

How Do I Decide?

Practical Reason, Particular Judgments, and Holistic Concerns in Jewish Ethics¹

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The particular judgments of practical reason play crucial roles in Jewish ethics, in applying rules, balancing concerns, and specifying the realization of values. While acknowledging the elusive character of practical reason, the paper develops an account in which these judgments are not only acceptable stopgaps, but may offer valuable contributions. It builds on Aristotle's classical discussion of *phronesis*, intelligence or practical wisdom, and Richard Boyd's contemporary account of the role of trained judgments in both science and ethics. In the model presented, the particular judgments of practical reason reflect both specific situational circumstances and more general values and holistic concerns. Particular judgments both are shaped by Jewish values and norms, and present new input that enriches the system of Jewish ethics, leading to its refinement and growth.

1. Introduction

Mark Twain once observed: "Everybody talks about the weather, but nobody does anything about it."² The topic of practical reason has the opposite characteristics: Everybody does practical reasoning, but nobody talks much about it. It is hard to know what to say. The particular judgments of practical reason play a crucial role in Jewish ethics, as they do in all systems of legal and ethical reasoning. For example, a rabbi asked for guidance by a woman contemplating abortion must ascertain how her case fits with precedents of the halakhic tradition and other resources of Jewish ethics. A businessperson trying to make a sale must choose the words to present his product honestly but in the best possible light, mindful of responsibilities to the buyer, his

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²Attributed to Mark Twain, in John Bartlett, *Familiar Quotations*, 16th ed., ed. Justin Kaplan (Boston: Little, Brown, 1992), p. 528.

employer, and his family which relies on his commissions for support. A woman who has an aging parent with a chronic illness must make decisions large and small about how to fulfill the *mitzvah* to honor parents, and how to balance this with other *mitzvot* and moral responsibilities. In hundreds of distinct moments and situations, a father must decide the words to use to teach and encourage his child, the disciplinary measures that may be called for, and so forth.

The term “practical reason,” as I am using it, refers generally to reasoning that seeks to reach practical decisions in particular cases and circumstances, such as those sketched above. To borrow Simon Blackburn’s definition, it is “any reasoning aiming at a conclusion concerning what to do.”³ Practical reason is vital in applying rules and guidelines to a case, in balancing competing concerns, in ascertaining analogies, in specifying the realization of values. The way in which practical reason fulfills these roles, however, often seems to be something of a mystery, a black box somehow linking the ethical system to a case and conveying insights, about which little of value can be said.

Both the centrality and the elusive nature of practical reason and judgment are not unique to Jewish ethics. As philosopher Charles Larmore has expressed the problem generally:

Although we can understand what kinds of situations call for moral judgment, the kinds of tasks that moral judgment is to accomplish, and the preconditions for its acquisition, there is very little positive we can say in general about the nature of moral judgment itself. We find ourselves providing what are really negative descriptions: The activity of moral

³Simon Blackburn, *The Oxford Dictionary of Philosophy* (Oxford: Oxford University Press, 1994), p. 296. Practical reason corresponds generally to such concepts as practical wisdom, prudence, judgment, and Aristotelian *phronesis*. My own conception of practical reason in Judaism will be developed more fully over the course of the paper. The term “practical reason” may be most familiar to some readers from the writings of Immanuel Kant, including his *Critique of Practical Reason* (trans. Lewis White Beck [New York: Macmillan, 1985]). I do not intend to limit my usage of the term to his conception of practical reason. A full comparison of my understanding to Kant’s is beyond the scope of the paper, and would require extensive evaluation of Kant’s own position, which is itself a complex and contested matter. To the extent that the formal and deductive aspects of Kant’s philosophy are emphasized, my conception would sharply contrast with his. My understanding would share much common ground with interpretations of Kant such as Nancy Sherman’s, which advocates “making room for practical wisdom in Kantian ethics.” In Sherman’s reading, Kantian “deliberation is reflective in that it moves back and forth between the general and particular poles of practical judgment,” and so “has a familiar Aristotelian feel.” See Nancy Sherman, *Making a Necessity of Virtue: Aristotle and Kant on Virtue* (Cambridge: Cambridge University Press, 1997), pp. 284, 311, 284–330. Aristotelian views are discussed in Sherman, pp. 239–83, and more briefly in Section 3 below.

judgment goes beyond (while depending upon) what is given in the content of moral rules, characteristic sentiments, and tradition and training.⁴

In this paper I hope to address Larmore's challenge in the context of Jewish ethics. First, I will sketch the tasks of practical reason in Jewish ethics. I also will attempt to discern something of the nature of the judgments of practical reason, suggesting that these judgments are not only acceptable stopgaps, but may offer a valuable contribution. Building on accounts of practical reason elaborated in general ethics (by Aristotle and Richard Boyd), I will develop a model in which the particular judgments of practical reason reflect both specific situational circumstances and more general values and holistic concerns. Finally, I will consider the model's implications for the appropriate functioning of practical reason in Jewish ethics.⁵

2. The Tasks of Practical Reason

Any approach to Jewish ethics, as devoutly committed to one basic principle or tightly tied to the halakhic system as it might be, would have an important need for particular judgments of practical reason to guide action in the world. Rules and principles do not simply apply themselves. The application of general rules and duties in the context of particular cases requires judgment, first of all to know whether a given rule or duty applies in given circumstances. Even if a given generalization is known to apply, it is likely to be schematic.⁶ Practical reason would be crucial in determining how to accomplish actions that save life, aid one's neighbor, honor parents, and so forth.

These examples emphasize the need for practical reason in any understanding of Jewish ethics; even with these modest tasks, the role of practical reason both is crucial and eludes account. The significance of practical reason looms even larger when the choice of the correct action requires more than simply applying rules and principles. Even in conjunction, rules and principles may underdetermine radically the appropriate decision. Decision making is yet more difficult when rules and general values conflict. In contemporary Jewish ethics, the need to formulate particular judgments that go

⁴Charles E. Larmore, *Patterns of Moral Complexity* (Cambridge: Cambridge University Press, 1987), pp. 19–20.

⁵My focus in this paper is methodological and constructive. Historical and contemporary examples will be utilized primarily as resources for and illustrations of my model. Thus, I will not attempt to provide a complete analysis of the philosophy of thinkers such as Nahmanides, nor a definitive resolution of particular ethical issues such as parenting. Thinkers and issues will be examined for the light they shed on practical reason and their contributions to my proposed approach.

⁶Cf. Larmore, pp. 1–14.

beyond the application of general norms is found in thinkers as diverse as Aharon Lichtenstein, Eugene Borowitz, and Max Kadushin.⁷

Traditional Jewish sources suggest the need for particular judgments of practical reason to go beyond simply applying rules; while rules clearly are necessary in traditional accounts of Jewish ethics, they are not sufficient.⁸ Moses Nahmanides provides classic statements of this concern in his commentary to the Torah. First, he articulates the importance of the general call to holiness of Leviticus 19; without this, a person might observe all rules and yet be “a scoundrel with Torah license” (*v'hinei nihyeh naval bir'shut haTorah*). In a second passage, Nahmanides discusses Deuteronomy's injunction to “do the right and the good” (Deut. 6:18, *v'asita hayashar v'hatov b'einei Adonai*).

For it is impossible to mention in the Torah all of a person's actions toward his neighbors and acquaintances, all of his commercial activity, and all social and political institutions. So after [God] had mentioned many of these . . . He resumes to say generally that one should do the good and the right in all matters, to the point that included in this are compromise,

⁷Aharon Lichtenstein emphasizes the importance of an ethical moment within (or complementing) halakhah, to fill in gaps, inspire agents to strive for a higher ethical plane, and specify the contours of moral action. In the area of *lifnim mishurat hadin* (being more stringent than the letter of the law), he argues, “the halakhic norm is itself situational”; its demands “evolve from a specific situation; and, depending upon the circumstances, may vary with the agent” (“Does Jewish Tradition Recognize an Ethic Independent of Halakha?” in *Contemporary Jewish Ethics*, ed. Menachem Marc Kellner [New York: Sanhedrin Press, 1978], pp. 116, 114–18). For Eugene B. Borowitz, the conscientious judgments and immediate insights of the individual, autonomous Jewish self are and must be ethically decisive (*Exploring Jewish Ethics: Papers on Covenant Responsibility* [Detroit: Wayne State University Press, 1990], esp. pp. 176–92; idem, *Renewing the Covenant: A Theology for the Postmodern Jew* [Philadelphia: Jewish Publication Society, 1991], p. 284). For Max Kadushin, particular judgments are needed to perceive the significance of a situation, determine appropriate action, and formulate concretizations of values (*Worship and Ethics* [New York: Bloch, 1963], esp. pp. 10–13, 40–62). The centrality of judgment and “ethical intuitions” is even more clearly articulated in Walter S. Wurzburger, *Ethics of Responsibility: Pluralistic Approaches to Covenantal Ethics* (Philadelphia: Jewish Publication Society, 1994).

⁸As expressed by Byron Sherwin:

For many Jewish ethicists and legalists, God has the initial word, but human beings have the last word. Though fallible by nature, their task is to apply divine wisdom—using human intelligence and intuition—to particular human situations. Objective divine revelation and subjective human speculation coalesce to produce guidelines for correct moral behavior (“Jewish Ethics as Theological Ethics,” *Shofar* 9 [1990]: 7–8).

For Louis E. Newman, Judaism understands the covenant between God and Israel both in terms of relationship and in terms of specific obligations and laws. Accordingly, Jewish ethics both is embodied in fixed rules of halakhah, and transcends all fixed specifications in an open-ended way (“Ethics as Law, Law as Religion: Reflections on the Problem of Law and Ethics in Judaism,” *Shofar* 9 [1990]: 13–31).

being more stringent than the letter of the law [*lifnim mishurat hadin*], and [matters] similar to that which [the Rabbis] mentioned concerning the law of one who borders [land being sold and is given the right of first refusal]—even that which they said, “whose youth had been unblemished,” or, “he converses with people pleasantly,” so that he is regarded as perfect and right in all matters.⁹

Nahmanides points to both practical and intrinsic limitations of general rules and principles.¹⁰ Practically, the number of rules required to correctly and specifically determine action in complex situations would be far too vast for them to be listed in the Torah, or for them to play their appropriate roles in organizing and guiding behavior. For actual humans utilizing a manageable set of rules, general norms are bound to be more roughly cut, and tailoring and judgment that go beyond the invocation of general norms are needed. The passage also suggests that some important elements cannot be captured by general norms even in principle: for example, holiness, or speaking with pleasant tone. In her philosophical discussion of practical reason, Martha Nussbaum similarly offers Aristotle’s example of telling jokes, and a case (from James’s *The Golden Bowl*) of a father letting his daughter go off to marry, as endeavors in which rule following will not be enough. “[N]uance and fine detail of tone are everything.”¹¹

How are these judgments to be made? One possible view might see them as simple and basic intuitions, delivered by some unique cognitive faculty. A fundamental problem with this view is that it is difficult to establish the validity or even the plausibility of such intuitive cognitions, and especially to account for the distinctive

⁹Nahmanides, commentary to Lev. 19:2, Deut. 6:18, in *Perushei haTorah l’Rabenu Moshe ben Nahman*, ed. Chaim Dov Chavel (Jerusalem: Mosad haRav Kook, 1960), vol. 2, pp. 115, 376; citing the Babylonian Talmud, *Baba Mezia* 108a-b (border), *Taanit* 16a (youth), *Yoma* 86a (conversation). Translations are adapted from those of Lichtenstein, p. 108.

¹⁰Cf. Martha Nussbaum, “The Discernment of Perception,” in *Proceedings of the Boston Area Colloquium in Ancient Philosophy*, vol. 1, ed. John J. Cleary (Lanham, MD: University Press of America, 1986), pp. 177–79.

¹¹“[W]hat makes [the] embrace [of father and daughter] a wonderful achievement of love and mutual altruism is not the bare fact that it is an embrace; it is the precise tonality and quality of that embrace: that it is hard and long, expressive of deep passion on his side, yielding acceptance of that love on hers; yet dignified and austere, refusing the easy yielding tears that might have cheapened it” (Nussbaum, “Finely Aware and Richly Responsible: Moral Attention and the Moral Task of Literature,” *Journal of Philosophy* 82 [1985]: 523; see also “Discernment,” p. 179). Nancy Sherman similarly argues that focusing on a single yes-or-no decision in particular cases tends to reduce ethics to bipolar alternatives and bare facts, rather than the rich fabric of action expressed in the full context of a virtuous ethical life (*The Fabric of Character* [New York: Clarendon Press, Oxford University Press, 1989], pp. 35–36).

cognitive faculty involved.¹² As well, it would be hard to show how such simple perceptions, arriving as it were *deus ex machina*, would integrate with more general elements; how they could build on as well as go beyond the application of general rules or principles, and how they could tie in with experience and moral character. I would suggest that judgments of practical reason are better understood not as simple and direct cognitive insights, but as similar to trained judgments in other fields, such as science and medicine. While I agree with Larmore that practical judgment will elude precise characterization, I would like to examine two accounts that shed some light on the matter. Aristotle's classical account illuminates both the need for and distinctive character of *phronesis*, intelligence or practical wisdom. Richard Boyd's contemporary account of the role of trained judgments in both science and ethics illustrates ways in which these judgments can reflect more general norms.

3. The Value of Practical Reason: Aristotelian Phronesis

A classical expression of perceptive judgment's role in ethical reasoning is found in Aristotle's *Nicomachean Ethics*. Aristotle conveys both the need for, and the distinctive characteristics of, practical reason. He contrasts *phronesis*, practical wisdom or intelligence, with theoretical knowledge. *Phronesis* deals with actions and with particulars, and cannot be reduced to any combination of knowledge of principles or generalizations and deduction. *Phronesis* requires deliberation in the context of particular cases. It involves a type of perception, "not the perception of special objects, but the sort by which we perceive that the last among mathematical objects is a triangle."¹³ Perceptive judgment is needed in order to live a life of virtue and develop virtues in general, and also in order to perceive ethically significant circumstances and formulate appropriate decisions in particular cases. In discussing the difficulty of acting in accord with a virtuous mean in particular situations, Aristotle writes: "It is not easy to answer in a [general] account, since these are particular cases, and the judgment depends on perception."¹⁴ Within the context of an ethics based on virtue and the good life, Aristotle asserts that no simple application of general norms will suffice to make decisions in particular cases. While general rules offer some guidance, an additional perceptive judgment is required as well.

¹²See, e.g., Bernard Williams, *Ethics and the Limits of Philosophy* (Cambridge: Harvard University Press, 1985), pp. 93–94.

¹³Aristotle, *Nicomachean Ethics* 1142a, trans. Terrence Irwin (Indianapolis: Hackett, 1985).

¹⁴Aristotle, *Nicomachean Ethics*, 1126b; brackets are original in Irwin's translation. Aristotle also appeals to perceptive judgment in an earlier passage (1109b) advising that one generally does well to seek the mean, taking special care to avoid the most vicious or most attractive extreme.

It is important to note that Aristotle does not understand *phronesis* as a mysterious oracle, or simply sense perception. While *phronesis* involves the grasping of particulars, it also requires an understanding of the general good for a person, commitment to virtues congruent with that good, and experience in ethical deliberation.¹⁵ As Nussbaum summarizes Aristotle's view:

Practical insight is like perceiving in the sense that it is non-inferential, non-deductive: it is an ability to recognize the salient features of a complex situation. And just as the theoretical *nous* [understanding] comes only out of a long experience with first principles and a sense, gained gradually in and through experience, of the fundamental role played by these principles in discourse and explanation, so too practical perception, which Aristotle also calls *nous*, is gained only through a long process of living and choosing that develops the agent's resourcefulness and responsiveness.¹⁶

Both the unique particularity of a case at hand, and guidance provided by general elements of the system, must be acknowledged. Practical reason is neither simply an immediate sensation akin to seeing a color, nor deduction from more general norms. The way in which particular and general elements can work together requires further elucidation.

4. Particular Judgments and Systemic Concerns: Boyd's Trained Judgments

Richard Boyd's model helps to elucidate the way in which judgments can both depend upon and go beyond more general norms. Boyd presents particular ethical judgments as similar to trained judgments in other fields, such as clinical judgments in medicine, or intuitive judgments in science. As Boyd suggests, through professional training and experience in a scientific discipline (or another field), an individual "acquires a 'feel' for the issues and the actual physical materials which the science studies." Examination of scientific practice indicates that such practical training, together with the study of theory, contribute to the ability to formulate intuitive judgments; and that "having good physical (or biological or psychological) intuitions is important to epistemically reliable scientific practice." Accordingly, while scientific intuitions go beyond that which can be accounted for by explicit inferences, they are generated as part of an epistemic package that includes theories and practices. They are informed by experience and training, and so in part reflect the system as a whole. The status of these "epistemically

¹⁵Aristotle, *Nicomachean Ethics*, 1140a-b, 1143a-1145a.

¹⁶Nussbaum, "Discernment," p. 181 (brackets added). See similarly Sherman's description of Aristotelian perception as reflective and deliberative (*Making*, pp. 239-83).

reliable trained judgments” is not crucially different from that of judgments for which more explicit reasons are available.¹⁷

Many fields of deliberation have a role for such “epistemically reliable trained judgments” that go beyond that which is explicitly justifiable in terms of general norms. These provide guidance that may be crucial when explicit justification is insufficient to specify a course of action. In medicine, for example, clinical judgment is often needed to formulate a diagnosis, prognosis, or treatment recommendation. The need for clinical judgment does not reduce the importance of physical findings and laboratory tests of the particular patient, or knowledge of general norms and familiarity with analogous cases. Moreover, the intuitive judgment is not a mystical insight, but rather builds on the physician’s training in the general norms and methodologies of medicine, and her experience with many cases.

Similarly, Boyd argues:

Moral intuitions are simply one cognitive manifestation of our moral understanding, just as physical intuitions, say, are a cognitive manifestation of physicists’ understanding of their subject matter. Moral intuitions, like physical intuitions, play a limited but legitimate role in empirical inquiry *precisely because* they are linked to theory *and* to observations in a generally reliable process of reflective equilibrium.

Such intuitive judgments are often available well before explicitly justified judgments are.¹⁸

Thus, returning to an example noted briefly above, the daughter defining her responsibilities for her ill and aging parent will act in accord with some basic moral rules. To take one example that is clear from Jewish tradition (and I would think any other construal of ethics), it would be wrong to physically beat her parent. Such rules are known with great confidence, and powerful reasons could be given in support. The daughter also knows that she should not let her parent starve for lack of available food. Implementing this commitment will be somewhat more complex, and require knowledge of the parent’s health, social circumstances, personality, and community resources. Judgment will be required, crafting implementation of this norm in light of the particular circumstances of the case. Even assurance of food delivery, personally or from another reliable source, is not enough, for attention must be given to the way in which the food is provided and the personal tenor of the interaction. There is a difference in degree, but not a sharp distinction, between the more tangible and less tangible implications of the responsibility to honor parents. The *Shulhan Arukh*, Joseph Karo’s sixteenth-century code, presents in the same sentence the child’s obligation to

¹⁷Richard N. Boyd, “How to Be a Moral Realist,” in *Essays on Moral Realism*, ed. Geoffrey Sayre-McCord (Ithaca: Cornell University Press, 1988), pp. 192–93, 200.

¹⁸Boyd, “Moral Realist,” pp. 207–8. Reflective equilibrium is discussed in the following section.

provide food for a parent, and the responsibility to do so with a proper and pleasant attitude. In the Talmud's image, a person could be condemned to Gehinom for giving their parent the finest of food, if this is not done in a fitting manner.¹⁹

Things become yet more complex as the daughter considers that she should not let her parent "starve" emotionally for lack of available meaningful interaction with family and others. Here, the need for practical reason is most apparent.²⁰ Explicit reasoning will take the daughter part of the way, but more is needed. The daughter's perceptive judgment of her proper response to her parent's emotional needs is akin to her judgment as to her proper response to the parent's physical needs, which is akin to her judgment that physical abuse is wrong. Moral responsibility requires critical thinking and explicit reason-giving as far as this goes, but requires as well perception of the need to go beyond that which can be explicitly proven. Perceptive judgments build on but go beyond general rules and values, in a way that is linked to moral theory and experience. A holistic model, developed in the following section, can help account for how this can occur.

5. Judgments in a Holistic Model

The way in which judgments can be informed by more general elements can be seen by taking a step back from particular judgments to broader holistic concerns that, I will argue, help to account for and support such judgments. For the purposes of this paper I will only briefly describe a holistic model for Jewish ethics that I develop elsewhere.²¹ My holistic model includes attention to both particular and general concerns. There need be no absolute and invariable order of priority among particular judgments, rules and laws, and general principles and values. Neither grand principles expressing the essence of Judaism nor rigid formal criteria need be foundational. In addressing a specific case or issue (a local level of justification), a particular claim may be supported by a more general norm, or vice versa. A variety of approaches to a problem can each

¹⁹*Shulhan Arukh, Yoreh Deah* 240:4; Babylonian Talmud, *Kiddushin* 31a-b; Jerusalem Talmud, *Peah* 1:1. See generally Byron L. Sherwin, *In Partnership with God* (Syracuse: Syracuse University Press, 1990), pp. 138-39.

²⁰The woman may also have conflicting obligations to a husband or children. See Sherwin, *In Partnership*, pp. 142-43.

²¹Aaron L. Mackler, "Cases and Principles in Jewish Bioethics: Toward a Holistic Model," in *Contemporary Jewish Ethics and Morality*, ed. Elliot N. Dorff and Louis E. Newman (New York: Oxford University Press, 1995), pp. 177-93. The summary in this section of the text draws on this fuller account.

shed light, serve as correctives to other approaches, and contribute to a resolution.²² Thus, I might decide what to do in a given case by following a rule, and I might become convinced of the validity of a rule (or of the entire system of Jewish ethics) by seeing how it helps to resolve a number of cases.

This approach corresponds with the model of reflective equilibrium developed by John Rawls and others, and invoked by Boyd in his discussion. The process begins with a set of considered judgments, including our strongest convictions about particular cases as well as more general norms and theoretical concerns. We postulate those principles that would best account for such judgments, and revise principles and more particular judgments in a back-and-forth process of mutual adjustment.²³

Coherence is central to such a holistic understanding of ethical reasoning and justification of beliefs. Following Laurence Bonjour in his discussion of empirical

²²By combining criteria of input and coherence, the holistic model allows for the testing, reshaping, and justification (or vindication) both of particular beliefs, and also of the system of Jewish ethical beliefs as a whole. At the global level, justification is (to use John Rawls's phrase) "a matter of the mutual support of many considerations, of everything fitting together into one coherent view" (*A Theory of Justice* [Cambridge: Belknap Press, Harvard University Press, 1971], pp. 21, 579). The term "holistic" is meant to designate an approach to reasoning and deliberation, and not a metaphysical thesis. A holistic model is compatible with a variety of metaethical positions, including a view that assertions in Jewish ethics correspond to a higher reality or are objectively true, and that our holistically justified beliefs provide evidence of this truth (indirect realism). My holistic model is akin to a coherence approach to justification, not a coherence understanding of truth; on this difference, see Laurence Bonjour, *The Structure of Empirical Knowledge* (Cambridge: Harvard University Press, 1985), pp. 157–58. See also the discussion in the following note.

²³The process including consideration of all available theoretical views and reasonable arguments is referred to as "wide reflective equilibrium." See John Rawls, *A Theory of Justice*, pp. 195–201, 19–22, 46–53, 577–87; Rawls, "The Independence of Moral Theory," *Proceedings and Addresses of the American Philosophical Association* 48 (1974/5): 7–8; Norman Daniels, "Wide Reflective Equilibrium and Theory Acceptance in Ethics," *Journal of Philosophy* 76 (1979): 257n. Boyd's development of reflective equilibrium in his broader discussion of scientific knowledge and ethics provides a model for combining a largely coherentist understanding of justification with a realist or correspondence understanding of truth. For Boyd the key to this combination lies in the interaction over time of a system of beliefs with observations that reflect a real world. Theory and methodology are bound together in science. While theory-based methodology could conceivably prove worthless, in fact scientific methodology is largely reliable, and observations both generally accord with and reasonably develop theoretical understandings. The best explanation of this coherence-cum-progress is that scientific research is "cumulative by successive approximations to the truth," and provides for the increasing approximation of theory-independent reality. Rejecting foundationalism, Boyd suggests the compatibility of realism with coherentist justification in ethics as well as science. "The moral realist might reply that the dialectical interplay of observations, theory, and methodology which, according to the realist, constitutes the *discovery* procedure for scientific inquiry *just is* the method of reflective equilibrium" (Boyd, "Moral Realist," pp. 188–89, 199–200). A generally similar sort of argument is provided by Laurence Bonjour in his account of empirical knowledge.

knowledge, I understand coherence as a rich concept that includes more than mere consistency. Rather, it is "a matter of how well a body of beliefs 'hangs together': how well its component beliefs fit together, agree or dovetail with each other."²⁴ A coherent system of beliefs must avoid contradicting itself, but positive connections between beliefs are also required. Coherence is pursued step by step in a process of mutual adjustment, as connections of explanation, inference, and analogy are drawn and their implications explored.

In dealing with a particular case, a holistic approach to reasoning would investigate the detailed circumstances involved, seek analogies with other known cases, and consider the implications of relevant rules, values, and principles. A holistic approach characterizes, for example, the reasoning of rabbis addressing difficult problems in *teshuvot*, or halakhic responsa. Typically writers of responsa survey previous sources, analyze fact patterns, draw analogies and disanalogies with paradigmatic cases, develop generalizations, and balance competing concerns. Arguments do not take the form of foundationalist deduction from first principles, but rather a process of cumulative reasoning yields a judgment in the particular case that is vindicated relative to alternatives.

More generally, I believe that a holistic model provides the best construction of much work and decision making in Jewish ethics in all areas. A holistic approach characterizes the ethical reasoning of a traditional Jew in everyday life, in the absence of dramatic conflict. One seeking to follow Jewish ethics would be aware of detailed norms of halakhah governing his or her interaction with other people. He or she also would be conscious of traditional texts and popular culture offering paradigmatic examples of ethical behavior, stories of saints and moral heroes, maxims, and admonitions to develop ethical virtues. Rabbinic literature as it developed over the centuries would provide a physician, for example, with laws concerning responsibilities towards patients, admonitions to humility and virtue, stories of Abba the therapeutic bleeder and other models to emulate, a prayer attributed to Maimonides expressing the physician's devotion to the patient and humility before God, and so forth. Out of these rich and varied sources, one would weave the pattern of a Jewish ethical life and formulate judgments in particular cases.

In general, a holistic approach to ethical reasoning can bring the resources of a network of beliefs to a particular case. This model is compatible with a variety of approaches to Jewish ethics. For some advocates of postmodernist Jewish ethics, it could provide a way to avoid the rigid and constricting character associated with

²⁴BonJour, *Structure of Empirical Knowledge*, p. 93.

deductivist approaches to ethics, while avoiding anarchy.²⁵ The model also helps account for the understanding of halakhic decision making expressed by traditionalist Aharon Lichtenstein.

A sensitive *posek* [halakhic decision maker] recognizes both the gravity of the personal situation and the seriousness of the halakhic factors. In one case, therefore, he may tend to view the points of contention in one way, while in a second case exhibiting slightly different details, he may tilt the decision on these points in the other direction. He may reach a different kind of equilibrium in assessing the views of his predecessors The flexibility arises from a recognition that halakhic rulings are not, and should not be, the output of human microcomputers, but of thinking human beings; a recognition that these rulings must be applied to concrete situations with a bold effort to achieve the optimal moral and halakhic balance among the various factors.²⁶

Finally, let us return to another example mentioned briefly above, the father choosing the words and actions with which to teach, encourage, and discipline his child. The Jewish tradition provides some important guidelines for parenting. One should not break a promise to a child, since this would teach the child to lie. The Book of Proverbs' maxim to "educate a child according to his way" has been interpreted as suggesting that each child must be dealt with individually, in keeping with his or her own unique characteristics. One should not foster jealousy by favoring one child, as Jacob favored Joseph. One should combine generous love with discipline, letting "the left hand repulse and the right hand draw near."²⁷

These guidelines only begin to scratch the surface of parenting. Adding civil legal requirements, together with guidelines from writers such as T. Berry Brazelton and Penelope Leach, helps to specify good parenting. If I am a father, I know from these sources and others that I should help my child, instill values of generosity and respect for others, contribute to the child's emotional health, foster a sense of self-worth and responsible independence. But, having said all that, how do I decide what to do? Practical reason remains crucial. What exactly does it mean, at this moment with this child, to educate him or her "according to his way"? Would spending more time with a needy child fulfill this mandate, or would it contradict the mandate to avoid favoritism? Is my situation at this moment more closely analogous to the paradigm of the special needs child requiring remedial assistance, or to the paradigm of Joseph receiving his ornamented tunic?

²⁵See S. Daniel Breslauer, "The Postmodern Movement in Jewish Ethics: De-signing a Postmodern Jewish Morality," *Shofar* 14, no. 4 (1996): 1–17, esp. pp. 4, 8.

²⁶Aharon Lichtenstein, "Abortion: A Halakhic Perspective," *Tradition* 25, no. 4 (1991): 11.

²⁷Babylonian Talmud, *Sukkah* 46b; Proverbs 22:6; Babylonian Talmud, *Shabbat* 20b, *Sanhedrin* 107b.

As noted above, both practical and intrinsic considerations point to the need for going beyond (though building on) rule following and reason giving. Practically, while some decisions will call for detailed analysis, taking the process of explicit reasoning as far as it goes, most decisions need to be made in real time, in the living of a real life that is often fast-moving and complex. To invest too much time in this moment's decision would be to lose the next moment. Intrinsically, attitude is as important in caring for children as in honoring parents, and it would be difficult for even a lengthy reasoning process to specify the tonality of words or embrace. Rules, maxims, and guidelines help. But, paraphrasing Nahmanides, it is possible to be a lousy parent while obeying all the rules.

In caring for his child, the father will seek, explicitly and implicitly, to reach judgments that cohere with his full set of beliefs. Like the judgments of Boyd's scientist, they will reflect the totality of his knowledge and experience. Influences might include halakhic literature, ethical reflection, conversations with other parents, biblical narratives, books on parenting, personal experiences, observations of impressive (and less impressive) role models, and more. All of these contribute to the framework through which the father understands the world and deals with others, and each could provide the (relatively) fixed reference point supporting a decision in a case at hand. Some judgments will follow extensive reflection and research, accompanied by explicit reason giving. Other judgments will receive barely a moment of thought, as the father chooses words and actions that cohere with his beliefs and commitments. If asked, he might be able to give some reasons in support of the broad contours of the action, but might respond that other elements simply seem right, though he cannot exactly say how.

6. Judgments and System in Conversation

The above discussions of practical reason and judgment support a model in which practical reason both draws on and goes beyond holistic concerns in formulating particular judgments. This model explains how the judgments of a Jewish ethicist or other individual can be Jewish. Such judgments are not akin to perceptions in the sense of "raw feels" (e.g., a preconceptual sense of "yellow" or "pain") and sensations, but rather represent the perceptiveness of the trained and experienced person of practical wisdom. In Jewish ethics as in other fields, perceptive judgments are influenced by experience, and reflect the totality of one's training, commitments, and beliefs.

This model can account for the role of practical reason in drawing analogies and applying general norms. As well, judgments of practical reason can fill in gaps, provide nuanced resolutions, and prudentially balance competing claims. Like the clinical judgments of a physician, they can offer guidance when explicit justification is insufficient to specify a course of action. This role corresponds in part to the significance of judgment acknowledged by Lichtenstein, for example, in specifying the

contours of ethically appropriate action.²⁸ Tone and nuance are shaped in particular judgments as well. Such judgments do not take the form of deductive proofs, nor do they appear mysteriously out of the blue, but they reflect the system as a whole.

What factors will influence these perceptive judgments? In Boyd's example of scientific judgments, such things as study of theory, hands-on practice, accumulated experience, reflection, and the observation of role models. Similar influences have long been supported in Jewish ethics: study of ethical theory and principles, study of detailed laws of halakhah, reflection on narratives of aggadah, apprenticeship with and observation of sages and other role models.²⁹ With these influences, the open texture of ethical decision making is not simply open. Judgments of practical reason will reflect and build on general commitments, systematic principles, and patterns of behavior, even as they go beyond them.

For the same reason, the particular judgments of practical reason are powerful ethical guides and must be taken seriously. Judgments that go beyond established norms are not merely bothersome imperfections or stopgap measures. Particular judgments of practical reason represent new input that enriches and challenges the system of Jewish ethics, leading to its refinement and growth. Ethical knowledge increases with experience, as new elements are added and new connections made to increase the breadth and coherence of the system. These insights would minimally play a heuristic role, like a lead for a journalist or the glimmer of an idea for a medical researcher. Going further, when an insight of practical reason disagrees with established elements of the system, there is at least reason to review the situation and perhaps consider revising general norms.³⁰ At the same time, particular judgments neither are infallible nor should they automatically trump competing considerations. Like paradigmatic cases, rules, and values, they represent an important though fallible indicator of the correct action for Jewish ethics.³¹

²⁸Lichtenstein, "Does Jewish Tradition," pp. 114–17. For Lichtenstein, judgment specifies ethical action only within the firm boundaries of the law.

²⁹See, e.g., Moses Maimonides, *Mishneh Torah, hil. Deot*. See also Daniel H. Frank, "Reason in Action: The 'Practicality' of Maimonides's Guide," in *Commandment and Community: New Essays in Jewish Legal and Political Philosophy*, ed. Daniel H. Frank (Albany: State University of New York Press, 1995), pp. 69–84.

³⁰Accordingly, what some might take to be closed texture of established halakhic norms and practices cannot be fully closed.

³¹Cf. the model of casuistry developed in Albert R. Jonsen and Stephen Toulmin, *The Abuse of Casuistry: A History of Moral Reasoning* (Berkeley: University of California Press, 1988). In Eric T. Juengst's image: "As casuists venture continually into more uncertain territory the ground behind them becomes more solid" ("Casuistry and the Locus of Certainty in Ethics," *Medical Humanities Review* 3 [1989]: 21). Louis E. Newman similarly argues in the context of legal (including halakhic) reasoning

A practical tension is likely to persist between those who emphasize particular perceptive judgment in the unique case at hand, and those who look first toward other elements in the holistic system (such as halakhic norms or general principles) for guidance. The difference is best understood as one of emphasis and degree. One deliberating about a particular case must combine a grasp of general norms and analogous cases with attention to the specific features of the case. Like trained scientific or expert judgments, a perceptive judgment of practical reason, itself a part of the holistic system, may provide guidance in filling in gaps and going beyond that which is implied by general principles and rules. A *phronetic* judgment informed by experience and general norms can help lead to particular and nuanced action in the context of a specific situation. In turn, the nuances found in a particular case feed back to enrich general rules and principles.

In presenting her interpretation of Aristotle's model of perceptive ethical judgment and practical reason, Martha Nussbaum invokes the image of conversation. "Perception, we might say, is a process of loving conversation between rules and concrete responses, general conceptions and unique cases, in which the general articulates the particular and is in turn further articulated by it."³² As Nahmanides suggests in his discussion of a different type of conversation, the challenge is for the conversation to remain pleasant as well as challenging, and always in pursuit of the right and the good.

that "an existing rule actually gains new meaning each time it is applied to a new set of facts" ("Woodchoppers and Respirators: The Problem of Interpretation in Contemporary Jewish Ethics," *Modern Judaism* 10, no. 2 [1990]: 30).

³²Nussbaum, "Discernment," p. 199.