Normative Case Studies as Both Source and Method for Action-Guiding Theory

Meira Levinson

Harvard University
meira_levinson@harvard.edu
One important reason to engage in normative philosophy of education is to develop *action-guiding theory*. This may not be the only reason to theorize about what it is right and valuable to do in education. But surely an important purpose for normative theory is to guide individual and collective action in the here-and-now so that educators, administrators, policy makers, parents, and students do a better rather than worse job of realizing their normative obligations toward one another.

While methods for doing ideal moral, political, and educational theory have been well developed over many centuries, methods for doing specifically action-guiding theory have been left to founder. My purpose today is to identify the necessary features of action-guiding theory, and then put forth a proposal for one particular method of doing action-guiding theory: what I call the *normative case study* (NCS).¹ I start by discussing the important features of action-guiding theory, including applicability, attention to questions of transitional justice and ethics, capacity to address uncertainty and ambiguity, fact-sensitivity, domain specificity, and being problem-driven. I then argue that even the most action-guiding theory is not action-determining; rather, *judgment* is essential for filling in the gap between theory and action. I propose that problem-driven theory is likely to best exemplify the features of action-guiding theory and also promoting capacity for judgment, and propose normative case studies (NCS) as a useful method for doing problem-driven theory. In particular, I explicate how normative case studies (NCSs) can be used to help *test* and *develop* action-guiding theory, and also to *foster the capacity for judgment* that necessarily fills the space between theory and action. I end by briefly discussing how to conduct and analyze normative case studies (i.e., how actually to implement the NCS “method”), and what epistemological underpinnings support adopting the NCS method for doing (some forms of) action-guiding theory. I also address potential criticisms of the NCS method that have been applied to other non-ideal theoretical approaches.

I. Features of Action-Guiding Theory

1. Applicability

Why do I claim that action-guiding theory has features and methods that have been insufficiently developed in contemporary normative philosophy? Let me begin with perhaps the most drastic criticism, but also possibly the most obvious: namely, that many extant normative theories are simply inapplicable to real world questions or problems. Insofar as they presume conditions that simply do not exist—for example, perfect compliance by reasonable citizens, or the existence of a just basic structure—then such theories have nothing to say about what actions we should take in a less ideal context. The model of the world may be so unrealistic that action in the here-and-now seems totally “hopeless;”² nothing that we do could possibly get us even close to the ideal, so we give up in despair. Or, even if it is “hopeful,” a theory focused on an ideal world may be uninformative about the aim of action in a non-ideal world. For example, knowing what it would be right to do when others are also...

---

¹ I have borrowed this term from sociologist David Thatcher, whose article on “The Normative Case Study” has been a signal inspiration for this work. I characterize the purposes, methods, and epistemological bases for the normative case study, however, in slightly different terms from Thatcher. I believe that my proposals are congruent with, or at least complementary to, his. But they are not identical. See David Thatcher, "The Normative Case Study," *American Journal of Sociology* 111, no. 6 (2006).

doing the right thing may be of little help when one must decide what it would be right to do when others are doing the wrong thing. They are simply different questions.³

For theory to be action-guiding, therefore, it needs to be applicable in two ways: it must offer a realistic set of aims, and it must articulate aims that apply to the world as it exists rather than solely to the world as we wish it were. I recognize that these two features sound disturbingly bound by the status quo. But such theory, I argue, can also still be highly aspirational. There’s no reason to think that conceding to basic real world limitations, or accepting the need to articulate aims that apply to the world that we live in rather than to an imaginary world, precludes ambitious aspirations. If anything, I might argue that the opposite is true. What makes a theory worth aspiring to, and worth trying to realize through action in the here-and-now, is that it addresses real-world needs and real-world wrongs.

It is also important to note that an applicable theory need not treat any particular present-day feature of the world as irredeemably or necessarily fixed. Agents can hold some or most features of the world fixed while treating others as open to manipulation or improvement; then they can shift what they hold constant versus treat as open to change. This progressive shifting is similar to how theorists conceive of individuals exercising their autonomy in reflecting upon and revising their conceptions of the good. Applicable theory, therefore, is not inherently conservative or status quo-reinforcing theory.

2. Theory of transitional action

A second essential feature of action-guiding theory, one that is a corollary of the first, is that it provides a theory of transitional action: a normative account of what is justified, required, and forbidden in moving from current, non-ideal circumstances to future, more-ideal circumstances. Such a theory is required because the same norms may counsel different or even opposing actions in a non-ideal transitional state than in an ideal end state.⁴ Consider, for example, U.S. Supreme Court Chief Justice Roberts’ decision ending race-sensitive school assignment in Parents Involved v. Seattle. He claimed, “The way to stop discrimination on the basis of race is to stop discriminating on the basis of race.”⁵ Many commentators (rightly, in my view) condemned this claim as misguided in essence because it attempts to apply action-guiding principles formulated for a world that was free of racism to a world in which the effects of racism are alive and well. Arguably, the same principles of equal respect, dignity, or opportunity that forbid discriminating on the basis of race in a non-racially-ordered society may require the implementation of race-sensitive policies in an unjustly racially-ordered society, precisely so as to enable the transition from injustice toward justice. Chief Justice Roberts clearly disagrees; his claim is that to transition from a discriminatory to a non-discriminatory society, state policies simply need to stop discriminating on the basis of race. This is in part an empirical question about what is most likely to achieve a society characterized by racial equality. But it is also a normative disagreement about the status of present-day claimants of injustice and about the legitimacy of a state’s discriminating for equality-enhancing as opposed to equality-diminishing ends.⁶ Such questions are essential for an action-guiding theory to address.

³ On this point, for example, see David Schmidtz, "Nonideal Theory: What It Is and What It Needs to Be," Ethics 121(2011): 777. On when ideal theories of justice are applicable to non-ideal contexts versus when they are not, see also L. Valentini, "On the Apparent Paradox of Ideal Theory," Journal Of Political Philosophy 17, no. 3 (2009).
⁴ In economics, this is understood as the problem of the second best. [Add citations]
⁵ Parents Involved in Community Schools Vs. Seattle School District No. 1, Et. Al. (05-908) and Meredith, Crystal (Next Friend for Mcdonald, Joshua) V. Jefferson County Bd. Of Education, Et Al. (05-915), 551 U.S. 1(2007).
⁶ In this respect, the enormous literature about race-sensitive school assignment policies—in particular about affirmative action in higher education admissions—is an outstanding example of theoretical work that does attend to
3. Capacity to address uncertainty and ambiguity

Insofar as theory is intended to guide real people’s actions in the real world, it must be able to be used under conditions of uncertainty and/or ambiguity. Many of our most challenging decisions—the ones that we most need careful normative theory to help us make—are taken in contexts in which we know less rather than more. Perhaps even more to the point, they are taken in contexts in which we are agonizingly aware of crucial deficiencies in our knowledge. It is in these circumstances, especially, that we need guidance about how to think about the choices that we face and take normatively defensible action. Unfortunately, this is the exact opposite of how many normative theories have been developed, where there’s been a pretense of omniscience: say, of policy makers’ capacities to distinguish between brute bad luck and option luck, or of agents’ abilities to know the consequences of their actions. These are simply not the conditions under which people take action much of the time.

4. Fact-sensitivity, and often domain-specificity

This emphasis on epistemic fogginess notwithstanding, it is also the case that the more fact-sensitive a theory is able to be, the better it will be at guiding action. This is so in two ways. First, while we do face many uncertainties and ambiguities when we take action, we also tend to be replete with many other kinds of knowledge: about our identities, the identities of and our relationships with others (either actual or statistical) who may be involved in or affected by our action, often at least the immediate outcome of our action, and the micro and macro context in which we are making a decision—historical, cultural, social, economic, political, personal, etc. These facts can weigh on us, making it difficult to judge which ones to take into account, and how to balance many competing roles, interests, histories, and obligations. The clearer and more explicit a theory can be about these factors—including both which facts to be sensitive to, and how to take them into account—the more useful to its user. As Aristotle argues in this regard, ethical action “is not concerned with universals only. It must also take cognizance of particulars, because it is concerned with conduct, and conduct has its sphere in particular circumstances.”

Consider, for example, a teacher who faces an ethical dilemma in the context of her work, and the questions that may arise as she deliberates about what action to take. Such questions might include: What are teachers’ specific role obligations? Are they different for a public versus private school teacher? How, if at all, should teachers’ responsibilities change if they are working with more versus less vulnerable populations, in under-resourced schools versus well-supported ones, in a place where their job is held in high esteem versus looked down upon, with proper training or without? Consider how much more action-guiding a normative theory can be for a teacher if it has directly treated some of these questions versus if it has not.

Building on this, second, theory will be better able to guide action if it is sensitive to common fact patterns, and if it provides guidance about how to take action when one of those sets of facts hold. For example, someone who teaches particularly vulnerable students in the United States—children growing up in poverty or living in unstable home environments, say—is likely also to be teaching in an under-resourced school while receiving little to no professional support. (This sounds absurd and morally outrageous, I realize—and it is—but it is also true.) A normative theory will be much better able to guide teachers’ and educational policy makers’ actions if it offers guidance in light of this concatenation of

---

7 Aristotle, “Nicomachean Ethics,” Book VI.
8 As Zofia Stemplowska has suggested to me, one could consider this as analogous to a “Frequently Asked Questions” page; it has the same intended utility.
features, rather than solely specifying obligations that can be fulfilled only under more favorable circumstances. This obviously is tightly connected to the idea that action-guiding theories offer a theory of transitional action—the point here is simply that attention to particular fact patterns will be especially useful in addressing pathways through particular transitions.

This means that action-guiding theory is likely to be specific to a particular field or domain of decision-making: bioethics, immigration and migration, prisons, or education. I frankly find it hard to imagine an effective and reliable action-guiding theory that is truly general, precisely because such generality will necessarily be at odds with fact-specificity. Virginia Held makes an important argument in this regard, which is worth quoting at length:

Moral theorists in the past have made the mistake, I think, of looking only for a moral theory that would answer questions about what we ought or ought not to do, and what sorts of things are good or bad, in any domain. This approach may be compared to what it would be like to search for the one true unified scientific theory that could explain everything that happens in any domain. Although this may be appropriate as a distant goal, it is not the best way to proceed at present, and it was certainly not the approach that allowed the initial development of the various sciences. In ethics, our search for a single theory to cover all moral problems has led to an unwillingness to pursue the separate inquiries that might be most fruitful.

By contrast, she points out, “We need theories that we can apply to the particular problems at issue. And we need a way of connecting the theories with the contexts to which we are applying them, together with knowledge of the characteristics of these contexts and of the likely consequences of alternative actions within them.”

5. Problem-driven

To the extent that this is right, that good action-guiding theory will often be domain-specific, it is also often likely to be better developed through problem-driven rather than theory-driven means. By this, I mean that scholars are more likely to generate action-guiding theory if they start with problems of action—dilemmas, confusions, ambiguities, competing intuitions, or puzzles with which identifiable actors struggle—rather than choosing what to work on by attending problems of theory—ambiguities, self-contradictions, violations of intuition, or other puzzles that arise within theory itself. Where one starts does not determine where one ends, of course. It may be that in trying to resolve a particular problem of action, theorists will find themselves needing to tackle a deep problem of (abstract or even ideal) theory. But then solving that problem of theory will already be known to be useful for addressing a problem of action—something that the fifty-seventh variation of the trolley problem, for the sake of clarifying competing intuitions about trolley problems, is less predictably likely to do. To put it bluntly, I have never met anyone who has found himself next to a trolley switching station while an out-of-control trolley was hurtling past him, let alone while people were trapped on both sets of tracks. But I do know many, many people who have found themselves making potentially life-changing decisions about other people’s children, including trading off the interests of one group of children for another: teachers and

---

9 Such guidance could take the form of advising civil disobedience to raise public awareness and overturn these fact-patterns; there is nothing in what I am saying to suggest that fact-sensitive action-guiding theory must reify unjust or unethical practices simply as “the way things are.”

10 For a similar argument from the human rights context, see Daniel Bell and Jean-Marc Coicaud, eds., *Ethics in Action: The Ethical Challenges of International Human Rights Nongovernmental Organizations* (New York: Cambridge University Press, 2007).


school administrators, doctors, social workers, therapists, school board members, and state lawmakers, among many others. A normative theory that tackles the challenges that real agents struggle with is likely to be more relevantly, reliably, and validly action-guiding than one that strives for theoretical self-sufficiency.  

II. Judgment

Action-guiding theory can help reduce the gap between theory and action. It can never eliminate it, however, since theory by definition abstracts from and/or generalizes about fact-specific problems. It maps a terrain, and in so doing it necessarily loses detail. Furthermore, by mapping one terrain, a theory necessarily limits its coverage of other terrains. In being a theory of justice, it is not a theory of democracy or of personhood (even though there may be significant overlap among these). Or in being an educational theory, for instance, it is not an economic theory, even though it is likely impossible for educational ideals to be fully realized in the absence of profound economic reforms. Furthermore, all normative theories are limited in their action-guidingness by action’s necessary reliance on empirical knowledge and insight.

Between even the most action-guiding theory and action itself, therefore, there is always a gap. What fills this gap is judgment. In particular, I suggest that agents must exercise at least four kinds of judgment in moving from theory to action, none of which can be fully addressed within the theory itself.

First, as I just discussed, agents must judge how a principle or value is best interpreted within a specific context, and with respect to particular fact patterns. Second, agents must exercise judgment in even identifying the relevant facts themselves. Any agent facing a decision is surrounded by millions of facts, from the color of the walls to the state of the agent’s digestion to the agent’s relationship with others in the room to evidence about what the outcome of a particular action is likely to be at a local, collective, or global scale. The overwhelming majority of these facts will be irrelevant to deciding about the action at hand. But which of these facts are relevant, why, and how they should be incorporated into one’s action-guiding reasoning, is necessarily a matter of judgment.

Third, agents must exercise judgment in assessing what range of options are actually open to them, and in judging the meaning and potential outcomes of each option, including what empirical data to attend to. Knowledge may consist of probabilities, rather than assured outcomes. An agent may have a firm understanding of how one set of people may interpret the meaning of her action—say, her colleagues—but be less sure how another set of people will interpret it—say, her students. She may be clear on the short-term impact of a decision, hazy on its medium-term impact, and totally unsure how it will play out

13 Frances Kamm admittedly uses (many) variations of the trolley problem to directly address a problem of action, that of collaboration during the Holocaust. See Frances M. Kamm, The Moral Target: Aiming at Right Conduct in War and Other Conflicts (New York: Oxford University Press, 2012). I do not mean to suggest that trolley problems (or other hypothetical exercises) are hence always irrelevant—although I do think they are frequently unreliable and at times invalid. I do mean to suggest that trolley problem variations (and their ilk) are often displacement activities that redirect relatively scarce intellectual resources away from what may really matter. I would be much happier if for every ten problem-driven normative philosophers there was one theory-driven normative philosopher, rather than the reverse that seems to hold today. Ian Shapiro makes a similar argument for problem-driven rather than methods-driven or theory-driven political science in Ian Shapiro, "Problems, Methods, and Theories in the Study of Politics, or What's Wrong with Political Science and What to Do About It," Political Theory 30, no. 4 (2002).


15 See Laura Valentini’s careful discussion of the necessity for judgment as an idea that hearkens back to Kant, in Valentini, "On the Apparent Paradox of Ideal Theory," 340-41.
in the long term. Deciding what action to take under these circumstances hence requires the exercise of synthetic judgment, one that integrates empirical and normative judgment into an action-guiding whole. The same is true with respect to defining the range of possible actions themselves. Action is rarely confined to a binary (or even small) set of choices, although it may often feel that way to a novice agent. Defining the landscape of possible actions can itself be a work of normative and empirical imagination. So it is not that where theory ends, empirical knowledge takes over, and the right action magically results. Rather, judgment infuses these gaps, too.

Building on this, fourth, agents who are deciding what action to take must necessarily make “all things considered” judgments, ones that can never fully be specified prior to the circumstances themselves. Consider a teacher, for example, who believes her student’s future educational and economic prospects will be unfairly limited by a high-stakes exam. Should she do something to help that particular student (say, offer extra tutoring, or get him reclassified as having special needs that would enable him to take a modified version of the test), organize parents and colleagues to boycott this particular test, work to end the practice of high-stakes testing altogether, or advocate for new vocational programs to serve students who fail the test? These are the kinds of choice sets that often face agents in practice: rather than deciding what action to take along a single dimension of choice, agents must weigh multiple possible approaches, levels of action, and outcomes simultaneously. Ultimately, such decisions rest on judgment, not on theory alone.

This is again why problem-driven theory seems so useful, because it has the potential to enable “all things considered” judgments that direction attention to, and take account of, how actions and outcomes may play out at multiple levels simultaneously. A problem-driven theory takes this multidimensional approach seriously, and will work to develop theory that can move among these dimensions as well as address their relationship to one another. Problem-driven theory may also help teach agents how to exercise good judgment within the gap, by modeling the kind of reflection that agents should themselves use when they confront a normative dilemma. This modeling is not about the substance of the reflection, which presumably will be part of the action-guiding theory itself. Rather, it is about the method of approaching a problem of action. By modeling problem-driven reasoning, all things considered approaches, a balance between fact-sensitivity and generalization, methods of holding fixed some conditions while prodding at others, reasoning about multiple levels of action, and so forth, action-guiding theory may help agents develop such capacities and habits themselves.

III. Philosophers’ use of case studies to generate action-guiding theory

What does problem-driven, action-guiding theory look like in practice? Although many approaches may be useful, I suggest that philosophical analyses of richly detailed cases have proven particularly generative for action-guiding theory. Aristotle—who is arguably the paradigmatic exemplar of a fact-sensitive theorist aiming to model and promote synthetic judgment as phronesis—is deeply engaged with empirical cases throughout his Ethics and Politics. Machiavelli and Montesquieu can be seen as working in this mode, as well. In contemporary philosophy, we find normative theorists analyzing richly detailed legal cases such as Wisconsin v. Yoder, Mozart v. Hawkins, the headscarves cases in France, or the Trojan Horse affair. Moral, political, and educational philosophers have also been inspired by historical, contemporary, and even fictional and literary cases.

Much of this case-oriented work has been theorists responding to cases that were already public and richly documented. There is, however, a growing tradition of normative philosophers of education with action-guiding aspirations creating richly-described, problem- driven cases via original ethnographic, interview-based, participatory, or other empirical research—usually, but not always, qualitative—in
order to enable the development of better action-guiding theory. Walter Feinberg, for example, has done careful ethnographic work in a variety of religious schools, constructing case studies of classrooms in these schools, and developing action-guiding theory about politics, education, multiculturalism, and religion.\textsuperscript{16} He claims that ethnography enables philosophers “to understand the ways in which normative issues are felt, defined and creatively resolved on the local level, and how they can in turn use that understanding to provide some general guidelines for addressing educational problems.”\textsuperscript{17} In his book on \textit{High Schools, Race, and America’s Future}, Larry Blum draws on four years of personal experience teaching a class about race in an urban high school to develop a rich series of case studies that enable philosophical investigations into race and racism, identity, multiculturalism, citizenship, and many other topics.\textsuperscript{18}

Some philosophers collaborate to construct quantitative cases, too. In an unusual partnership between a philosopher and an economist, Derrick Darby and Argun Saatcioglu analyze school choice, family poverty, and community stability data in order to develop a normative argument that both liberals and neoliberals who care about equality of opportunity must take into account the relationship, rather than the distinction, between choices and circumstances.\textsuperscript{19} In my own work, I have done (relatively simple) quantitative data analysis in the course of constructing and analyzing cases about equity and opportunity in charter schools and in district school assignment policies.\textsuperscript{20}

What is significant about these examples is not just \textit{that} many theorists are using many different kinds of cases, but \textit{how} they are doing so to develop action-guiding theory in particular. Specifically, they tend to take an \textit{iterative} approach to case study analysis: they use the case to press normative theory forward, then use the theory to press against the case and move conceptions of empirical action forward, then return to the theory, and so on. The political philosopher Joseph Carens is particularly explicit about this point:

\begin{quote}
[T]hinking about real cases can make us conscious of what issues need to be addressed in a given sort of theoretical inquiry. That can set the agenda for our own theoretical work or point to gaps in an existing theory, gaps that conflict with the theory’s own announced aspirations. Second, thinking about how we deal with real problems can make us conscious of conflicts
\end{quote}


\textsuperscript{18} Lawrence Blum, \textit{High Schools, Race, and America’s Future: What Students Can Teach Us About Morality, Diversity, and Community} (Cambridge, MA: Harvard Education Press, 2012). It is worth noting that there are many other philosophers who also conduct original research to prompt new normative theorizing, although they do not use the research to construct richly-described case studies. In philosophy of education (the subfield I know the best), these include Terri Wilson, Doris Santoro, Ron Glass, Anne Newman, David Hansen, and many others.


\textsuperscript{20} Meira Levinson, "The Ethics of Pandering in Boston Public Schools’ Home-Based School Assignment Plan," ibid; Meira Levinson and Jacob Fay, eds., \textit{Dilemmas of Educational Ethics: Cases and Commentaries} (Cambridge, MA: Harvard Education Press, 2016), Ch. 7.
between our theory and our practices. That may make us want to revise our practices, but it may also make us want to revise the theory.\textsuperscript{21}

If practice can be used to criticize theory but theory can also be used to criticize practice, how can we tell how to resolve a conflict between theory and practice? The answer is that we have to move back and forth between the two.\textsuperscript{22}

I suggest that we should understand this iterative approach to case study analysis as essentially \textit{phronetic} in character and intent—exactly as action-guiding theory must be. Following Paolo Freire, we might also think of this as a \textit{praxis}-oriented approach, since praxis, like phronesis, seeks a reflective iteration between theory and practice in order to illuminate both. Or, those of a more Rawlsian bent, rather than an Aristotelian or critical mind, might understand this iterative approach to practical reasoning as \textit{grounded reflective equilibrium}.\textsuperscript{23} It is grounded, not merely reflective, because it starts, engages, and must end up in equilibrium with “facts on the ground,” not just thoughts inside the theorist’s head.

In this respect, I suggest, it is also analogous to “grounded theory” in interpretivist social science. Grounded theory is both a \textit{method} that “invokes iterative strategies of going back and forth between data and analysis” and an \textit{outcome} of the method, “culminating in a ‘grounded theory,’ or an abstract theoretical understanding of the studied experience.”\textsuperscript{24} I think we might understand phronesis, praxis, or grounded reflective equilibrium in a very similar way, as each representing both a \textit{method} for developing, and also a resulting \textit{capacity} to act upon, \textit{action-guiding norms in context}.

Case study analysis is thus widespread in moral and political theory, and in its iterative/phronetic form it seems particularly well placed to promote the development and realization of action-guiding theory. Theorists from disparate subfields of philosophy and political theory seem to be calling for virtually identical methods of grounded theorizing. And the method for which they are calling goes back to Aristotle—a respected progenitor if there ever was one. Nonetheless, it is rare. Those who are calling for it tend to see themselves as—and in fact, often are—voices calling out in the wilderness. Why?

My sense is that there is still something in normative theory that is \textit{reactive}—in both senses of the word—with respect to grounded analysis of richly detailed cases. Normative theorists still tend to \textit{react} to cases that come to us, rather than to \textit{seek out or generate} cases that pose important moral and political problems. Normative theorists also often \textit{react against} richly described cases and against grounded analysis, deriding them as lacking rigor, or as fostering conceptual and analytic confusion due to their complex and contextually-grounded nature. Last year, for example, I presented a paper centered on a thickly described empirical case in order to develop a framework for a theory of transitional action in educational justice. One of the workshop participants protested (I’m paraphrasing here), “It’s all too easy to come up with complicated cases. What’s hard is to come up with the right kind

\textsuperscript{23} Meira Levinson, "It’s (Still) All in Our Heads: Non-Ideal Theory as Grounded Reflective Equilibrium," \textit{Philosophy of Education Yearbook} (2014).
of simple case. That’s where the real philosophy happens.” I will take no stand here on whether that’s where good ideal theory “happens.” But I do clearly believe that grounded analyses of “complicated cases” are hugely useful for developing good action-guiding theory.

Part of the problem that philosophers face in constructing and analyzing generative “complicated cases” is also that this is outside of the traditional skill set in which we are trained. This can make them seem both methodologically and epistemologically suspect. Developing and using such cases may also feel overwhelming. It is hard enough to write a good piece of philosophy of education, one may think; now we have to go out and do ethnographical or interview-based research, too?? Furthermore, explicitly iterative case analysis methods are daunting, as they seem to require individual theorists to be able to achieve both empirical and normative insight—and to do so again and again as they iterate from normative to empirical analysis and back again. Worries such as these may explain why there has been a great deal more exhortation that non-ideal theory—of which action-guiding theory is a subset—“ought to be done” than there have been people actually doing it.

In the last part of my talk, therefore, I propose a methodological approach and epistemological framework for generating, analyzing, and using one particular kind of richly described cases—namely, normative case studies—in doing action-guiding philosophy. In offering this account, I also try to demonstrate how theorists may either themselves gain the relevant kinds of empirical/practical expertise to engage in grounded theorizing, or partner with others so as to achieve the goals of phronesis in a collaborative fashion.

IV. The Normative Case Study as one source for action-guiding theory

I define normative case studies as follows:

A normative case study (NCS) is a richly described, realistic account of a normatively-laden, commonly challenging dilemma in which one or more identifiable protagonists must decide among courses of action, none of which is self-evidently the right one to take.

What do these features mean, and why are they important?

Rich description is valuable not just to “set the stage” or to make the case more engaging (although reader engagement is certainly not a bad thing!). Rich description also enables fact-sensitive theorizing. It incorporates and even potentially reveals relationships, processes, statuses, and patterns that may matter in the normative analysis. In this respect, richly described NCSs may enact qualitative research epistemologies that emphasize deep understandings of context and processes. Instead of “controlling for” characteristics such as race or class—which many philosophical examples do by leaving them out entirely—for example, a richly described NCS will likely incorporate such details, whether or not the theorist initially believes them to be relevant. As a result, crucial normative insights about the intersection of race and class may come to the fore, or perhaps race (or class) will be seen to be relevant to normative evaluation of a phenomenon in a way that was previously obscured.

Rich description that incorporates protagonists’ and other participants’ voices also has the potential to expand the range of perspectives on the case beyond the theorist him/herself. Both individually and as a group, professional philosophers tend to have a limited range of experiences. There is little reason to think that our perspectives, intuitions, or insights are sufficiently broad, or even particularly informative or reliable, about most problems of action. Rich description that brings multiple perspectives into the case can expand the range of insights that theorists may achieve.

I assume that it now clear why NCSs should not be fanciful or unrealistic if they are to generate good action-guiding theory. It is worth clarifying, however, that I say “realistic” rather than “empirical”
because although many NCSs are entirely factual, others may be fictionalized versions of real dilemmas, or even works of pure fiction. Jacob Fay and I have co-edited a book, *Dilemmas of Educational Ethics*, that features six NCSs and a number of accompanying commentaries. One case is made up out of whole cloth—but it is based on my having lived through versions of the dilemma with at least 50 students and a dozen colleagues over my eight years of teaching. Three others are fictionalized versions of empirically researched, real cases; the central event is true, as are some of the details and even some of the quotations, but we also added dialogue, created composite or novel protagonists and secondary characters, and placed each in a plausible but fictional historical context. Two are fully accurate and non-fictional. We tested the cases with practitioners and policy makers in the field in order to ensure that they felt realistic and captured their “true to life” experiences and dilemmas. In each case, people who had similar professional roles to protagonists in the case said some version of, “This is my school,” or “It feels like you must have been sitting in my classroom/faculty meeting/board meeting taking notes,” or “Let me tell you about when I taught this very kid/faced this same parent/dealt with this very decision last year.” Once we heard this often enough, we knew that each NCS was capturing the right level of “realism.” Films, plays, and novels may also be realistic in the right ways without being true.

By “account,” I mean to suggest two different things. First, I use the generic term “account” in order to highlight that NCSs can come in many different genres and formats. Many NCSs will be narrative, since many protagonist-driven cases are narrative; Harvard Business School cases are classics in this genre. But others may be more journalistic, historical, or legal in form—in fact, some may actually be news reports, histories, or extant legal cases. NCSs may resemble a medical case report, or a case presentation by a social worker, or a policy analysis that ends with a question. In other words, theorists might find a preexisting NCS in the form of a legal case, documentary, or short story, say, or they may write something up specifically to serve as an NCS. “Account” is intended to provide space for all of these disparate sources and genres of normative case studies.

I deliberately use the term “account” for a second reason, as well: namely, to draw connections with historians’ use of the term. Historians talk about “accounts” as a way of emphasizing the constructed nature of texts—including the texts historians themselves write. They are one way to tell the story, but not the only way. Likewise, they will necessarily tell only part of the story—they can never be complete. NCSs must be seen in the same light. An NCS may well present a perfectly factual account of a particular dilemma faced by particular protagonists in a particular time and place. But it is always important to recognize that even this is a necessarily partial account, never the whole.

NCSs should address normatively-laden and challenging dilemmas, of course, because otherwise there’s nothing to theorize about. Common dilemmas rather than outliers or one-offs are preferable because the point is to respond to problem-driven questions rather than theory-driven questions (where extremes and bizarre thought experiments are often thought to help clarify ideas), to address common fact patterns, and develop normative resources to address and improve the world as it is. This is not to say that NCSs will be effective at promoting action-guiding theory only if they focus on common rather than unusual challenging dilemmas. Unusual ones can sometimes help put ideas and beliefs into perspective, define the boundaries of permissible action, or challenge our intuitions in necessary ways. But I am inclined to think that people in the real world are appropriately desperate for guidance for so many common normative dilemmas of action that on balance there is relatively little cause to search beyond these in constructing NCSs.

---

25 It may be worth noting that common dilemmas need not be mundane. After all, people around the world face dilemmas with life-and-death consequences on a daily basis. So common dilemmas may include whether to intervene in a civil war, how to allocate life-saving organs, whether to approve public funding for an expensive life-extending treatment, or how to triage clients when family support services have had their budget slashed.
Identifiable protagonist(s) who must decide among courses of action are important because this helps theorists focus on action-guiding questions—including on questions of transitional action. The point of action-guiding theory is not simply to evaluate or even compare states of the world. Rather, it is to help people take action that better realizes their normative obligations toward one another.

This is also why it is important that none of the courses of action that agents have open to them is self-evidently the right one to take (prior to the exercise of theorizing, at least). If there is one obviously right choice, then again there’s nothing to theorize about, at least not in a way that actually helps to develop action-guiding theory. It is perhaps worth noting how hard this can be to build into NCSs. In my work researching and writing NCSs with graduate students, my students frequently propose case studies of people who are self-evidently doing something wrong, precisely because they want to explain what is wrong about it. This is an exercise in exhortation, not in action-guiding theory-building. Case studies that highlight demonstrable injustice in the world may be useful for a number of purposes, such as mobilizing people to oppose the injustice, but they are unlikely to be useful methods for developing action-guiding theory and hence are not NCSs by my definition.

The other challenge in building NCSs in which protagonists must choose among no self-evidently right actions is preventing readers from finding ways to side-step the dilemma. Some side-steps, of course, are creative and wonderful solutions to the problem. They are expert demonstrations of practical wisdom, managing to square what others saw only as a circle. But many are simply avoidance strategies that depend upon what I have come to call “magic fairy dust” solutions. They solve the problem by imagining it out of existence.

One of the cases in Dilemmas of Educational Ethics, for example, features a teacher, Ms. Smith, who has worked the entire semester to develop a trusting rapport and successful academic relationship with Wesley, one of her students. Wesley, who has a criminal record, steals her cell phone the day before winter break. (Ms. Smith left her classroom for a few minutes while talking to the student after school, leaving her purse on her chair; when she reached into her purse later to call her husband, her phone was gone.) Ms. Smith is contractually obligated to report the theft to her principal, who she knows will report it to the police, which will most likely result in the student’s incarceration on felony charges. The NCS asks whether Ms. Smith should report Wesley, risking his potential incarceration and her relationship with him, or if she should handle it herself, risking her own professional standing and violating school and district policy. There are many ways productively to think through this dilemma, including many that reject both of these proposed approaches. But one way not to do so is simply to deny that the student stole her phone. Fascinatingly, that is what many, many people—philosophers, social scientists, educators, students, parents, citizens—want to do when they read or hear the case. After all, Ms. Smith didn’t see Wesley steal her phone. True, he was the only student in the room during the only period of time in which her purse was unattended. But that’s merely circumstantial evidence! I am all for having Ms. Smith take a number of actions that do not initially presume that Wesley stole her phone. But I am not for simply waving the problem away and insisting there must be some other action Ms. Smith can take—such as magically finding her phone in her desk drawer, where she must have forgotten she put it—thus obviating the need to grapple with difficult decisions.

This is not to say that the action-guiding theory that is developed in response to the NCS will necessarily solely address the protagonists originally identified within the NCS. Consider, for example, an NCS focusing on another teacher I mentioned earlier, who believes her student’s future prospects will be unfairly limited by a high-stakes test. It may well be that theory developed in response to this NCS will

---

26 This case, along with commentaries on the case by Elizabeth Anderson, Tommie Shelby, Howard Gardner, Mary Pattillo, Jeff Smith, and David Knight, is forthcoming in Levinson and Fay, Dilemmas of Educational Ethics.
address not only the teacher’s choice set, but parents’ or policy makers’, too. For example, it may assess
the normative status of individual opt-outs from public policies that require near-universal compliance
in order to work. Liberals in the United States are generally condemnatory of allowing healthy
individuals to opt out of health insurance under the Affordable Care Act, since the insurance exchanges
will not work if only sick people are members. But they are generally laudatory of parents who choose to
have their often quite high-achieving children opt out of standardized testing, even though the
aggregated data will be useless if a non-representative student population takes the tests. How ought
we to understand these differences, and their empirical and normative import? An action-guiding theory
that develops these ideas may have something to say to the original teacher, but also something to say
to parents, policy makers, and students themselves.

In this respect, it is also important to recognize choosing to focus initially within the NCS on one set of
identifiable protagonists does not commit one to resolving the problem of action at that level, since
good action-guiding theory will develop resources to assess multiple levels and dimensions of action
simultaneously. In an NCS of teacher firings in Los Angeles Unified School District, for example, Victoria
Theisen-Homer and I tried to determine what principles and practices would be “least unjust” in
governing LA’s mass firings of teachers due to budget cuts. With the exception of first and second year
teachers, seniority turns out to be unrelated to most measures of teacher quality; teachers in their third
year of teaching are on average as good as teachers in their tenth or twentieth years. One way to
respond to this data is to decide that seniority should be irrelevant in determining whom to retain
versus fire. We also addressed a different level of action, however, concluding that the “institutional
failure to provide teachers meaningful and effective professional development so they can actually
improve in their chosen profession” is itself a profound injustice toward teachers, and also “toward
students, who would benefit from an education system that fosters systemic improvement and
dissemination of wisdom, not stagnation.”

V. The NCS as a method for doing action-guiding theory—especially with others

I suggest that NCSs can contribute in three distinct, albeit interconnected, ways to action-guidingness.
First, they can play a heuristic role by providing thickly described contexts in which normative principles
and values may be analyzed, clarified, and tested. NCSs used in this way enable both theorists and non-
theorists to specify the appropriate meaning or application of particular values or principles under
specific fact-sensitive conditions. NCS analyses may also reveal ways in which values, principles, policies,
and practices need to be reconceived, as something which was assumed to be unproblematic in the
abstract turns out to have very different features in the particular. In this respect, NCSs can serve as
proving grounds for action-guiding concepts, principles, theories, policies, and practices.

Second, NCSs can play a generative role in demonstrating when, why, and how new normative concepts,
approaches, or analyses need to be developed to guide action. They do so in part by clarifying where
current normative theory is incomplete, underspecified, or inapplicable with respect to common
contexts in which individuals have to decide what (ethically) to do. But NCSs can also provide the
resources to move from critique to construction, enabling the development of new theoretical
resources for addressing contextualized problems.

Third, NCSs can play a pedagogical role in modeling and/or giving people practice in exercising judgment
in when and how to move from theory to action. As I have already discussed, because theory is always
to some degree general and abstracted from particular fact-patterns or contexts, whereas action is

27 Meira Levinson and Victoria Theisen-Homer, "No Justice, No Teachers: Theorizing Less-Unjust Teacher Firings
always in a specific context with very particular facts, there will always be some gap between even the most action-guiding theory and action itself. Furthermore, the very act of determining what facts to attend to in a particular context, and how those facts shape the landscape of possibilities for action, cannot be fully guided by theory alone. These gaps—between general and particular, abstract and concrete, fact-sensitive and fact-specifying—are necessarily filled by judgment, which policy makers and practitioners can develop through engaging with and discussing NCSs. In this respect, NCSs can help close the gap between theory and action in a second way, as well. Not only do they potentially help agents develop the judgment they need to take ethical action, but they also offer an accessible route into action-guiding theory itself. Non-philosophers don’t have to gird themselves up to read philosophy, which is admittedly a rare event—and often disappointing to all involved. Rather, they can engage with a case study that helps them think through norms in a context that is engaging and recognizably relevant to their work.

Taken together, I argue, these heuristic, generative, and pedagogical functions of NCSs help enable phronetic action, or the development and enactment of practical wisdom.

But how can these cases be generated so as to serve any of these functions? It is possible for NCSs to achieve these ends when they are developed, analyzed, and written about by a solitary theorist, sitting at a computer in his or her office, and then perhaps sequentially when they are read by agents who face tough decisions and are seeking guidance for action. But I think it is much more likely for NCSs to achieve these ends when theorists, empirical researchers, and domain-specific practitioners and policy makers collaborate with one another at one or more stages of identifying, developing, analyzing, and drawing conclusions from NCSs. Such collaborative work expands the voices and insights into the case beyond those of professional philosophers and theorists. These additional voices and insights might include those of people featured within the case (thanks to interview, ethnographic, or other data) and those speaking about the case (social scientists, those with expertise or experience in the domain, ordinary people)—especially when they are speaking and listening to one another. Such diversity of perspectives makes it much more likely that an iterative process of cycling between theory and practice, pushing first at one, then at the other, then back at the first, will both take place and be truly insightful and useful. In particular, it ensures that the NCS analysis is informed by “the point of view of a sincere moral agent with experience of the problems in question, not the point of view of an ideal observer removed from our actual reality.”

Such collaboration will also help to ensure the NCS—and the action-guiding theory that is tested, generated, or enacted—will remain accessible to the agents whose actions theorists are hoping to guide.

There are multiple ways in which theorists may productively collaborate with others. Theorists may develop an NCS by co-researching and writing with people who actually have the experience of the problem of action on the ground. Perhaps somewhat less daunting, a theorist can collaborate at the analysis stage by conducting focus groups, using an NCS she may have selected or written herself, to hear how people construct the problem and possible solutions. In leading case-study discussions with teachers, school leaders, policymakers, and others, I am consistently brought up short by how others formulate the problems and possibilities of action, and the values and principles at stake. These are cases that I think I understand well, in part because I am often writing about problems of action that I myself faced in my former life as a school teacher. But even so, I am taught how to think differently when I listen to others discuss the case.

---

28 Held, Rights and Goods: Justifying Social Action, 3.
In discussing a case about disciplining a student who brought marijuana to his Jesuit high school, for instance, a school leadership team fell into a passionate and immensely revealing discussion about the meanings of redemption, mercy, and justice in the Catholic school context. Until that focus group, I had treated the fact that the case had taken place at a Jesuit high school as a piece of colorful trivia—a detail we had included in the narrative because it was true, and because I believed in rich description, but not because I thought it had normative import. But as I listened to the faculty talk, my understanding was transformed. The focus group conversation introduced new concepts (like redemption) into my own normative analysis, and also raised whole new questions about the relationship between a school’s religious and civil commitments that I now look forward to exploring. ²⁹

Finally, theorists may gain collaborate on drawing conclusions from and about NCSs by inviting people with different domains of expertise to write about an NCS. No one person may have the depth of philosophical, empirical, and practical insight to test, generate, or model sound synthetic judgment about normatively-fraught problems of practice. But collectives might. This is the reasoning Jacob Fay and I employ in Dilemmas of Educational Ethics, where we invited a diverse mix of philosophers, social scientists, policy makers, and educators to respond to each case. Each person writes from within his or her domain of expertise, but we gain phronetic insight (I hope) from the collective whole.

In conclusion, action-guiding theory is not the only aim of normative philosophy of education, but it should be one important end. I hope that I have shown how normative case studies can be valuable both as a source and a method for doing action-guiding theory and for enabling synthetic judgment in moving from theory to action. I also hope to have provided both reassurance and even inspiration for other philosophers of education to collaborate with educators, policy makers, social scientists, activists, students, and/or each other to develop, analyze, and assess normative case studies.

References

Aristotle. "Nicomachean Ethics."


