolution, and numerous others (in spite of the fact that without the concept of judgment none of these others could possibly exist). Where the concept occurs it does so obliquely, introduced within more general inquiries rather than being pursued systematically for its own sake. Although Kant's *Critique of Judgment* is offered as a conceptualization of the capacity of judging as such, its applicability to politics is highly problematical, as we shall begin to explore in a later chapter. We look in vain for a comparably exhaustive analysis of *political* judgment proper in the entire course of western political philosophy.



Scope of the Inquiry

In every contact we have with the political world we are engaged in judgment. Judging is what we do when we read politics in our morning newspaper, when we discuss politics during family or friendly conversation, and when we watch politics on television. Judging is also what we as academics do when we try to keep abreast of the political developments in our world, or when we strive to appraise the course of modern political history. And finally, judging is what we are doing also when we *do* politics, that is, when we act in a public setting or assume public responsibilities for which we are held accountable. So the normal kind of contact that each of us—academics, political observers, and common citizens—has with politics is the opportunity to judge.



Communities

Let us, then, ascend finally to the realm of the political itself, where yet another dimension of reflective judgment is added. This added dimension of

responsibility follows from the very nature of political community, for political judgment entails an implied responsibility for the assumption of what may be termed a shared way of life. All political judgments are—implicitly at least—judgments about the form of collective life that it is desirable for us to pursue within a given context of possibilities. The commonality of judging subjects is internal to, or constitutive of, the judgment, not merely contingent or external to it. (In the latter case, judgment is deliberated upon ‘monologically,’ and therefore submitted to one’s fellows for confirmation or negation only subsequent to one’s having arrived at the judgment independently of them; in the former, the deliberation is ‘dialogical’ that is, proceeding from a form of deliberation that does not abstract from one’s discourse with one’s fellows.) This follows from the nature of the *object* of deliberation, which is directed to the very form of our relating together. For the moment, I can express this no better than by saying that what is at issue here is not ‘what should I do?’ or ‘how should I conduct myself?’ but: ‘how are we to “be” together, and what is to be the institutional setting for that being-together?’ Where what is at stake are arrangements of mutual accommodation defining how we are to associate with one another, the urgency of coming to an agreement is not merely greater but indeed of a higher order. Hence the complexities of this form of deliberation are qualitatively, not by degree, enhanced. (It is not *self*-deliberation about my life, but mutual deliberation conducted *between* agents implicated in a common life.) While this higher level of responsibility can be present in private relationships (e.g. in family life), only the public sphere admits of general deliberation about the form of being-together which governs or regulates our interaction on a truly comprehensive scale. It was this comprehensiveness which according to the argument of Book I of Aristotle’s *Politics*, distinguished the polis from lesser forms of association, including the family. (Aristotle referred to it as the ‘self-sufficiency of political life.’)

If this position can be shown to be compelling, it would follow that in judgments about political relationships, that is, judgments relating to the form of association between men, a quality of intensified responsibility is at work that is not present in delivering a judgment about a chess move, or about the character of a person with whom we are acquainted, or for that matter, about the aesthetic quality of a work of art (all of which are instances of reflective judgment). At most, the form of intersubjective deliberation operative in politics is foreshadowed or anticipated in the less fully developed types of reflective judgment that we have been considering previously. This implies that only political judgment is as a matter of course characterized by the need to come to

an agreement about the common form of our relating-together—and it is this quest that animates the presentation of a judgment for common deliberation, consent, or conflict, and ultimately, the movement of coming-to-an-agreement through rational or not-so-rational consensus (and therefore, what is required of a theory of political judgment is to provide some theoretical account of this process of rational deliberation, consensus, and the hope of coming to an agreement).



The reason why public judgments are possible at all is that the objects of those judgments are shared by those who judge, or are the focus of their *common* concern. For instance, I judge as a member of a community because of a common tradition and shared history, public laws and obligations to which all are subject, common ideals and shared meanings. These ‘public objects’ or public things (*res publica*) allow for judgment of a public character, for these things concern all of us who participate in these traditions, laws, and institutions, and who therefore share in common meanings. Such judgments concern not merely what *I* want or the way of life *I* desire, but rather entail intersubjective deliberation about a common life (how *we* should be together).

Let us examine another aspect of our example, where it is not at all clear where the common relationship is situated. Two parties are in disagreement about a right, in this case the right to possession of territory. The disputants must at least share a concept, namely the concept of a right to possess land, in order to dispute the right. But the sharing of a concept implies some agreement about the kinds of criteria that will potentially decide disputes about how to apply the concept. . . . This certainly does not mean that the *actual* achievement of agreement is assured; rather, one cannot speak of a shared concept where there is no *possibility* of agreement on how to apply the concept. This is not to say that fundamental disagreements cannot arise over such concepts, only that there must be *some* conceptual contact between those in fundamental conflict. (And let us bear in mind that the application of general concepts to particulars is what we have already defined as ‘judgment’.) Thus there must be at least this minimal (or formal) shared judgment if conflicts of judgment are to occur. Even divergent judgments of the most deep-seated and fundamental kind are rooted in some relation of community, otherwise one would lack the concepts with which to disagree.



This (limited) commensurability might seem to preclude the assertion of a tragic dimension to judgment; for if the claims upon us are commensurable, in what way can they be in tragic conflict? . . . But this is mistaken, assuming that by ‘commensurable’ one does not simply mean ‘decidable’. The claims upon us can conflict tragically only if they make conceptual contact with one another, and the only way in which they can come into contact with one another is if there is *some* commensurability between them. Otherwise they would simply pass each other by, without any trace of mutual disturbance. Commensurability in this sense is in fact the *condition* of the possibility of tragic conflict, and theories that postulate moral or intellectual incommensurability are incapable of giving an account of such conflict.

How are such questions of right resolved? Necessarily, they must be submitted to criteria of judgment to which (ideally) all those judging can assent. That is, there must be underlying grounds of judgment, which human beings,

qua members of a judging community, share, and which serve to unite in communication even those who disagree (*and who may disagree radically*).

The very act of communication implies *some* basis of common judgment.

There must be some agreement of judgment on what would count as valid historical evidence, or valid moral considerations, such as would tend to confirm or contradict one political judgment or the other (although it may well be that none of these considerations is strictly conclusive). For judgment at all to be possible, there

must be standards of judgment, and this implies a community of judgment, that is, agreement in judgments at a deeper level that grounds those at the level of ordinary political argument. In this sense, discourse rests upon an underlying substratum of agreement in judgments. The very possibility of communication means that disagreement and conflict are grounded in a deeper unity. This is what may be termed, borrowing Kantian language, a ‘transcendental’ requirement of our discourse.

There must be underlying grounds of judgment, which human beings, qua members of a judging community, share, and which serve to unite in communication even those who disagree (and who may disagree radically).



Means, Ends, and Identity

Human subjects have no privileged access to their own identity and purposes. It is through rational dialogue, and especially through political dialogue, that we clarify, even to ourselves, who we are and what we want. It is mistaken to assume that we necessarily enter into dialogue with an already consolidated view of where we stand and what we are after, conceiving of speech merely as a means to be used for winning over others, rather than as an end to be pursued for its own sake. On the contrary, communication between subjects joined in

The very possibility of communication means that disagreement and conflict are grounded in a deeper unity.

a community of rational dialogue may entail a process of moral self-discovery that will lead us to a better insight into our own ends and a firmer grasp upon our own subjectivity. Here politics functions as a normative concept, describing what collective agency should be like, rather than abiding by its present devalued

meaning. The political expression of this ideal is the republican tradition. Thus inquiry into the intersubjective basis of moral and political rationality may contribute to a fuller understanding of what Arendt and Habermas call a public realm or public space, what Charles Taylor has called a deliberative culture, and what in the traditional vocabulary goes by the name of a republic. Our hope is that such reflection will ultimately conduct us back to Aristotle's insight that it is through speech and deliberation that man finds the location of his proper humanity, between beast and god, in the life of the citizen.



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CONTRIBUTORS

DEREK W. M. BARKER is a program officer at the Kettering Foundation. With a background in political theory, he works primarily on research concerning the democratic role of higher education institutions, philanthropy and nonprofit organizations, and journalism. Barker is the coeditor (with David W. Brown) of Kettering's *Higher Education Exchange*, and has contributed to other Kettering publications, including the *Kettering Review* and *Connections*. Barker is the author of *Tragedy and Citizenship: Conflict, Reconciliation, and Democracy from Haemon to Hegel* (SUNY Press, 2009), and articles appearing in *Political Theory*, *New Political Science*, and *The Good Society*.

RONALD BEINER is a political science professor at the University of Toronto and a fellow of the Royal Society of Canada. He has authored seven books, including *Political Philosophy: What It Is and Why It Matters* (Cambridge University Press, 2014), *Civil Religion* (Cambridge University Press, 2011), and *Liberalism, Nationalism, Citizenship* (UBC Press, 2003). He has edited or coauthored seven additional books, including *Judgment, Imagination, and Politics* (with Jennifer Nedelsky, Roman and Littlefield, 2001), *Canadian Political Philosophy* (with Wayne Norman, Oxford University Press, 2001), *Theorizing Nationalism* (SUNY Press, 1999), and *Dangerous Minds: Nietzsche, Heidegger, and the Return of the Far Right* (University of Pennsylvania Press, 2018).

HARRY BOYTE Harry Boyte is the Senior Scholar in Public Work Philosophy at the Sabo Center for Democracy and Citizenship at Augsburg University. He is the leading architect of the center's public work approach to civic engagement and democracy, and the creator of Public Achievement. Boyte served as a senior advisor to the National Commission on Civic Renewal. In the 1960s, he worked for the Rev. Martin Luther King Jr. as a field secretary with the Southern Christian Leadership Conference during the Civil Rights Movement. He is the author of nine books on citizenship, democracy, and community organizing, and his writings have appeared in more than 100 publications.

LORI BRITT, is director of the Institute for Constructive Advocacy and Dialogue at James Madison University. Her work focuses on understanding how communities and organizations go about the business of charting future courses of action, and how different communicative structures and participatory practices can aid in making those plans more inclusive and representative. She facilitates deliberation, dialogue, and visioning processes for governmental and nonprofit agencies, and teaches a service-learning course in which students facilitate dialogues for community organizations.

DAVID W. BROWN is coeditor of the *Higher Education Exchange* and coedited two recent Kettering publications: *Agent of Democracy* and *A Different Kind of Politics*. He taught at Yale's School of Management and New School's Milano Graduate School. Brown is the author of *Organization Smarts* (Amacom 2002), *The Real Change-Makers: Why Government is Not the Problem or the Solution* (Praeger 2011), and *America's Culture of Professionalism: Past, Present, and Prospects* (Palgrave Macmillan 2014). Brown's recent book, *Assumptions of the Tea Party Movement: A World of Their Own*, was published in 2016 (Palgrave Macmillan).

MAURA CASEY, a Kettering Foundation senior associate, wrote commentary and editorials for four newspapers, including the *New York Times*. Over a career spanning 30 years, she won 45 regional and national awards, including a shared Pulitzer Prize. She holds a master's degree in journalism and public affairs from the American University, has two adult children, and lives in Franklin Connecticut with her husband, Peter J. Panzarella, who she is warming up to after 34 years.

JANE MANSBRIDGE is a Charles F. Adams Professor of Political Leadership and Democratic Values at the Harvard Kennedy School. She is the author of *Beyond Adversary Democracy* (Basic Books, 1980; University of Chicago Press, 1983) and the award-winning *Why We Lost the ERA* (University of Chicago Press, 1986). She is also editor or coeditor of four volumes, including *Beyond Self-Interest* (University of Chicago Press, 1990) and *Negotiating Agreement in Politics* (with Cathie Jo Martin, American Political Science Association, 2013). Her current work includes studies of representation, democratic deliberation, and everyday activism.

DAVID MATHEWS, president of the Kettering Foundation, was secretary of Health, Education, and Welfare in the Ford administration and, before that, president of the University of Alabama. Mathews has written extensively on Southern history, public policy, education, and international problem solving. His books include *Politics for People: Finding a Responsible Public Voice, Reclaiming Public Education by Reclaiming Our Democracy*, and *The Ecology of Democracy: Finding Ways to Have a Stronger Hand in Shaping Our Future*.

NOËLLE McAFEE is a professor of philosophy and director of the Psychoanalytic Studies Program at Emory University. Her books include *Democracy and the Political Unconscious* (Columbia, 2008), *Julia Kristeva* (Routledge, 2003), *Habermas, Kristeva, and Citizenship* (Cornell, 2000), and coedited volumes on democratic theory, including a special issue of the philosophy journal *Hypatia* and an edited volume titled *Democratizing Deliberation: A Political Theory Anthology* (Kettering, 2012). She is currently completing her next book, *Fear of Breakdown: Politics and the Work of Mourning*. She has worked closely with the Kettering Foundation for nearly 30 years, including serving since 1990 as an editor of the *Kettering Review*.

DAVID McIVOR is assistant professor of political science at Colorado State University and the author of *Mourning in America: Race and the Politics of Loss* (Cornell, 2016). He has published articles on contemporary democratic and political theory in a variety of journals, including *Political Theory*, *Constellations*, *Contemporary Political Theory*, *New Political Science*, *The James Baldwin Review*, and *Agriculture and Human Values*. He served as coeditor for the book *Democratizing Deliberation: A Political Theory Anthology* (with Noëlle McAfee and Derek W. M. Barker, Kettering Foundation Press, 2012).

DANIEL YANKELOVICH (1924–2017) was an American public opinion research pioneer and renowned social scientist who studied social change and public opinion in America for more than 40 years. In 1958, he established the marketing and research firm Daniel Yankelovich Inc., which was later renamed Yankelovich, Skelly, and White. In 1975, Yankelovich founded the nonprofit Public Agenda with former US Secretary of State Cyrus Vance. More recently, he founded Viewpoint Learning, as well as the Yankelovich Center for Social Science Research at the University of California, San Diego. A former trustee at the Carnegie Foundation for the Advancement of Education, the Charles F. Kettering Foundation, and Brown University, he was author or coauthor of 12 books, including *Toward Wiser Judgment* (with Will Friedman, Public Agenda, 2010), *Profit With Honor: The New Stage of Market Capitalism* (Yale University Press, 2006), and *The Magic of Dialogue: Transforming Conflict into Cooperation* (Simon and Schuster, 2001), which was awarded the 1999 Common Ground Book Award for Achievement in Conflict Resolution.



Kettering Foundation

200 Commons Road, Dayton, Ohio 45459 (937) 434-7300; (800) 221-3657
444 North Capitol Street, NW, Suite 434, Washington, D.C. 20001 (202) 393-4478
www.kettering.org
