

# CONCEPTUAL AND REGULATORY DELIMITATIONS OF THE PROFESSIONAL JUDGMENT WITHIN AN ECONOMIC ENVIRONMENT

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## Abstract

*The professional judgment is a base concept “sine-qua-non” within a company because it displays the intrinsic attribute for performing the activity.*

*In our accepting, bringing together the determinant factors of the professional judgment and also the universality of the component parts and the influences oriented on the professional judgment we obtain an ample professional characterial result for which we propose the title of “spectral value of the professional judgment”. Through this paper we aim to describe the classical component of the professional judgment and also the secondary elements that we have built at a conceptual and original level starting from the base notions presented.*

**Keywords:** professional judgment, the spectral value of the professional judgment, determining factors of the professional judgment, eufunction, professionalism.

## 1. Introduction

The axiological defragmentation of the content of the professional judgment imposes the conditioning to thoroughly explain the determining factors, the composing elements and also the modulatory purpose in issuing and forming the decisions.

This ample action integrates the core of the research of descriptive phenomena and starts a mechanism of conceptual fission that results in a process of examination, identification and a study over the elements within the exposed concept.

## 2. The conceptual development of the expression “professional judgment”

The spectral value of the professional judgment is to convergence point of the directions given by the factual delimitations of the historical rationalist values with the flexible and multi-shaped directions of the approaches extended under the form of fluxes of ideas that came from the positivist, rationalist, empiric, constructivist etc ideologies and also, to ensure the character of non-deniability and continuity in the progressive development of the professional judgment. The flows of ideas are substantiated on the meanings of the professional processes that are determined by „judgment” as a notion that transcends all the ideological frameworks stated earlier, the judgment meaning „the ability to think”<sup>1</sup>.

Fig. 1. The spectral value of the professional judgment



Source: created by the author

In the history of the human reasoning a number of philosophers were interested in producing knowledge, among we mention a few step up: *René Descartes*, *Immanuel Kant*, *Baruch Spinoza*, *Georg Hegel*, etc.

The judgment marked by the Cartesian side is presenting *René Descartes* in the kaleidoscopic activating posture of the judgment. The informational load of the ideas transmitted by him has removed the patterns of the current judgment by substantiating a new method of thinking that excludes the knowledge marked by the impact of the affective unfiltered influences through the spectral judgment and has introduced the initiative of an analytical thinking through a clear decompose of phases and parts of the judgment.

*René Descartes* states that he does not know „higher appropriation than those that serve to the spiritual fulfillment! The ration or faculty to judge appropriately, because it is the only one that heightens

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<sup>1</sup> L. Șăineanu, „Dicționar universal al limbii române”, Ed. a VI-a, Ed. „Scribul românesc” S.A., 1929.

and differentiate us from animal, it thing is whole within each of us”<sup>2</sup>.

The philosopher therefore projects the judgment to the state of true absolutions enhancing the personal demarche that guides the judgment through the knowledge brought together in spiritual biographies meant to lead to the perfection of the spirit and according to the concept used by him: „la perfection de l'esprit”.

*Immanuel Kant* places in his work of reference the postulates regarding the construction of a solid judgment by claiming that „the human judgment has in some kind of knowledge its particular faith because it is overwhelmed by questions that cannot be avoided because its imposed by the nature of judgment itself, to which it cannot respond because it exceeds the whole capacity of the human judgment”<sup>3</sup>.

Kant integrates into his philosophy *Descartes's* conceptions over the judgment and develops a classification of judgments into analytical judgments (the truth results from the analysis of concepts excluding the need of experimental testing and sensorial perfections) and synthetic judgments (gained by experience).

Applying the meanings of „integronic theories” on an adaptive verticality we observe that in *Kant's* case there is a quantification of pure judgment through the prism of practical judgment by „the consideration of judgment a distinct faculty of thinking and then of reason, as a faculty of judgment”<sup>4</sup>.

The correlation between the notions Kant presented show us that „pure judgment must be solely practical for itself, meaning that it must determine the will by the simple form of practical ruling”<sup>5</sup>.

*Baruch Spinoza* brings an addition to the informational load of today's notion of the judgment stating that „all efforts that we make after reason, do not tend towards anything but knowledge, and the soul, using the reason, does not consider anything more useful than what provides judgment.”

The philosopher points the unshattered preveilance of the substantial truth emanating by the fact that „reason truly understands all thing, meaning as they are, by other meaning it considers them necessary but not randomly.”<sup>6</sup>.

The judgment, through *Hegel's* projections has as vector the reasoning that „tries to find an order in the chaos of singular subjectivities”<sup>7</sup>.

„Within „*The phenomenology of the spirit*” reasoning represents the unity of conscience and of self conscience (or the unity of self-interpretations and understanding of the world), meaning that it is a spiritual attitude that, at least in principle, is bases on this unity”<sup>8</sup>.

Reasoning will always represent and infallible edru of the universal dimensions but also a state of michurinism for humanity. The ability to reason has crossed stages loaded with ideologies reshaped by existing currents.

Consisting of linked judgments based on reasoning, *the judgment* is that concept that finds itself also at a particular level, constrained by conceptual components fixed upon domains but also at an extended level through professional deviation by fitting in multiparty sections of the social reality and through the association with „*economies - universe*”<sup>9</sup>, reflections of the human collectivity.

The professional judgment is not „a simple matter of applying general rules by particular cases and not the least a simple matter based only on intuition but more likely a process that gives a note of coherence to the conflictual values within the general rules and treats with sensibility the actions and circumstances that are extremely contextualized”<sup>10</sup>.

### 3. The determining factors of the professional judgment.

The problematic of the professional judgments draws trajectories of potential figuring on all existing domains and keeps its direct corollary status within the decision making process.

Through the demarches carried within our research it is aimed at explaining the professional judgment and the formative elements in the ideological exposing framework. The determining factors of the professional judgment standardizes the characteristics that lead through their existence to the induced causality by the association of logical processes over the defining concept found under the form of the professional judgment.

<sup>2</sup> R. Descartes, „Discurs asupra metodei de a călăuzi bine rațiunea și de a căuta adevărul în științe”, translated by George Iancu Ghidu, Ed. Mondero, București, 1999, pg. 8.

<sup>3</sup> I. Kant, „Critica rațiunii pure”, translated by Nicolae Bagdasar and Elena Moisuc, Ediția a III-a îngrijită de Ilie Pârvu, Ed. IRI, București, 1998, pg. 9.

<sup>4</sup> N. Matăsar, coord., „Actualitatea filosofiei lui Immanuel Kant”, Cuvânt înainte – Al. Surdu – „Dialectica speculativă în Critica rațiunii pure”, Ed. Aius PrintEd, Craiova, 2007, pg. 15.

<sup>5</sup> I. Kant, „Critica rațiunii practice”, translated by T. Brăileanu, „Colecția cărților de seamă”, Ed. Paideia, București, 2003, pg. 44.

<sup>6</sup> Dr. I Brucăr, „Filosofia lui Spinoza”, Revista de Filosofie, Vol. 12, Ed. Tipografia „Bucovina” I. E. Torouțiu, București, 1930, pg. 73.

<sup>7</sup> B. Balogh, „Libertate și recunoaștere în Fenomenologia spiritului: modelul hegelian al libertății” within the paperwork „Alexander Baumgarten – Adela Cîmpean (eds.): Studii de istoria filosofiei dedicate profesorului Vasile Muscă”, Ed. Eikon, Cluj-Napoca, 2009, pg. 322.

<sup>8</sup> Ibidem.

<sup>9</sup> Concept used by Fernard Braudel in the paperwork „Timpul lumii” representing „a fragment from the Universe, a part of the planet, economical autonom, capable to satisfy all its needs, having an unity in internal exchanges and connections”, Vol. I, translated by A. Riza, Ed. Meridiane, București, 1989, pg. 14.

<sup>10</sup> G. J. Postema, „Moral responsibility in professional ethics”, quote by K.R. Kruse in „Professional role and professional judgment: theory and practice in legal ethics”, University of St.Thomas Law Journal ,Vol. 9, Issue. 2, Article 2, 2011, pg. 250.

### 3.1. Professional training

A potential determinism transferred in the factorial system of the professional judgment is provided by the professional training. The accumulation of experience is considered a premise of a good use of the professional judgment.

By gaining a factual culture from carrying out specific activities, the employee develops its capacity to use the professional judgment in optimal conditions, with the effects aimed at.

The professional training is provided a temporarily classifications that highlights, on one side a general professional training, and on the other side a specialized training.

The general professional training brings into discussion the stages of the intellectual formation of the employee. From this category we name: profile high school studies, professional certificates, the international experience, scholarships, practice and internships in big companies, university studies etc.

The professional training based on carrying and passing national and international studies brings detailed construction optics of the informational system formalized by the accumulation of knowledge needed in the use of the professional judgment.

The specialty training is referring to the knowledge accumulated by working on a certain job within the company, by fulfilling all the obligations stated in the job description, by overcoming all obstacles and recession or decline periods and also by setting the rich knowledge into the growth of the company.

The accumulation of knowledge leads to an optical use of the judgment and the caption of a highly wanted „know-how”. Within this category, the employee seeks an experience formalized on the working place through advance courses in the field and solved circumstantial instances and through the deep understanding of the causing elements generated by the particularized interactions on the company. Within the specialized training we also find master studies that have as purpose the enhancement of knowledge and specialization on the aimed field, optimized studies on the desired job etc.

The professional judgment under its two aspects, general and specialized represent a qualification factor in the determination of the professional judgment and it is found in all the important stages of its development.

### 3.2. Deontological factors

Fitting a judgment in an organizational environment brings by itself written and unwritten rules of the professional circuit.

Referring to the written rules through a deontological vision of the professional judgment we name the existence of a set of documents that guide the

decisional mechanism and implicitly the professional judgment. Within these we name some ethical codes of conduct, work procedures, standards, regulations, instructions, internal policies, manuals etc.

The professional judgment has a complex guiding mechanism on both the flexible side that is related to the behavior and on the fixed side of the whole process – current documentation.

## 4. The purpose and the valences of the professional judgment

The separation between the professional judgment and the actual activity of the company is impossible. The professional judgment is a background sub-horizon of the professional judgment and is always linked to a poli-temathical compulsion with a continuity character.

The role of the professional judgment transcends the axiomatic importance provided by the decisional process and represents in fact a **eufunction**<sup>11</sup> at a company level that enhances both the decisional process and the remaining of related processes that lead to a progressive organizational mechanisms of the macro-environment.

The purpose of the professional judgment is to provide a rigorous delimited placement of the activities performance in the organizational environment and to aid a polyvalent professional reasoning system. The lack of professional judgment can be named as a highlighting of its importance within a pro-economical society.

Within a company professionals are required to get involved in activities that do not always have predictable trajectories. The specificity of their work imposes taking responsibilities provided in the job description and also responsibilities that are forming as the situations gain a particular note. In this point, the professionals are being required to act with professional judgment that is rigorously formulated by and invariable quality: professionalism.

Professionalism (the professional consciousness) is complex, discretionary, requires theoretical and practical knowledge, qualification and also the acceptance that humans without experience cannot understand and pass through whole and evaluate a high level of the carried work<sup>12</sup>.

**The professional practice**, without a strong judgment that can substantiate it cannot be cataloged more than a technical work<sup>13</sup>.

Professionals use the professional judgment as a fundamental logical form consisting of a correlated stream of arguments.

<sup>11</sup> „Functions that maintains or increases the adaptation of a given unity at its social” – definition from the dictionary named Dicționarul explicativ al limbii române (ediția a II-a revăzută și adăugită, 2012).

<sup>12</sup> E. Freidson, „Professionalism reborn: Theory, prophecy, and policy”, University of Chicago Press, 1994, pg. 200.

<sup>13</sup> C. Coles, D. Fish, „Developing professional judgment”, Journal of Continuing Education in the Health Professions, Vol. 22, Issue 1, 2002, pg 5.

The judgment, as stated by prof. *Herb Miller* appears because the interaction between education and experience<sup>14</sup>.

According to prof. *David Tripp* the professional judgment takes 4 shapes<sup>15</sup>:

- Practical (formulated almost instantly);
- Diagnostics (generalized within professional judgment);
- Reflective (the evolutionary and justificative nature judgment that reflects deeply on its own actions and effects by weighting all the alternative strategies) for example „to describe how accountants can promote their activity and, in the same time, to respect the ethical rules”<sup>16</sup>.
- Critical (accumulates both a critical and reflexive stance and also the diagnostics process of professional practices).

Prof. *Della Fish* and prof. *Colin Coles* are proposing the following classification the professional judgment<sup>17</sup>:

- intuitive
  - appears in situations that need an immediate reaction and imposes a quick establishment of working instruments and needed abilities in order to solve the issue. It does not imply a pre-existent judgment, this type of reasoning being labeled more as technical or „instrumental”<sup>18</sup>.
- strategic
  - has an imperative character that implies a wide range of possibilities<sup>19</sup>. It is based on practices highlighted in well-defined procedures. For example „the harmonization of stakeholder’s interest has become in the past years the base objective of the company”<sup>20</sup>, being necessary to have a common strategic professional judgment.
- reflective

- refers to the situations that appear in practice along with a high level of uncertainty. This category implies in the solving process a deep thinking, a cumulus of personal thinking filter, of own abilities.

- deliberative
  - is characterized by the moral character of decisions and focuses both the personal and company’s interests. The professionals see these practices as being morally competitive that can generate conflicts and hard solving dilemmas<sup>21</sup>.

### 3. Conclusions

As a result of the theoretical research carried we have obtained alot of information and visions that helped us to formulate more acceptations of the concept of “professional judgment”.

Therefore, in our opinion, the professional judgment can be defined in four ways:

- as a set of logical linked thinking that has as purpose to obtain some conclusive results for the activity carried taking into consideration certain circumstances, knowledge, evidence, methods, criteria and proper regulation;
- as a process that intervenes when the regulation in place does not cover all the cases found in practice;
- as a mechanism to form an opinion and take decisions taking into consideration the interaction between the experience gained in the field, accumulated knowledge and circumstances;
- as a cognitive process that takes account of ethical codes, knowledge, circumstances but also the behavioral structures of the employee.

### References:

- Șăineanu, L. (1929), *Dicționar universal al limbii române*, Ediția a VI-a, Ed. Scrisul românesc S.A;
- Descartes, R. (1999), *Discurs asupra metodei de a călăuzi bine rațiunea și de a căuta adevărul în științe*, translated by George Iancu Ghidu, Ed. Mondero, București;
- Kant, I. (1998), *Critica rațiunii pure*, translated by Nicolae Bagdasar și Elena Moisuc, Ediția a III-a îngrijită de Ilie Pârvu, Ed. IRI, București;
- Matăsar, N. (2007), *Actualitatea filosofiei lui Immanuel Kant*, Cuvânt înainte – Al. Surdu – Dialectica speculativă în Critica rațiunii pure, Ed. Aius PrintEd, Craiova;
- Kant, I. (2003), *Critica rațiunii practice*, translated by T. Brăileanu, Colecția cărților de seamă, Ed. Paideia, București;
- Brucăr, I. (1930), *Filosofia lui Spinoza*, Revista de Filosofie, Vol. 12, Ed. Tipografia Bucovina I. E. Torouțiu, București;

<sup>14</sup> H. Miller, „Collectivization of Judgement”, The Arthur Andersen Chronicle, 1974.

<sup>15</sup> D. Tripp, „Critical incidents in teaching (classic edition): developing professional judgement”, Routledge, 2011, pg. 137.

<sup>16</sup> M. Sudacevschi, „The promotion of the accounting services within the limits of professional ethics”. Challenges of the Knowledge Society, 2016, pg. 718.

<sup>17</sup> C. Coles, „Developing professional judgment”, Journal of Continuing Education in the Health Professions , Vol. 22, Issue 1, 2002, pg 5.

<sup>18</sup> W. Carr, „For education: towards critical educational inquiry”, The Open University, Buckingham, UK, 1995, pg 59.

<sup>19</sup> Grundy S., „Curriculum: product or praxis?”, Falmer Press, Brighton, UK, 1987, pg 280.

<sup>20</sup> Grigore, M. Z. Finantele firmei, Cartea Universitară, Bucuresti, 2009, pg.5.

<sup>21</sup> Fish D, Coles C., „Developing professional judgment in health care: learning through the critical appreciation of practice”, Butterworth-Heinemann Press, Oxford, UK, 1998, pg. 280.

- Balogh, B. (2009), *Libertate și recunoaștere în Fenomenologia spiritului: modelul hegelian al libertății*, Ed. Eikon, Cluj-Napoca;
- Braudel, F., „*Timpul lumii*”, Vol. I, translated by A. Riza, Ed. Meridiane, București, 1989, pg. 14. *Dicționarul explicativ al limbii române* (ediția a II-a revăzută și adăugită, 2012;
- Postema, G. J. (1983), *Moral responsibility in professional ethics, Profits and Professions*. Humana Press;
- *Dicționarul explicativ al limbii române* – (2012) - ediția a II-a revăzută și adăugită;
- E. Freidson, „*Professionalism reborn: Theory, prophecy, and policy*”, University of Chicago Press, 1994, pg. 200;
- Fish, D. & Coles, C.( 1998), *Developing professional judgment in health care: learning through the critical appreciation of practice*, Butterworth-Heinemann Press, Oxford, UK;
- Miller, H. (1974), *Collectivization of judgement*, The Arthur Andersen Chronicle;
- Tripp, D. (2011), *Critical incidents in teaching (Classic Edition): developing professional judgement*, Routledge;
- Carr, W. (1995), *For education: towards critical educational inquiry*, The Open University, Buckingham, UK;
- Grundy, S., (1987), *Curriculum: product or praxis?*, Falmer Press, Brighton, UK;
- Cristea, V. G. (2016). *Fair value illustrated in OMFP 1802/2014*. Challenges of the Knowledge Society, 684;
- Cristea, V. G. (2016). *Harmonization, historical cost and investments*. Challenges of the Knowledge Society, 679;
- Grigore, M. Z. (2009). *Finantele firmei*, Cartea Universitară, Bucuresti;
- Sudacevschi, M. (2016). *The promotion of the accounting services within the limits of professional ethics*. Challenges of the Knowledge Society, 718.