Assembling Functional Specialties

Bruce Anderson

First Objectification

A family has been happily going on vacation to the same place for years, but now the children are adolescents and the needs of everyone have changed. It is time to take stock, to make their future vacations better. How is this to be done? The soccer team is losing at half-time. During the interval the team evaluates their first-half performance and comes up with a plan about how to play better in the second half. These were two of Philip McShane's favourite illustrations used to introduce the need for functional specialization and to indicate some idea of what functional specialization might be.

The idea of functional specialization was a no-brainer when I first heard Phil talk about it in his undergraduate classes, and it still is today. For the past twenty years I have been assembling aspects of the functional specialties outlined in chapter 5 of Method in Theology. My view is that if I want to learn something about functional specialization, I have to perform it, to try to do it. My field is legal theory so my efforts have been directed toward working out how functional specialization illustrated in terms of theology would operate in law. I took McShane's slogan, "if something is worth doing, it is worth doing badly," to heart. I have found it very difficult to get to grips with what each functional specialty requires as outlined by Lonergan, and while Philip McShane's work offers clues and encouragement it is also very challenging to get hold of. Anyway, what follows is a list of my stabs at assembling the functional specialties highlighted in chapter 5.

My first stab at assembling functional specialties was in a seminar I gave on the topic at the Newcastle Law School in the 1990s. After explaining how it would help with the fragmented, haphazard, political, and conflictual nature of legal scholarship one of my colleagues commented that such a division of labour would dictate what scholars study thereby violating their academic freedom.[1] I was gob-smacked.

[1] This presentation was based on what I wrote about functional specialization in B. Anderson *'Discovery in Legal Decision-Making'*, vol. 21 Law and Philosophy Series (Dordrecht: Kluwer, 1996).

In the early 2000s interdisciplinary research was much hyped at Canadian universities. It was the new way forward. So Philip McShane and I submitted an application to the Social Science and Humanities Research Council proposing to draw on Lonergan's work on functional specialization to move interdisciplinary research beyond simple notions of people from different departments working on the same topic using the same old methods. Here is the first paragraph:

> The questions we want to answer are:
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> (1) How can scholars within particular disciplines collaborate more effectively?
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> (2) How can interdisciplinary scholarship be performed more effectively?
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> We plan to answer these questions by refining a strategy and proposing it as a solution to the problematic nature of *intra*disciplinary studies – narrow specialization and haphazard collaboration. Then we want to use that solution to make explicit a strategy that would help towards an organized collaboration of disciplines in the field of human studies. The collaborative strategy for *inter*disciplinary studies that we want to refine and communicate is a new way of analyzing and integrating any field in the humanities and social sciences. Not only is its objective to promote theoretical and practical problem solving, but its aim is also to provide a suitable link between a scholar and the formulation of practical solutions to concrete problems.[2]

Our proposal was rejected.

Writing a short paper on how legal studies could be performed by functional specialists helped me appreciate how much it would help legal scholars whose views are all over the map.[3] I also wrote a book review explaining how the topics in Allan Hutchinson's *It's All in the Game* on adjudication could be better dealt with if they were divided up into research, interpretation, history, conflict analysis, foundations, policy, planning, and executive reflection.[4] It was rejected by a law journal.

Later, I wrote a comment on a paper on legal interpretation where I argued that Lonergan's work on interpretation and dialectics provided a

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[2] B. Anderson and P. McShane, *Intra-disciplinary Division of Labour as the Basis of Inter-disciplinary Collaboration*, SSHRC Application, 2002.

[3] B. Anderson, "The Nine Lives of Legal Interpretation," *Journal of Macrodynamic Analysis*, 5 (2010), 32.

[4] B. Anderson, "Review of Allan Hutchinson's *It's All in the Game: A Nonfoundationalist Account of Law and Adjudication*," unpublished manuscript.

context that can be used to help lift discussions of legal interpretation beyond common sense notions conflating interpretation, deliberation, and deciding.[5]

While doing a BFA in sculpture, I grabbed the opportunity in one of my art history classes to draw on the eight functional specialties to tackle the mass and mess of writings about art. My point was that recognizing the different types of specialist writing about art would help each writer do a better job and their results could be organized to help promote progress in art studies and art-making.[6]

In a chapter called "The Fifth Functional Specialty and Foundations for Corporate Law and Governance" I was reaching for aspects of foundations of the science of economics and a dynamic of policy-formation.[7] To write this I drew on everything Philip McShane had written on the functional specialty Foundations.

Mike Shute and I drew on Lonergan's and Pat Brown's work[8] on the functional specialty interpretation to offer an alternative to the muddles about interpretation that befuddle legal theorists.[9]

Legal studies is marked by competing and contradictory perspectives – legal positivism, natural law, feminist, indigenous, post-modern, legal realism, critical legal studies, virtue theory, and the materialist turn, for instance. Recently, I have been obsessed with Dialectics and have been attempting to operate on Joseph Raz' mistaken claim that law has necessary and essential features.[10] This was the focus of my presentation at the Lonergan Workshop, 2021. I am currently engaged in a dialectical analysis of Alf Ross' vague description of "the concept of legal consciousness."[11]

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[5] B. Anderson, "Pointing Discussions of Interpretation toward Dialectics: Some Comments on M. Vertin's Paper "Is There a Constitutional Right to Privacy?" *Method Journal of Lonergan Studies*, 18.1 (Spring 2000), 49-66.

[6] B. Anderson, "The Evident Need for Specialization in Visual Art Studies," Journal of Macrodynamic Analysis, 6 (2011), 85-97.

[7] B. Anderson, "The Fifth Functional Specialty and Foundations for Corporate Law and Governance" in *Seeding Global Collaboration*, ed. P. Brown and J. Duffy, (Vancouver: Axial Publishing, 2016), 115-127.

[8] P. Brown, "Functional Specialization and the Methodological Division of Labour," *Method: Journal of Lonergan Studies*, 2.1 (2011), 45-64.

[9] B. Anderson and M. Shute, "Identifying 'Purely' Interpretive Issues and Activities," in *Modern Legal Interpretation: Legalism and Beyond*, ed. M. Novak and V. Strahovnik, (Cambridge: Cambridge Scholars Publishing, 2018), 5-17.

[10] J. Raz, *Between Authority and Interpretation: On the Theory of Law and Practical Reason*, (Oxford: Oxford University Press, 2010).

[11] A. Ross, *On Law and Justice*, (Oxford: Oxford University Press, 2019).

To conclude, I have no doubt that functional specialization will be an effective and efficient way to promote progress in legal studies, law-making, legal practice, and legal decision-making. But, so far, I don't detect much enthusiasm for it.

Second Objectification

My hope is that someday legal scholars will perform eight distinct specializations in a collaborative fashion. What follows below is an attempt to identify where the assembled materials – chapter 5 plus my own work – are pushing legal studies in the sense of how can Research, Interpretation, History, and Dialectics promote progress in legal studies. My aim is to describe the key functions, tasks, or jobs of each specialty in order to anticipate a sharper or more precise version of each one. (At this point I do not know enough about Foundations, Policy, Systems-Planning, or Communications to write anything sensible about them and legal studies.)

Research

Research is an important part of legal studies. What if we tried to sharpen what we consider the primary aim of research and what research entails? What if we made Research itself a distinct specialty in legal studies with a specific aim and method?

Even today some legal scholars specialize in doing research. Their focus is collecting, selecting, and organizing legal materials – documents, legislation, judicial decisions, scholarly writings, and so on. They neither offer interpretations nor critiques. The Bentham Project is one example. It is an effort to sort out and publish the writings of Jeremy Bentham. The translation from German to English by Ruth Adler and Neil MacCormick of Robert Alexy's *A Theory of Legal Argumentation* is another. Also, consider the collection of articles edited by M. Guidice, W. Waluchow, & M. Del Mar in *The Methodology of Legal Theory*. The editors restricted their work to collecting, selecting, and organizing texts written by various authors. Apart from the Introduction, they did not interpret them and they did not critique them. In these examples the aim is to bring novel relevant data to the notice of legal scholars. We take it for granted that these scholars are up-to-date in the field of contemporary jurisprudence and make their selections in light of that knowledge.

This type of research is different from the selection and cataloguing of judicial decisions according to court level, date, jurisdiction, and legal issue that we find in law reports and data bases where the criteria for inclusion in

a collection is loose and the principles of organization are more-or-less arbitrary, more like a vacuum cleaner than a curated collection of art works. The type of research I have in mind is not like ordering judicial decisions by a law teacher so they make sense as a 'natural' progression. Also, it is not like the work of lawyers searching for judicial decisions, legislation, case comments, and scholarly writings to support their client's legal position.

Rather, the primary aim of Researchers in this new scheme is to notice anomalies and omissions, to collect them, organize them, and bring them to the attention of other scholars. I am proposing that this is the specialized job or function of researchers.

A researcher might discover something that does not make sense in the context of contemporary understanding, a failure to meet some expectation, or a departure from the norm. A researcher might notice a text they judge will lead to greater understanding of some topic. Or they might judge that a text calls accepted views into doubt. Their job, then, calls for them to assess the significance of the anomaly, to offer an explanation why it is an anomaly, to argue why it is worth further attention, and to assemble and organize the relevant materials.

For instance, a researcher might come across an essay by Bernard Lonergan called *Dialectic of Authority* in which he argues that "authority is legitimate power," that the source of power is cooperation, and that "authenticity [to the extent that meanings and values are the result of being attentive, intelligent, reasonable, and responsible] makes power legitimate."[12] They might grasp that this explanation of authority is quite different from the widely accepted conception of power as force and might offer a more nuanced and accurate explanation of authority in law, and hence bring it to the attention of other specialists.

A researcher might also discover Philip McShane's book *Wealth of Self and Wealth of Nations* and notice that his explanation of cognitional theory as questioning, understanding, judging, and deciding offers a significant counterpoint to contemporary portraits of legal reasoning stressing logic and advocate that legal theorists take note.

An anomaly might or might not be significant or relevant to the legal studies community. In order to judge its significance, the researcher must have an up-to-date knowledge of legal theory. But unlike other disciplines in which scholars share a 'core' knowledge (such as physics, chemistry, and biology) legal studies features competing and conflicting legal theories. In

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[12] B. Lonergan, "Dialectic of Authority," *A Third Collection*, ed. F. Crowe (London: Paulist Press, 1985), 5-12; CWL 16, 3–9.

chemistry, for instance, a possible anomaly would be judged in light of the knowledge shared by chemists. Their core knowledge includes the periodic table and their shared norms for conducting experiments and assessing results. But contemporary legal studies is not like that. We do not have a shared core knowledge accepted by legal theorists and used to guide our inquiries. Rather, our field is comprised of a variety of incompatible and conflicting theories. And the aim and the criteria for selecting materials depend on the particular limited concerns of each particular group. Of course, this is the crux of a problem noticed by legal scholars. There is no basic shared fundamental understanding of law and legal theory. There is no standard model in legal studies. Hence even at this initial stage of legal theory – collecting, selecting, & organizing relevant materials – we have a basic problem regarding the criteria for judging which documents and texts are relevant and which are not, what is an anomaly and what is not, what is a problem and what is a pseudo-issue.

However, we must not lose track of the job of researchers. Their goal is not to develop a shared core knowledge in jurisprudence. The specialized job of expressing a shared fundamental understanding of law would be the responsibility of a different specialized group. I cannot over-emphasize that the primary function of researchers is limited to noticing anomalies, selecting, and assembling the relevant materials that are, in their judgment, worth further attention.

However, we are a long way from doing this type of Research.

Interpretation

Legal theorists take it for granted that their job involves interpreting legal texts. Further, the term commonly covers both the process of determining the meaning of texts and the application of legal texts to particular situations. But what exactly is interpretation? What exactly does it entail? To state it bluntly, interpretation is a matter of great obscurity for legal scholars.

What if we treated Interpretation as a distinct specialized task or function performed by a group of specialists rather than as something vague that everyone in law presumes they do when they read or apply a law?

Let's begin with contemporary legal scholars who specialize in interpretation. Articles by Stanley Paulson are interpretations of Hans Kelsen's texts. Undergraduate jurisprudence textbooks, to the extent that they focus on the key features of legal theories are interpretations. Here interpretations express the meaning of texts; they are not critiques of the texts

or the authors. And they are not attempts to develop or improve the original text. And they are not applying texts to situations.

What if we strictly limited the focus of interpreters to determining the meaning of texts? The aim of interpreters then, would be to correctly understand, and express the meaning of an individual author's expression.

Let's presume this specialized aim of Interpretation. A researcher whose job is to notice anomalies would pass on their results to interpreters. The aim of an interpreter would be to interpret the results of researchers, to determine the meaning of the anomaly in the context of contemporary legal theory. Relevant questions would be: What does the text mean? What is the anomaly due to? Is it a significant discovery?

Not only does interpretation involve more than the common sense meaning of words, but it is worth stressing that the interpreters' role would not be to evaluate or correct authors' expressions.

I also want to explain why the role of interpreters should be limited to interpreting the texts written by individual authors such as Hans Kelsen or Thomas Aquinas, for instance. Determining the meaning of constitutions and legislation involves a different set of skills that historians possess. It follows that 're-interpreting' legal principles and doctrines is best left to people with the requisite skills. For those reasons it is best to limit the interpreters' responsibility to what the marks on the paper mean, not teasing out principles from a line of cases, for instance.

Understanding and performing interpretation in this restricted way offers the possibility of doing a better of job of interpreting, of not conflating interpretation with judicial decision making, of not mixing interpretation with criticism, and of differentiating between interpreting texts and policy making.

History

Recently, in the Preface to a collections of papers[13] exploring the lessons legal history can bring to legal theory Max Del Mar and Michael Lobban claimed that legal history has an important contribution to make to legal theory. For some time it has been evident to me that legal history is relevant to legal theory. Consider AWB Simpson's analysis of the key role custom has played in the development of the common law. Consider Alan Watson's chapter in *The Failure of the Legal Imagination* tracing how Grotius, Austin, and Hart have successively omitted important aspects of law from their theories. Also read

[13] M. Del Mar and M. Lobban, eds. *Law in Theory and History: New Essays on a Neglected Dialogue*, (Oxford: Hart Publishing, 2016).

Alan Hutchinson's book, *The Companies We Keep*, tracing the development of company law in Canada.

History performed by these scholars is neither in the style of lawyers gathering and organizing cases that 'naturally' lead to their clients' preferred results nor is it in the style of legal textbook writers providing students with chronologies of cases and legislation. The aim of these historians is not simply to list successive events. Rather, their aim is an account of what was going forward at a particular place and time. Their style of history is empirical, resting on evidence and oriented to fact. Further, they do not see their proper role as criticizing historical events.

Patrick Brown highlights the importance of treating interpretation and history as distinct specialties with their own aims & methods when he discusses the separation of church and state in the American Constitution. He argues that determining its meaning is a job for historians, not interpreters.[14]

What if we treated history as an important specialty in the field of legal studies, not as a remote and isolated discipline primarily concerned with writing articles and books for other historians? Then the sharpened aim of legal historians would be to take the interpretations of texts performed by specialist interpreters and to locate the meaning of those texts in the context of the developing field. We can envisage historians placing the work of Duncan Kennedy, Peter Goodrich, and Neil MacCormick in the developing field of jurisprudence. And the lawyers' and judges' criterion for selecting cases primarily based on the extent they bolster an argument or judicial decision might come to an end.

Dialectics

As I mentioned above, legal studies is a spread of competing, contradictory, and conflicting ideas and theories. They are all over the map. There are intractable differences. There is a growing consensus among scholars that legal theory has reached gridlock. Is there a way out of this mess? Is there a way to identify pseudo-questions? Is there a way to eliminate unnecessary questions? Is there a way to settle differences and to resolve conflicts? Is there some way to put an end to it all?

Two types of disagreements can be distinguished. The first type of conflicts are due to differences in attention, understanding and judgment. Think of disagreements among Researchers on the significance of an anomaly, omission, or novelty and related texts and documents. Such

[14] P. Brown, "Functional Specialization and the Methodological Division of Labour," *Method: Journal of Lonergan Studies*, 2.1 (2011), 45-64.

differences in judgment could be rooted in differences in Researchers' attention to texts and their understanding of law and legal studies. Conflicts among interpretations could be related to differences in how interpreters understand the objects the words refer to, the words, the texts, and the life and times of the authors they are interpreting. Disputes among historians might rest on different assessments of the reliability and sufficiency of the evidence used to support judgments. These sorts of differences and criticisms can be handled by researchers, interpreters, and historians themselves – by researchers paying more attention to their texts and learning more about legal theory, by interpreters growing in appreciation of the objects that the texts refer to and learning more about the life and times of the author, and by historians meeting criticisms by re-assessing the reliability and sufficiency of their evidence supporting their accounts of what was going forward at a particular place and time. In other words, there is a type of disagreement that can be resolved by researchers, interpreters, and historians doing the best possible job they can – doing further research, achieving a better understanding of the life and times of an author, and reassessing the reliability and sufficiency of historical evidence, for instance. The incomplete and mistaken portraits of Aquinas's view on law found in many jurisprudence textbooks are examples of this sort of problem.

But there is a second type of disagreement and conflict that cannot be settled by collecting more materials, achieving greater understanding of texts, or gathering and re-assessing historical documents and texts. This type of disagreement is ultimately due to researchers, interpreters, and historians holding inadequate and/or mistaken views on knowing & deliberating, objectivity, reality, and feelings & values. This type of disagreement can also be traced to inattention, misunderstanding, and mistaken judgments, but the key point is that these types of problems are fundamentally methodological. Joseph Raz' view of the necessary and essential features of law and Alf Ross' stance on legal consciousness are examples.

How should we handle them? What if there was a group of specialists whose function is to take the disputed results of Researchers, Interpreters, and Historians and to evaluate the validity of their accounts and the positions held by them in light of advancing the field of legal studies? How would they operate?

Their work would require them to be able to distinguish between the first type of disputes that can be settled in light of the proper procedures of Researchers, Interpreters, and Historians and the second type of disputes due to methodological issues and problems. They would leave the first type of disputes for Researchers, Interpreters, and Historians to settle and devote

their attention to the second type of disagreements. Not only would they have to possess the 'core' knowledge of legal studies, but they would also have to know about methodology. The most basic and most general method they would have to know is how we question, understand, judge, and decide. In other words, they would have to correctly understand the operations of the 13+ cognitional activities and how they are related.

The strategy for settling methodological disputes involves evaluating the extent to which Researchers, Interpreters, and Historians are performing at their best, that is paying attention to relevant data, grasping relations among data that previously were not understood as related, and grasping the sufficiency of the evidence for judgments. So the crucial question is What is the data that this group of specialists must pay attention to?

To state it simply, this group must pay attention to both the data of sense and the data of consciousness. Lonergan concisely captures this point:

> Generalized empirical method operates on a combination of both the data of sense and the data of consciousness: it does not treat of objects without taking into account the corresponding operations of the subject: it does not treat of the subject's operations without taking into account the corresponding objects.[15]

The analysis and resolution of disputes and conflicts also depends on identifying gaps and discrepancies between the actual performance of Researchers, Interpreters, and Historians and their views on how they perform. The issue is that mistaken views on their performance can result in inattention, oversights, and poor judgments. In other words, the crux of the problem for those specialists in Dialectics is to assess the extent to which Researchers, Interpreters, and Historians views on knowing, objectivity, and reality are correct, and to assess the extent to which their results are influenced by mistaken notions of knowing, objectivity, and reality. These are the basic criteria for handling this type of disputes.

For instance, a conflict analysis comparing the procedure of questioning, understanding, judging, & deciding with the primacy given to the role of logic in legal theory and legal decision making might lead legal theorists to the judgment that the 13+ cognitional operations, not logic, not argumentation, are the driving forces in legal practice and legal studies, that rationality should not simply be equated with logic, that objectivity does not depend simply on expressing a legal decision in the form of major & minor

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[15] B. Lonergan, "Religious Knowledge," *A Third Collection*, ed. F. Crowe, (London: Paulist Press, 1985), 141; CWL 16, 136.

premises and a conclusion, and that expression should not be conflated with thinking.

A conflict analysis comparing legal theorists' notions of science and history with the performance of scientific and historical methods would help lead legal positivists to conclude that the search for the essential and necessary features of law is futile and should be abandoned.

A conflict analysis that compares Joseph Raz's conceptual analysis with the method of paying attention to, and correctly understanding data might help legal theorists grasp that the results of conceptual analysis are confused and muddled and it would be worth trying generalized empirical method.

An analysis of feelings and values might lead to the judgment that legal theorists cannot escape questions of value and that values should be made explicit and legal studies should be critical.

Understanding the method of deliberating, evaluating, choosing, & deciding might bring to light the triviality of discussions regarding sharp distinctions between law and morality.

Comparing a conception of objectivity as a constellation of related insights and judgments will help legal theorists come to appreciate that there is a more precise and accurate explanation of objectivity than common sense notions of impartiality.

By engaging in this type of conflict analysis a specialist group could develop the basis for distinguishing between what is progress in legal studies and law, and what is not.

Although I certainly believe Lonergan's chapter 5 pushes us toward implementing functional specialization in law and legal studies, sadly I do not foresee much progress in the next fifty years.

Third Objectification

James Duffy describes the task of the Third Objectification as "Each of us reads and evaluates the results of the first two objectifications… We do this to further develop what merits development and reverse what merits reversal."[16] Before beginning, however, I would like to recall the aims of the two previous objectifications. The question driving the First Objectification was "What do you make of chapter 5 of *Method in Theology*?"[17] And the key questions motivating the Second Objectification were "What results from your position?" Where does your position lead?"[18]

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[16] J. Duffy, 'Notes on the Three Objectifications,' 2.

[17] Ibid., 1.

[18] Ibid., 2.

Talk of three objectifications immediately takes me to Lonergan's description of the structure of Dialectics on pages 234 to 235 of *Method in Theology*. There he refers to three types or stages of objectification. The first type or stage of objectification brings out into the open the source of the lack of uniformity of the results of assembly, completion, comparison, reduction, classification, and selection among different investigators. The source of this lack of uniformity is objectified "when each investigator proceeds to distinguish between positions, which are compatible with intellectual moral, or religious conversion, and on the other hand, counter-positions which are incompatible with either intellectual, or with moral, or with religious conversion."[19] It is important to stress that for Lonergan assembly, completion, comparison, reduction, classification, and selection precede the operation of distinguishing between positions and counter-positions.

Lonergan goes on to write that a second type or stage of objectification of horizon is obtained "when each investigator operates on the materials by indicating the view that would result from developing what [they] regarded as positions and by reversing what [they] regarded as counter-positions."[20]

The third type or stage of objectification he identifies is "when the results of the foregoing process are themselves regarded as materials, when they are assembled, completed, compared, reduced, classified, selected, when positions and counterpositions are distinguished, when positions are developed and counterpositions are reversed."[21] In other words, the method of dialectic is repeated resulting in a third objectification.

By contrast, in the three Objectifications we have been doing there is no mention of assembly, completion, comparison, reduction, classification, or selection. Various authors of the First Objectification present it in terms of personal memories, a list of publications (me), or briefly identifying competing or conflicting perspectives. My point is that our First Objectifications would benefit from better structuring our "take on chapter 5." I propose we do it along the lines of Lonergan's first objectification.

At first glance, the aim of our Second Objectification resembles Lonergan's second type of objectification, namely the view that would result from developing positions and reversing counter-positions insofar as our task to identify "what results from your position." (Presumably your view is a position and not a counter-position). However, there is no mention of

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[19] B. Lonergan, *Method in Theology*, CWL 14, (Toronto: University of Toronto Press, 2017), 235.

[20] CWL 14, 235.

[21] CWL 14, 235.

reversing counter-positions in our Second Objectification. Further, operating on the materials is not preceded by assembly, completion, comparison, reduction, classification, and selection in our Second Objectification.

In fact, our Third Objectification more closely resembles Lonergan's second type or stage of objectification in that it is there we are meant to "develop what merits development and reverse what merits reversal."[22] But our Third Objectification does not ask us to do assembly, completion, comparison, reduction, classification, and selection, and then go on to distinguish between positions and counter-positions before developing what merits development and reversing what merits reversing. To state it simply, we have not performed an essential part of dialectics.

In the two Objectifications all of us have referred to views that we disagree with and mention dialectic in some form or another. Evidently there is a big interest in dialectic. Some of the authors, including myself, have taken it for granted that these Objectifications are concerned with dialectic. But highlighting the difference between Lonergan's version of the structure of dialectic and the exercises we have been doing provokes questions such as: Are we actually doing dialectic or doing something else? If we are doing something else, what exactly is it? What is its overarching aim? Why do we want to do that rather than dialectic? If we want to do dialectic, why not follow the structure laid out pages on 234 to 235 of *Method in Theology* and begin with assembly, completion, comparison, reduction, classification, and selection?

The discussion immediately above leads to various questions about what criteria I should use when it comes to evaluating the First and Second Objectifications in order to "further develop what merits development and reverse what merits reversal." Should I select only the views resulting from mistaken positions on knowing and dis-values for evaluation and leave the views due to insufficient data and misunderstanding for others to correct and modify? If so, that means I should begin with assembly, completion, and so on, and then operate on the materials. If not, then the criteria for evaluating the First and Second Objectifications are more open and further questions arise such as: To what extent should I apply the criteria I commonly use when I comment on students' essays or when I referee journal articles such as: Does the author answer the question posed? Does the author correctly understand the relevant literature? Does the author make a novel contribution? Does the author adequately back up or support their arguments and claims? Is the writing clear and concise? Does the writing form some sort of unity? Is the

[22] J. Duffy, 'Notes on the Three Objectifications,' 2.

analysis superficial or sufficient? Are there deficiencies or mistakes I should point out?

I have decided to simply offer some haphazard comments on the First and Second Objectifications. I hope they might be useful. What follows is simply my identification of topics worth developing and/or in need of developing. This, however, is a much less ambitious endeavor than the stipulated task of the Third Objectification, namely "to further develop what is worth developing and reversing what merits reversal." I would not say I am even doing "random dialectic" in Philip McShane's sense. And I am not following Lonergan's dialectic procedure.

I encourage Ivo Coelho to painstakingly step-by-step apply the dialectic method outlined on pages 234 to 235 of *Method in Theology* to a particular conflict that interests him, perhaps some aspect of Indian Christian writings that is at odds with Western views. Begin with assembly, completion, comparison…

I like Sean McNelis' effort to frame each functional specialty in terms of a key question. Regarding the "questions which seek to understand the past"[23] I would also include documents, texts, buildings, laws, housing policies, building codes, building materials, and climate change as relevant data for Researchers concerned with housing. Perhaps the question "What is a society?" is better treated as a question for Foundational Persons rather than Interpreters. Interpreters could stick with working out and expressing the meaning of the materials the Researchers judged relevant. We also read that his view is different from other contemporary researchers. It might be worthwhile to try to identify and spell out those differences and deficiencies using the dialectic method outlined on pages 234 to 235.

Cyril Orji mentions various conflicting perspectives – classicist dogmatic theology *versus* doctrinal theology, the African horizon *versus* the Western worldview and deductivist theology – and identifies various aspects of dialectic. I think it would be good to tackle them head on and in greater detail by drawing on Lonergan's dialectical method.

Regarding James Duffy's First Objectification I would like to read more about how field and subject specialization, interdisciplinary university courses, cosmopolis, and his work on probability are related to functional specialization. I also think it would be good to dig further into issues mentioned in his Second Objectification such as What are the "basics that are not understood and not taught…"? How exactly did the authors of *Seeding Global Collaboration* not "measure up to performing different tasks and

[23] McNellis, 86.

distinguishing eight different sets of methodical percepts"? What can we learn from it?

In his First Objectification Terry Quinn helpfully pinpoints various challenges to implementing GEM and developing an explanatory perspective. They include conceptualism, speculative modeling, mistaking expertise in language use for understanding and mastery, and the lack of experience in basic science. I would be very interested in reading more paragraphs interpreting the four diagrams he uses to represent the long-term implications of functional specialization. Also, Sean, Ivo, and I are trying to conceive our own disciplines in terms of eight functional specialties so it would be good to reference Terry's work doing this in physics.[24]

I liked Paul St. Amour's use of the "disordered conglomeration" of library books, the pursuit of specialized knowledge, and the separation of integral knowledge and ethical practice to highlight the need for "an effective communalization of the burden of knowledge."[25] Being a legal scholar I am hoping he will explore the ways in which "philosophy would become *internally* relevant to theology and other disciplines."[26]

My own First Objectification is simply a list of my publications about functional specialization. I did this because 'my take' on functional specialization has been to try to figure out how functional specialization is relevant to legal studies. And 'my take' is not so easy to summarize. For my Second Objectification I drew on a paper I am writing for legal scholars. These two objectifications, however, are the result of two rounds of doing objectifications. In the first round, for my First Objectification I examined Alf Ross' view of legal consciousness.[27] He is a legal theorist whose work was featured in a recent seminar on legal consciousness. Lonergan has written much about consciousness that significantly differs from Ross, so I figured a dialectical analysis would be beneficial. I began with assembly, completion, comparison, reduction, classification, and selection. And I distinguished between what is a position and what is a counter-position. In my Second Objectification I indicated the view that would result from developing what I regarded as a position (my position) on legal consciousness and reversed what I regarded as aspects of Ross' counter-position. I found this exercise

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[24] See T. Quinn, *The (Pre-) Dawning of Functional Specialization in Physics*, (London: World Scientific, 2017).

[25] St. Amour, 134–136.

[26] St. Amour, 142.

[27] A. Ross, *On Law and Justice*, (Oxford: Oxford University Press, 2019).

extremely difficult to do, but ultimately I learned much about dialectic by doing this. I recommend trying it.