V I T A L J U D G M E N T

Thoughts in the Spirit of Montaigne

by

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> Truth and reason are common to everyone and are no more his who spoke them first than his who speaks them later. It is no more according to Plato than according to me since both he and I equally see and understand it in the same manner. Bees pillage the flowers here and there, but they then make honey of them which is all their own; it is no longer thyme and marjoram; so the fragments borrowed from others he will transform and blend together to make a work that shall be absolutely his own; that is to say, his judgment. His education, labor, and study aim only at forming that.
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> Montaigne, "Of the Education of Children"

We find ourselves in a world: to live we must act, and we must act as best we can according to our judgment, whether it prove in result to have been foolish or wise. To act, according to our judgment, to suffer or enjoy the consequences, to judge anew, to act again, and ever on, that is the human condition. Hence the work of education at root is the work of forming the powers of judgment.

Nothing with respect to judgment is given, except its necessity. Where there is life there is judgment, discrimination, decision that culminates in action. But judgment does not stop at the border where action begins; judgment pervades action, all living, vital action in which there is an element of responsive control, a perception of the unfolding situation within and without as the act progresses. This perception of the situation, this effort at control, is also judgment, a most crucial form of judgment. Within us, each cell has a certain awareness, a purposeful homeostasis with its environment and certain capacities to make use of resources surrounding it to maintain itself, to perform its appointed functions. If, for some reason, the cell errs in its judgments, or if the environment and situation in which it finds itself are so extreme that they overwhelm its capacities for discrimination and control, the cell will die or atrophy--its life will end.

So too with the larger organism. It too must live continuously by making judgments, judgments about its capacities and purposes, about its environment and situation. Cellular judgment is largely preprogrammed; its discriminations are built into the cell through genes which produce a definite physico-chemical structure for the cell. This process of genetic structuring should be understood, not as determining, but as limiting. The physico-chemical structure puts limits on the capacities of the cell for action, limits on the environments the cell can tolerate, limits on the situations to which it can respond, limits on the purposes it can entertain. But these limits do not themselves dictate a determinate life. They are real limits, but within the limits the determinate life unfolds as the cell, so long as it can, brings the capacities, environments, situations, and purposes into mesh, a mesh

that permits its maintenance and reproduction. Through its life, the cell imbues matter with judgment; it makes decisions, however preprogrammed, and lives or dies accordingly. The limits are merely limits, and within those, the drama of the life unfolds.

In the cell, the limits and the repertory of possible responses are genetically programmed. Variations do occur, which are usually disfunctional, although sometimes fortuitously constructive, allowing a more discriminating, flexible response, which, if the conditions are right, will be passed on as part of the genetic inheritance of a new species, one that moves the limits binding its potentiality for judgment. With human beings the limits become wonderously flexible, for men are beings that create culture. By creating and transmitting culture, man becomes the Lamarkian species, the one capable of inheriting acquired characteristics. This capacity for culture greatly enriches and complicates man's problem of judgment. But even with culture, limits remain; the imperative of judgment still reigns supreme. As the genetic inheritance establishes limits, but is not determinative, so too does the cultural inheritance, yet the limits are far less precise. This capacity for culture is the defining characteristic of man; it means that man is at bottom homo educandus, better, homo studiosus, for culture is significant as culture only insofar as it passes from one person to another as a uniquely Lamarkian inheritance. Yet in this great transformation of life, the basic, vital problem, judgment, remains an ineluctable measure.

Life is sovereign: its imperatives pervade everything, including culture. Some of the limits for homo educandus are programmed genetically into the being; thus the powers mature according to a general pattern. But like all limits,

these are merely limits; they are not determinative, and they carry with them no sure pedagogical prescription. Culture and education not only extend judgment; they equally require judgment. Man, as the creator and transmittor of culture, must, like the hunter, forever try to lead his target properly. Judgment is a vital imperative because the immediate situation is still unclear, still something in the process of definitive determination. Judgment exists because the acting person must anticipate consequences and seek to exert control, and men thus create culture and pass it from one to another as an aid in doing precisely this.

Even the preprogrammed, genetic inheritance must lead targets in this way. Many attributes do not disclose themselves until late in the life of the cell, yet if they are not there from the beginning, the cell, in certain crucial situations, may reveal a most faulty judgment. Thus genetic defects are defects only in a relative, situational sense. The situation of the cell, from its perspective is largely gratuitous, and with luck a defective cell may never have to suffer from its defect. But lead its target it must even though that means programming characteristics whose moment of significance comes late in the life of the organism. Mortality itself is undoubtedly--other causes being fortuitously avoided--so programmed into the structure of the being, for alas, natural selection, so powerful in selecting out structural deficiencies that disclose themselves up to the time for reproduction, has no power to select out deficiencies that unfold late. Thanatos is indeed a genetic possibility. The same problem befuddles man as an educative being: he continually acquires culture as a tool of judgment continually prior to the moment of judgment. Life, including human life, always moves towards the future; to be in time is to slide forever out of the known into the unknown. Were it otherwise, there would be no problem of

judgment, no life, all would subsist in itself like a stone. Education and culture are thus preparations for judgment, but they are also, as all else, pervaded by judgment; they are, ineluctibly, examples of judgment, good, bad, or indifferent.

Culture is man's Lamarkian heritage. Its vital function is to aid in the making of judgment. This vital function can be seen reflected in all aspects of culture. In its entirety, culture is a set of acquired characteristics that extend the inborn powers of judgment far beyond the genetically preprogrammed limits. To be sure, the cultural heritage, both when accepted passively or when transformed actively by a new generation, notoriously induces faulty judgment on numerous occasions, but this fact of fallibility does not mean that the fundamental function is something other than the extension of judgment. Error, fallibility, can be identified only relative to the function: to have a function and to be fallible are one and the same. Faulty judgment is situational, and poor judgment induced by the deficiencies of culture is no different from poor judgment induced by genetic programming. On the cellular level, there are many situations in which the most functional, "healthy", "normal" programming of the cell becomes decidedly disfunctional, causing the cell effectually to self-destruct. We conclude from these facts, not that the function of the programming is bad judgment, or something other than judgment, but that the capacities for cellular judgment are not adequate for all possible situations. So too with culture: its function is the extension of judgment, but it is not always adequate to this function. In the full life, judgment is always at the edge of its capacities.

Life, through judgment, makes a cosmos from chaos. Danger to life comes from the unknown, the uncertain, the unanticipated. These always lurk about us, and ironically exist even within the humanly created sphere of culture. Again, we are always leading our targets: we create culture ignorant of all that we thus do. As a genetic defect may be very late in disclosing itself, waiting patiently, hidden profoundly, until an unexpected conjuncture is at hand, so too with cultural defects: numerous mores that work well for the immediate end in view bring later consequences, not at first apparent, that make the total, vital situation dire and problemmatic. Thus much of culture is an effort to anticipate its own implications, an effort to make itself self-perfecting through critical selection in the same way that genetic judgment is slowly self-perfecting through natural selection. This judgment of judgment, this critical self-perfecting of culture, is not necessarily conscious and rational. It is at bottom vital, experiential, existential; it is what men do as they suffer the consequences.

Let us turn from these very general considerations of the nature of culture to a brief look at some of its more highly developed branches. The great, vital problem, we have suggested, is judgment, which arises ineluctalby because the living being must continually act in an immediate present; it must create the act, whatever it may be, in the everflowing instant of actuality. To live, we have suggested, is to inform matter with judgment, a sense of purpose and procedure. To act implies choice, an effort at control, an attempt to create and sustain a purposeful direction--these vital processes are judgment, and thus all life lives under an imperative of judgment. What judgments will be made is relatively open, especially in the cultural realm, but that judgments shall be made is ineluctable wherever there is life. The most thorough ambivalence

imaginable is a vital judgment, a judgment that no coherent judgment can be made. Ambivalence is simply a form of judgment, and what is surprising is not that humans on occasion are ambivalent, but that they are so little ambivalent, that they have gone so far in unfolding developed forms of judgment, which they have used to extend vastly the arena of vital action.

Popular culture shows clearly how the vital problem of judgment is central. Through folk wisdom, people pass to one another their accumulated experience in dealing with the mundane situations of which they must judge. This wisdom is situational, in large part, and thus it varies according to time and place: the works and days of the tropics are not the same as those of the desert or the uplands of Greece. What is found wise will vary, but the vital function of finding certain things wise nevertheless remains constant --that function is simply to help us all judge our daily circumstances. And what is perhaps most surprising is not the fact of variation according to situation, which we should expect as a natural outcome of the Lamarkian flexibility of culture, but rather the remarkable continuity and stability of certain features of the folk tradition. There is a kernal in common between the Book of Proverbs, Hesiod's Works and Days, Poor Richard's Almanac, and the sayings of Confucius, and all of these can still be read, albeit with the exercise of selective judgment, as a source of significant advice.

At the same time, hypothesizing that the problem of judgment is at the center of all cultural creation seems hard to reconcile with other aspects of the folk tradition. We are children of enlightenment who have come a long way from a world where superstition was sovereign --not as far as we may think, but far nevertheless. We

have learned to suspend judgment, at least in the reflective sphere, which permits us to grasp the scepter from superstition. Yet it is only under the conventions of reflective intellect that the imperative to act can thus be controlled. Judgment is a vital function and cannot be constrained solely within rationality. Critical judgment may at a later, more reflective stage find superstition to be the inducer of faulty judgment. But still the humanness of superstition is not to be denied, and its vital validity, in the absence of anything else, for people who must live life in its totality, needs to be recognized and understood. And so understanding the function of superstition, we realize that undoubtedly we live by it far more than we are wont to admit: wherever understanding is imperfect, uncertain, and the imperatives of action makes men base their stands on uncertain judgments, there we encounter fields where supersition can still thrive. And the test of culture is whether in the totality of life it gives a vital edge, whether it contributes through its consequences to well being, and this superstition may often do, not in the least because the causes it presumes to be at work are in fact at work, but becuase it does presume causes to be at work, thus giving the actor confidence where he would otherwise be wracked by a paralyzing perplexity.

With peoples who have a cultural history, properly speaking, folk wisdom and its attendant superstition soon give way to more elaborate cultural forms. In large part, the history of culture is the history of enlightenment, an effort to push the boundaries of superstition further and further into the background. The problem of supersition and the urge to enlightenment are both primarily interpersonal in their relation to the imperative of judgment. We should recognize both the individual and the society as abstract constructs of sophisticated thought,

neither of which exist outside of thought. Persons, human beings, existentially exist entwined with other persons; persons live always in community with other persons, and one of their most imperative problems of judgment pertains to concerting, harmonizing, and coordinating their varied actions. In lived experience, neither the individual nor the society exist as such, both are constructs of men thinking; in lived experience, most judgments are profoundly interpersonal, pertaining to and emanating from persons in the plural, and most of culture, and particularly the dialectic of superstition and enlightenment, relates to interpersonal problems of judgment. The purely personal, the individual, insofar as it exists, consists in a combination of common sense and individual eccentricity, neither of which give rise to a cultural heritage unless they somehow take on interpersonal value and significance. Culture, man's Lamarkian heritage, exists only as it passes from person to person; it is an interpersonal inheritance pertinent primarily to interpersonal problems of judgment.

Our rationalistic heritage encourages us to think of judgment as an individual attribute, that of an individual mind making judgments alone--Descartes solitary by his stove assuring himself: I think, therefore I am. Culture and the problems of judgment to which it pertains have been in the sweep of history much more a plural work: we are, therefore we think together. And not only think together, but equally, we feel together, believe together, hope together, fear or love together--these, as much as thought, are aspects of judgment.

All judgment, even preprogrammed cellular judgment, requires that the target be led, but this requirement is far more demanding with interpersonal, cultural judgment: the problem of anticipation becomes extremely complex. The more

men become cultural beings, the more interdependent they become, the more their problems of judgment become problems of concerting perception and purpose, organizing effort and abilities. A common, shared understanding of situations becomes necessary if highly choreographed, interpersonal actions are to be undertaken. With the want of an alternative, superstition performs this common function. It nutures community and provides an occasion for criticism, an interpersonal evaluation of the common bases for judgment. All knowledge has its roots in a desparate, shared effort to construe the threatening unconstruable. The imperative of judgment, and the interpersonal character of that imperative for humans, means that the first and most fundamental criterion for culture is plural acceptance. Unanimity is not necessary, and it may be a danger. Diversity, diversities of shared views, are a great leaven to cultural development, the embodied dialectic. But the solitary, the unique, the really isolated view, has no cultural significance. Socrates was tried, however unjustly, not for his daimon, per se, but for introducing new gods in the demos, and Galileo was brought before the Inquisition, not because he held strange theories, but because he published and taught them. The idiosyncratic may be true, but as long as it is idiosyncratic, it is irrelevant to the great interpersonal problems of judgment, and it will become significant only as it wins acceptance by a following as a basis for judgment. Truth, as a norm of agreement, is a late invention of human culture, an historical norm whose history is yet far from complete.

Culture serves to sharpen, inform, extend judgment, which is a vital function of the living being. Folk culture starts as a mixture of practical wisdom and superstition --the distinction is a late projection back upon the situation, for from the vital perspective of the primitive folk,

the two are indistinguishable. The superstition is vital wisdom that we, from our vantage point, find unwise; yet there is an element of wisdom in it for the people who live by it: it empowers them to make judgments they might otherwise be unable to make, and that is all that life demands. This, however, is no mean demand, and as we have suggested, truth does not enter as a standard of judgment until a later point. Nevertheless, the dialectic of cultural development can proceed, and continues to proceed, independent of an abstract pursuit of truth: norms of critical discrimination are brought to bear on the mixture of wisdom and superstition, imperfect norms, but functional ones, all the same. Charisma, inspiration, simple competence create exemplary authorities whose leadership permits the elaboration of culture. Problems of judgment become more clearly identified, divisions and specializations arise, and fundamental fields of what we call thought emerge.

At bottom, these fields are not fields of thought, but fields of action, fields of action that call for ever more elaborate means of judgment--ethics, law, economics, politics, art, craft and technology, all emerge rooted to the problem of judgment. These judgmental roots are most apparent in the field of law. Law is judgment, solemn judgment on matters of dispute, potential and actual, civil and criminal. With law, the interpersonal character of human judgment is patent, as is the necessity of general acceptance. Law functions most powerfully where legal actions seem least apparent, that is, where persons have internalized its norms and standards and act unbidden according to its rules. In these situations, the law has effectively formed the judgment of most of the community's members, and woe to the community where this formation by internalization has not taken place: there the law will cease to serve life constructively as an aid to judgment and

will become a major problem of judgment, one in which more and more human energy will be consumed enforcing the law, bringing it to bear as a correction, after the fact, on recalcitrant, arbitrary behavior. Through the law, men declare to one another the basic standards of judgment in interpersonal dealings that they can be expected to follow. An offense against the law brings an accusation of an error in judgment; a trial establishes facts and principles and culminates in a judgment of the suspect judgment. And since the law itself, as it is internalized and used, and as it is brought formally to bear on abuse, is through and through a system of judgment, it too is subject to the test of consequences; hence throughout its history it has been dynamic, subject to revision, a living work undergoing continuous elaboration and refinement.

Politics is closely related to the law as a system of judgment. Through politics people make judgments of import to their polity. This holds true regardless of the form of polity: whatever the form, the making of certain judgments is the function and the differences of form--monarchy, aristocracy, democracy, tyranny, what have you--differentiate who has power and responsibility for making these judgments. The foremost problem of judgment in politics is to judge rightly what judgments are to be made through politics. Man is a problem for man; with his Lamarkian capacity to take on acquired characteristics, judgment becomes a problem for judgment, and this circularity is most inescapable in politics. The tragedy of politics is that those with the power and responsibility to make the judgments also have great influence over what judgments are to be made, and they, being fallible, corruptible, are always liable to substitute personal judgment for political judgment in the exercise of this trust. Certain judgments must always be made for the community: laws must be established;

common enterprises chosen, organized, and executed; emergencies, martial or natural, coped with. Politics has the function of bringing sound judgment to bear upon these matters, and politics never ends because the matters keep changing and the judgment, however good, is never wholly pure, never sufficiently disinterested, never quite adequate to the task at hand, and the consequences always reveal the leadership to have been imperfect. Yet the demands of life never stop; however imperfect, someone must govern--the King is dead, long live the King!

Economics, too, clearly has its roots in the vital problem of judgment. Production and exchange are elemental tasks of the living being from the most primitive to the most sophisticated. The most absolute asceticism is, among other things, a set of economic judgments, and no one can avoid the imperative of making judgments about production and exchange. The basic schools of economic thought are judgments about how these judgments should be made, and the basic conflict between the schools, a conflict in judgment. Among culturally developed peoples, the economic sphere of action becomes extremely complicated and portentous, for the web of human interdependence is perhaps most complex and delicate in matters of production and exchange and the consequences of poor judgment in the face of untoward circumstances can be calamitous. Here the test of consequences is palpable and compelling: hunger, cold, disease, wealth, luxury, power. But the test of consequences yields no certainty, but rather brings a fundamental dilemma. Economic judgment must deal accurately, concretely with an infinitely complicated range of particulars and at the same time it must deal soundly with the over-all condition of the whole: the former can be accomplished at the sacrifice of the latter by relying on unfettered markets, which establish concrete values but renounce the exercise of foresight, the

latter can be accomplished at the sacrifice of the former by substituting planning for the market, which permits of foresight but renounces the establishment of concrete value. The reconciliation of these two systems of judgment is still fundamentally circumstantial: under favorable circumstances men incline to judge according to the market, but in emergencies they rush to plan, regretting their lack of foresight. The great animating hope of the modern era has been the hope of escaping this dilemma, yet far from realized.

Law, politics, economics: in these areas the roots in the problem of judgment are clear and close to the surface. But they are no less real in other areas, in art and music, in religion and soaring speculation. To see this clearly, we might further pursue our general considerations. The dialectic of development is driven, not by truth, not by reason, but by consequences. Consequences are the ends, not merely the wished for ends, but the implacable ends, the lived, suffered consequences of the system of judgment. Reason, at a certain stage, emerges as one among diverse means in the approach to these ends. Reason becomes dialectical because the structure of life, the structure of judgment, is dialectical, a continuous balance of conflicting forces, an implacable tension between known and unknown. Thus reason is not alone uniquely dialectical--all of culture is. Inspiration, charisma, craft and competence: none can rest for long, stable, fixed, unchanging. Continually, they are all put to the test of living: suffered consequences crush the unsound and there is a natural selection that drives the Lamarkian inheritance as sternly as it drives the genetic towards an unfolding of the vital power to create a cosmos, a habitable environment. Thus, as we contemplate the great functional categories of culture, we dare not forget their living roots, the real standards controlling their development, the imperative of judgment sovereign over life.

Such considerations lead not to a simple pragmatism, not necessarily to a preference for the branches of culture patently rooted in the problem of judgment. Consequences are the standard, but that does not mean that the standard of thought should be its practical pay-off, its cash value, in William James's popular phrase. The standard of life, not necessarily thought, is the quality of judgment as revealed in the consequences suffered; hence the cultural drive, that elaborating systems of judgment. It is entirely possible that useless, irrelevant, trivial creations will give rise to capacities for judgment that greatly extend the habitable cosmos. The point is not to pit abstraction against life, art against life, play against life, but to insist that abstraction, mysticism, aesthetic creation, simple play exist as such because they have real value to life. The cell itself, as we have seen, must be impractical in a crass sense; it must carry with it an extensive baggage of genetic information for which it has no immediate use; it must anticipate the yet unknown. Lived consequences are the implacable standard of judgment, yet they set up no facile hierarchy of value that can be applied complacently as a sure means of judgment. Judgment exists as a problem and imperative precisely because at the moment of judgment what the lived consequences will be is unsure, they are not yet there as lived consequences, but merely, at most, as imagined, hypothesized consequences. Judgment is always a drama, suspenseful, something suspended between future and past, undertain, determining but not determinate: there is no sure prescription and that is why there must be judgment. Consequences are not a test of truth, but a test of judgment, and judgment is always situational, concrete, existential, within history, and therefore it holds only for itself and it does not validate or confirm a general proposition, but gives rise potentially only to another datum among the myriad that may be taken into

account in ensuing occasions for judgment, which , no matter what, will be as suspenseful as those that came before.

In this context we find the value to judgment of art and play, rest, recreation, and soaring speculation. Judgment is far more complex and subtle than is reason alone, and the demands on judgment are far more definitive than those on rigorous thinking. We know not the sum of our powers, neither our cultural powers nor biological powers. Judgment must not only apply itself to the world, but even more to itself, probing, exploring, testing itself, disclosing itself to itself. Thus Immanuel Kant's great study of aesthetics is a Critique of Judgment; it strangely combines a study of the biologic and the artistic. But what sounder combination could there be? It is all an investigation of our intuition, empathy, discrimination, taste, our sense of fitness and form. With these men make judgments by leaps, by existential acts. The most plodding lawyer cannot write a routine brief without calling to the muse to bring words forth in that creative instant whereby he pulls from memory, he knows not how, that which suits the needs of his occasion. The imperative of judgment requires that men live life with the sum of their powers; they have a sense for things, a feel of things--the craftsman knows with hands as well as head and the man of worldly experience at a glance can judge with fine discrimination what he can and cannot expect of another. Such judgments are liable to error and the test of consequences controls them as much as any other judgment. Nevertheless, without them, human life would be slow and plodding, simply unviable. Tastes change, styles change, senses of form and fitness change, but men cannot live without a sense of form and fitness, without taste, without style; they need to develop these, as much, if not more than law, politics, or production and exchange. They need a sense of form and fitness, style, taste, grace

and coordination, an informed eye and ear, a kinetic sense of language, movement, gesture, expression; they need all this, not as ornament, not as luxury, but as an essential part of judgment, living judgment. Schiller rightly commended to a practical age the higher practicality of The Aesthetic Education of Man.

Music and art, literature and drama, sport and play, mystical intuition and religious reverence: these are the essential lubricants, without which judgment is slow and inflexible, at once stolid and uncertain. These too are the source of inspiration, aspiration, exhilaration, hope. We are wont to think of judgment as excessively Apollonian, but it is not so. Men judging forever feel the chafe of their limits; tensions build; they need rest and release; in the sum of life, repose is required; nothing to excess, neither play nor work, neither Apollo nor Dionysus; the limits overburden, they must be shed; let imagination fly, the heart well, the spirit soar; cathartically cast off the limits, frenzidly break the limits; yes, yes!--and then, ...sluggish, ...slow, spinning sleep, after which, ...on the morrow, limp but renewed, the steady life begins again. All this, too, is part of the totality of judgment, part of the problem of judgment. And here too, nothing is certain before the fact and the test is always in the consequences. The Dionysian is dangerous; whether it will result in renewal and the extension of possibilities or in brute dissipation is never certain. Yet, despite danger, the dance is as integral a part of man's Lamarkian being as is the law.

Men create systems of judgment, highly elaborate ones, Apollonian ones, Dionysian ones, ones for every aspect of their lives, and these systems are continually tested by the consequences to which they give rise. These conse-