

Memo

To: CTW 25th Anniversary Conf. Readers

From: Ian Weinstein

Re: This Draft of Ninjas and Pirates

Thanks for reading this draft. As some of you know, I have been working with these ideas for almost a year and this paper remains in flux. It began as a section of a larger paper but I think it has become a separate article. I have submitted both this paper and the article out of which it grew, to the conference.

I have already received comments from three readers to whom I am much indebted. All three, in different ways, agree that this paper needs additional development. In particular, my very limited discussion of personality trait theory, as distinct from personality type theory, is simply wrong. Trait theory is more significant than I suggest, although my focus will remain on type theory.

In addition, my discussion of Jung and type theory needs development and explication. Too much of it remains in my head, I think, and needs to get into the paper.

I am bit unsure, but I think I try to the argument of this paper. I think I will argue that that learning styles are quite important, but not in the way many of us may think. I no longer give much weight to the current trend to speak of matching teaching to learning styles and think it more important to understand the relationships between ideas and styles of analysis – in a classroom with heterogeneous learning styles, it is more useful to match style to idea than to student. And, learning styles are also quite important to group work and have significant applications in developing the skills of collaboration and teamwork. But their application in the classroom or in any setting in which we try to reach diverse individuals with a single presentation or mode is rather more limited than the current popular teaching literature suggests.

I also note that this draft remains quite under referenced. What citations there are need attention, so I have much still to do.

Finally, as I note that this draft is one of two I am circulating. The other is about theories of intelligence and teaching. The payoff of that paper, to the extent it has one, is that it takes many different kinds of teaching and learning to form a complete professional. These two papers started as a single project in which I planned to discuss learners through the triptych of aptitude, motivation and will. I am pretty sure that the two sections of that larger idea on which I have worked are separate papers but I remain a bit uncertain about that. If my two current drafts really

are separate papers, I am still thinking about developing the third aspect, will, in a separate paper. So far, no one has liked my preliminary thoughts on the will but I think it an important concept that can be rescued from the prevalent unease it seems to engender as folks process their vague but persistent concerns about Nietzsche, who remains strongly associated with the idea, to its detriment among Americans. I continue to think that will, our students' faculty for mediating among their competing desires and acting in the world, is a very important aspect of both educational and professional success. And like aptitude and motivation, it is beyond our control as teachers but not beyond our influence.

I can even imagine all of this becoming a short book manuscript but as with this whole project, I am quite uncertain how much of an audience there is for any of this work and if anyone is interested, how I can reach them.

Thanks for your time and attention to my project.

Personality - Traits, Types and Styles: The Problem of Pirates and Ninjas¹

By Ian Weinstein

While the psychometricians were developing and refining intelligence tests, other psychologists were examining the range of human variation through the study of personality. As used in ordinary talk, personality is well understood as the “assemblage of qualities which makes a person what he is, distinct from other persons.”² Gordon Allport, a leading academic personality psychologist of the mid 20th Century examined some of the complexities of the term in his *PATTERN AND GROWTH IN PERSONALITY*³ and offered the more technical definition of personality as “the dynamic organization within the individual of those psychophysical systems that determine his characteristic behavior and thought.”⁴ While Allport highlights the individual as the level of analysis, his larger project sought to understand the general rules that describe and determine personality. He wrote, “Individuality is a prime characteristic of human nature. . . . We

¹There are two kinds of people in the world. Some divide people into groups and some do not. My daughter helped me understand that we are all either pirates or ninjas, except for the very small group of ninjas who might happen to be pirates and the less likely but still possible reverse case.

²OED 2a

³Cite

⁴Allport *Pattern* at 28

need laws of learning, of perception, of cognition . . . but we also need a special point of view in order to bring these general principles to converge upon the individuality of pattern that comprises personality.”⁵ While no general “special point of view” has yet emerged upon which the idea of personality has decisively converged, several well developed lines of inquiry in personality psychology offer a useful perspective for those who wonder whether and how to account for personality in professional education.

Although Allport was quite skeptical of a middle ground between the individual and general laws, other psychologists, as well as popular discourse, commonly sort, categorize and label people by personality. The outgoing, nervous or lazy person is a well understood idea, as is the nervous lazy person. In this view of personality as type, one tries to understand each individual’s personality as both unique and subject to useful categorization. For some, including Allport, sorting into incompletely theorized categories in an effort to resolve the common perception that each person’s personality is both unique and common is incoherent.⁶ For him and others, this apparent contradiction cries out for analysis and reduction. To others, considering each half of the apparent antimony creates a pleasing, harmonious whole. Our tendency to experience attraction or dislike for an antimony, such as the apparent contradiction that personality is both unique and repeating, particular and general, sounds in personality. But making productive use of the concepts, contradictory or not, sounds in aptitude. My puzzle is the relationship, if any, between understanding personality and sharpening the aptitude.

Personality psychology distinguishes between trait theories and type theories. Traits are

⁵ Allport Pattern at 21. He goes on to use the technical framing, The psych of personality is not exclusively nomothetic nor exclusively idiographic . . .

⁶Allport critique

individual features or aspects of personality. Allport saw them as the elements of personality and collected lists of traits. Following Galton and followed by thinkers including Cattell and Costa and Mcrae, this approach has given us the Five Factor Model, the most widely used instrument for analyzing and describing an individual's personality. Carl Jung took another path and looked for personality types; constructs which propose patterns among the various combinations of personality traits. While Allport fairly criticized types as a halfway approach to individuality,⁷ his own dream of finding general laws of individuality has remained unfulfilled.

Jung's work on personality types, while sometimes frustratingly opaque, has proven a rich inspiration for three related sets of ideas that continue to speak to many educators. Personality type theory is an important antecedent to the cognitive style literature exemplified by the work of theorists like Herman Witkin and Neil Fleming, who give us the embedded figure and VARK instruments. This line of thinking is the genesis of the modern mantra in education that different students learn in different ways. There is also an important psychometrically inflected version of type theory in Sternberg's work on thinking styles. The third and most distinctively Jungian branch comes is best represented by the well known and much criticized Myers-Briggs Type Inventory (MBTI). Personality psychology presents the law professor interested in teaching with a rich, complex and not wholly satisfying body of literature, instruments and current practices.

While each of these thinkers offers a perspective from which we can learn, the fractured field of personality psychology offers no powerful model for how personality relates to learning and the field has no instrument with the predictive power of the Wechsler intelligence test. That being said, these thinkers offer insights that some types will very interesting and useful, while

⁷Allport at 16

others will find them frustratingly opaque, incomplete and without practical application.

More detailed consideration of personality psychology logically begins with trait theory. Galton, the pioneer in thinking about human variation, was an early advocate of attention to personality traits. His call was taken seriously by Allport, who laid the groundwork for what has become the Five Factor Model, sometimes called the Big Five or referred to by the acronym OCEAN. The most widely used personality inventory, it measures, openness, conscientiousness, extroversion, agreeableness, and neuroticism.

The big five approach to personality is driven more by the observed data than theory.⁸ Allport and others collected trait names and have refined and tested their lists over the years to build clusters of related tendencies. “Open” people will tend to like art, hold unconventional beliefs and be interested in new ideas. You can find art lovers among those who attend the most traditional churches, but if you want to sell the most memberships to an art museum, you might better look in other places. On the other hand, sociability, which might be thought of as a part of openness, is associated with extroversion, a separate trait. Making people feel at ease, which might be part of sociability, is actually part of agreeableness. Although we understand how a person can be open but not sociable or agreeable, as those traits are defined, the contours of each trait are not necessarily intuitive to all.

But data show that these traits cluster in predictable ways across large populations and the categories do seem plausible, if not always intuitive. Any person we meet will be more or less excitable, sociable, curious, considerate and disciplined. And the Big Five appears to be a robust, valid way to sort large population and screen for outliers. But it also appears that

⁸Allport’s approach to personality mirrors Spearman’s work on intelligence - each sought empirical evidence for the contours of the psychological entities they studied

personality traits, except when strongly divergent from the norm, are not significant independent factors in learning.⁹

While trait theory holds that traits vary independently, type theory hypothesizes deeper underlying structures of personality that cause traits to vary together. Type theory looks to a middle ground between the aggregate and the individual, seeking to identify structures of personality that are more than just descriptions of individual traits that come together in particular people. We are all type theorists when we play the ninja/pirate game or otherwise divide those we know into categories or groups.

Ideas quite similar to personality type theory can be traced back to the ancients, and much intellectual history, understood as the eternal battle between Platonists and Aristotelians can feel like personality type theory. But Carl Jung was the first to offer a modern, well developed theory of personality types.¹⁰ Rather than collecting traits, as did Allport and others, Jung looked to recurring patterns of unconscious thought¹¹ for evidence of the deepest human tendencies. Drawing on his own study of both western and other spiritual practices, an extensive clinical practice and his own inner experience, Jung argues that there are three axes of personality - extraversion/introversion,¹² sensation/intuition, or the tendency to seek information in either the

⁹Cite or rework

¹⁰Carl Jung, PERSONALITY TYPES

¹¹Jung famously broke with Freud over the nature and value of the unconscious. In Jung's view, the unconscious was the source of important, positive human feelings and ideas, as well the fears and negative emotions on which Freud focused.

¹²which we saw as one axis in The Big Five

outside world or inner experience¹³ and thinking/feeling, the difference between deciding by feeling and deciding by counting reasons.¹⁴

Jung offered a complex argument, several strands of which remain quite central to contemporary personality psychology. He introduced the terms introversion and extroversion and identified this axis as the fundamental attitude defining human personality. This dimension remains a central organizing principle. According to Jung, the extrovert tends to turn his or her psychic energy outward. In his view, our fundamental psychological process relates our inner experience, the subject, to outer experience, the object. For the extrovert, psychic energy or activity flows toward the object and the extrovert feels energized and engaged when his or her psychic energy, can play or focus upon the outer world. Reflection, or the inward projection of energy can require more effort and become tiring. The introvert, in contrast, tends to project psychic energy inward. For him or her, reflection or subjective focus is energizing, while the projection of energy toward the object can become tiring and require effort. Thus it is often said the extrovert gains energy from a crowd and seeks the stimulation of the outer world of objects while the crowd tires the introvert, who needs quiet to become reenergized. Importantly, this axis does not tell us who will enjoy a party or who will be lively and engaging in a group. Introversion and extroversion are not measures of social grace, they are ideas about one's characteristic stance or preference in mediating between our subjective or inner life and the outer world. Another way to think of this opposition is to ask, does a person characteristically turn to

¹³I have always thought this axis bore a strong family resemblance to the debate between the empiricists and rationalists (Liebniz and Locke, one is taught in college) and resolved by Hume.

¹⁴Here I think more of the Romantics and Classicists of the turn of the 18th to the 19th Centuries, but that opposition is also an ancient one.

his or her own inner experience or to the outside world. Do you live in your head or in the world? Is your inner life or the outer world a more congenial focus for your attention?

Of course, most of us live in both our heads and in the world. As with all aspects of personality, the question is tendencies, preferences and characteristic modes. The introvert favors or tends toward subjective modes but most are quite alive to and spend a good deal of psychic energy focused upon the objective or outer world. Each type is reasonably comprehensible to the other, neither has a superior perspective and no particular view, outcome or result flows inevitably from a type. Some kinds of outcomes, however, may tend to predominate in a given type.

Even among the psychologists discussed in this paper, types or general perspectives seem to appear. There are those for whom the primary way of discovering the world was collecting data. On this side are Galton, Spearman, Allport, Turstone and Wechsler. On the other hand, are those whose primary mode was theory, even as some, particularly Piaget and Jung, engaged in very deep research. In addition to Piaget and Jung, consider James, Binet and Gardner. All of those thinkers offered deep and lasting insights in the nature of human intelligence but the first five looked outward first and primarily, while the later five reflected inward first and last. They are of two types.

In addition to one's attitude toward the problem of mediating between our inner life and the outer world, Jung also identified two pairs of opposed functions. The four functions are the set of irreducible psychic activities,¹⁵ or basic, fundamental psychological processes. In contemporary terms as I will argue below, we might understand them as the modes of managing information. The sensation/intuition pairing captures the two modes of perception. According

¹⁵Types, 547

to Jung, sensation is conscious perception; the appreciation or consciousness of the redness of the flower, along with all its other attributes as well as the concepts, feelings and other mental entities that combine in the mental experience of a seeing a flower.¹⁶ Intuition, in contrast, is unconscious perception. To the intuitive perceiver, content is presented as a whole, without ready access to analysis of its constituent parts.¹⁷ So, the flower is seen as a flower by the intuitive perceiver, not as a red, sweet smelling, five petaled organism that is called a flower.

In Jung's view, while sensing is conscious and intuition is unconscious, both are irrational, by which Jung means that the experience is not subject to significant change through reflection - one sees the flower or sees the redness and petals and further mental focus does not alter that experience.

Thinking and feeling are the two rational functions through which we use our mental faculties to shape thought, feeling and action.¹⁸ Thinking, Jung observes, involves the application of a set of rules or processes to arrive at a conceptual connection among ideas.¹⁹ Those with a preference for thinking apply rules and take a process approach to thinking and shaping action. Feeling, in contrast, is a subjective process which relies upon value or the opposition of liking and disliking to shape thought and action.²⁰ We might think of this as the difference between counting reasons and weighing preferences as primary modes of reflection.

¹⁶Types, 585

¹⁷Types, 568

¹⁸583

¹⁹Types 611

²⁰Types 544

These three oppositions or axes combined in predictable ways for Jung. Each person has a dominant attitude, either introverted or extravert. Then the four functions must be ordered. The two pairs of functions identify exclusive modes. While a person can both feel and think, he or she cannot do both at the same time, as is also true of sensing and intuiting. So, Jung argued that each person has a dominant attitude and a dominant function. The function opposing the dominant function, in Jung's view, recedes into the unconscious and is rarely used. In Jung's early work, he distinguished eight types, according to attitude and dominant function. He also theorized that preferred function of the remaining pair, whether it is the rational or irrational pairing, is the auxiliary or secondary function. In his later work he noted the likely existence of more types, drawing out the idea that the two sensing categories, introverted and extroverted, may be subdivided among the sensing feelers and the sensing thinkers, but never sensing intuitionists, as sensing and intuition are opposed to each other. As we will see, one of the best known and most strongly Jungian contemporary type theories, Myers-Briggs, expands Jung's eight categories to 16 with the addition of the auxiliary function and a fourth, not fully independent axis.

I will say more about the Jungian categories below, but for now I will note that Jung's categories resonate deeply with me. I have repeatedly tested as a moderate introvert, with intuition as my dominant function and feeling as my auxiliary function. While I rather enjoy being the center of attention and enjoy a lively party, I do indeed tire easily at large gatherings, often seek the edges of big groups and gravitate, after a while, to a quiet spot to recharge during conferences. I have also long been fascinated by my own tendency to see ideas and concepts whole and jump to conclusions about the rightness or wrongness of arguments first and then analyze them later. My subjective experience has led me to write about decision making in the

law in an effort to understand that experience.²¹ But as Jung says of the introverted, intuitive type, I have often found my words inadequate to convey my inner experience and I know I continue to confuse others as I continue to perplex myself.²²

Type theory, and distinct traces of Jung, are evident in the work of influential contemporary theorists. The categories of sense/intuition and feeling/thinking understood through an information processing and decision making lens, are congenial to some cognitive scientists,²³ who have developed the idea of cognitive styles or preferences in information processing. Theorists in this aspect of personality type theory as applied to education include Herman Witkin and, with a more psychometric twist, Sternberg.²⁴ Cognitive, learning or thinking style theories or instruments can usefully be understood as the cognitive science/information processing take on personality.²⁵ An intriguing and early example is the work of Herman Witkin who generated some rather strong results with two rather simple instruments, the rod and frame²⁶ test and the embedded figure²⁷ test. In the rod and frame

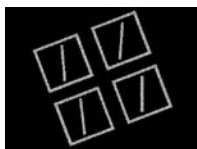
²¹Lawyering in the State of Nature; Don't Believe Everything You Think

²²Types 510 - Therewith, he also deprives himself of any influence upon [the world] because he remains unintelligible. His language is not that which is commonly spoken - it becomes too subjective.

²³Gardner history of Cog psych,

²⁴list Fleming and some others

²⁵Most would agree that cognitive style is an aspect of personality but some, like Witkin, would argue that style is a deeper category that cuts across personality, aptitude and affect.



²⁶ The rod and frame tests orientation. This is a

protocol, subjects are asked to align a rod set in a frame that is not square with the natural horizon. Some will orient the frame and rod to the horizon, while others will orient the rod to the frame and ignore the horizon. In the embedded figures test, subjects either see the whole and parts or sometimes just the part. Some lose the figure in the field and orient themselves by the immediate environment while others see the figure but not the field and orient themselves by the natural horizon.

There is a deep, if now dated body of research that offers a rich set of correlations and connections among the ways those in each category learn.²⁸ Those who orient themselves by the natural horizon and see the embedded figures display “field independence,” a “cognitive style²⁹” that predicts one will attend less to the social environment, and be more comfortable with loosely

static version.

<http://employees.oneonta.edu/gilbersj/autokinetic.htm>

Subjects may also be placed in a dark room and view an illuminated, tilted frame while sitting in a chair angled to match the frame. In that posture, they are asked to manipulate a rod and align it to vertical.



²⁷ The embedded figure test presents simple forms in a complex figure. The goal is to identify the simple forms.

<http://alpha.furman.edu/~einstein/general/pers/253.jpg>

²⁸ H. Witkin, C Moore, D Goodenough and P. Cox, Field Dependent and Field Independent Cognitive Styles and Their Educational Implications, 47 Review of Educational Research 1 (1977).

²⁹ There is a lively debate about whether Witkin identified a cognitive style, an aspect of G, the general intelligence factor, cite that first essay, or some of each - 1st Sternberg book?? which is emblematic of the soft edges of abilities, aptitudes, styles, strategies, personalities and interests.

structured material and abstractions. Those who lose the figure in the background are more field dependent; they will attend more to social relationships and tend to learn better in groups and by example than by individualized hypothesis generation and testing.³⁰

Field dependence is a simple, binary classification which defines two types. While this kind of opposition invites essentialism, like unitary intelligence, it also illuminates an important axis for classroom teachers. Field dependence/independence arrays learners by their relative preference for more abstract or more concrete reasoning. Viewed from this aspect, it may not surprise that it is not fully independent of *g*. And an important complicating factor is that even as the learner has his or her own preference, the preferred level of abstraction is also context or substance sensitive. Particular bodies of knowledge and kinds of activities are best learned and practices through greater or lesser abstraction or concreteness, depending on their structure.³¹ Among lawyers, the appellate litigator is likely to be more often be confronted with abstractions than the transactional lawyer, all other things being equal. Most American graduate schools approach literature more abstractly than social work, although there are very theoretical social work schools and less abstract literature departments.

So field dependence, to the extent it is not just another name for *g*, is also only the learner's side of this concept. Particular problems also have their own optimal level of abstraction. To return to the criminal law, *mens rea* can be understood as the free choice to do wrong but that is quite abstract, both for most learners and for the idea itself. If that is place for the more field independent learner to begin, even one who is strongly field independent will do well to delve into

³⁰ Cite for examples/hypothesis

³¹ Pashler & Newell & Simon

the doctrinal details of strict liability elements and offenses to understand the concept deeply. The more concrete application of the general idea of free choice to do wrong at the level of doctrines imposing differing forms of strict liability is both more accessible to most learners and better captures the idea as understood within the relevant professional community. To my mind, the lesson of Witkin's work is not that some learners are ninjas and some are pirates when it comes to abstract versus concrete presentation of material. Rather, the central lesson is that abstraction/concreteness is an important axis. Optimal teaching will involve intentional choices along that line, dictated by a variety of factors.

Good teachers will account for their own tendency, which can be tricky to determine. Only repeated cycles of evaluation and focus groups helped me appreciate my own tendency toward abstract, decontextualized presentations. Regular feedback is quite important to good teaching and Witkin's work helps us figure out in which dimensions we should be inquiring. Successful teaching will also account for the structure of the material being presented. My own efforts to teach legal interviewing abstractly were also instructive failures; as I noted above, general interviewing theory still seems to me too weak to carry that burden but many learn this material quite deeply through more concrete simulation work and discussion of related theories from other fields. Student preferences also have a role to play but it is more complicated so I postpone that discussion for a moment.

Witkin's work and the embedded figures test offers a nice example of an instrument that tells us something useful, but clearly not everything, about teaching and learning.³² Neil Fleming, for example, has focused on preferences for taking in information and encourages

³²Sternberg's related right brain/left brain?

students and teachers to discover if students prefer to learn by hearing, seeing, doing, reading/writing or some combination of these modes.³³ This branch of the styles literature is really at the heart of the contemporary teaching idea that learning is individualized and different people learn in different ways. But what is the teacher to do with this insight?

One standard payoff of the cognitive/thinking/learning styles literature is that teachers students learn best through their preferred mode and teachers should match their presentation to the preferences of the learners. This advice seems of limited value in the law school classroom. First, these are styles, not exclusive categories. Learners may prefer one or the other but the impact of style differences is not likely to be that great to begin with, particularly among graduate students with enough school success to get to law school. Most law school learners have proven their ability to learn in a variety of modes. Second, as we saw above, style is also context sensitive and the preferred style should also account for the structure of the material, as well as the learner's preference. Third, law school classrooms are heterogeneous. Although we can predict that graduate students will likely be more comfortable with learning by reading and writing and oral presentation than the general population, matching preferences only works by exploiting differences among a given group of learners. Unless we test and separate our students by preference, we cannot begin to exploit learning style preferences by matching.³⁴ Yet some payoff for law faculty may still be gleaned from this aspect of the styles literature, which it must be noted in fairness, was developed with primary and secondary education in mind and focuses largely on concerns quite different from those of law school faculty.

³³This is VARK

³⁴Harold Pashler

So, if style theorists have not yet unlocked the key to learning, they have adduced much evidence for the variation in learners and learning and powerfully shown that there are many different ways to present a given concept. This literature provides a rich vocabulary for identifying alternative teaching modes. Many law teachers may never have considered the role of bodily movement or kinesthetics, in law teaching. In my experience, a little bit of kinesthetic teaching, in which one repeats combinations of phrases and gestures during the class,³⁵ can go a very long way to sparking a moment of interest and energy. And once I discovered that I am a very read/write oriented learner, I began to look for opportunities to introduce visual elements into my teaching through my use of class slides, graphics and pictures. So another easy payoff is becoming a more interesting, engaging teacher by expanding one's repertoire of presentation techniques. The categories of read/write, kinesthetic, oral and visual do not exhaust the possibilities for presentation modes but they offer a good starting checklist.

There are also two deeper payoffs in these ideas about learning styles and modes of presentation. First, as noted above, we can also think about the structure of the material, not only the preference of the learner, as we consider how to present a given idea. When I make a linguistic point in class, I want to have the language in view for everyone, whether by slide or handout. Taxonomic points are often well conveyed visually, more abstract ideas are usually conveyed by lecture and reading and process oriented ideas will often benefit from an active approach - small group discussion or other activity. We can think about matching the mode of presentation to the structure of the material we are trying to convey.

The second deeper notion comes from David Kolb's Experiential Learning model and

³⁵Whole brain classroom from youtube

suggests that the differing modalities can be understood as building one upon another, rather than providing alternatives for each other. Kolb is often thought of as among the style theorists and is known for his learning style inventory,³⁶ but his idea of the cycle of experiential learning may be his more distinctive contribution. The basic idea, which resonates deeply with Shon and the cognitive science expertise model, is that optimal learning proceeds in cycles of abstraction and concrete application and reflective observation and active experimentation. In Kolb's model, the learner cycles through different modes of information intake and processing, building knowledge in that activity. Kolb suggests, and it accords with my experience, that no one way of learning and no single moment of learning, is complete by itself. Learning is an ongoing activity in which different cognitive processes each play a role.

It is tempting to suggest that each learning episode, or each class session, should cycle from the concrete to the abstract and from the reflective to the experimental but experience suggests that focusing on such a small unit would promote confusion, not deep learning. The program of legal education each law student enjoys offers ample opportunity to offer complete cycles of experiential education. In gross outline, the typical program emphasizes abstraction and reflection in the large first year classes and then moves to opportunities for concrete application and active experimentation. Whether students find their concrete, active opportunities with seminars, journals or clinics, Kolb's idea of learning as a cycle of activities should spur us to think about the variety, sequencing and pacing of the teaching and learning opportunities we offer in law school. The emergence of new modes of teaching and learning has been a signal development of the last thirty years of legal education and while no single class can offer every student the range of

³⁶Converger, diverger, assimilator, accomodator, say a word

learning he or she needs to become a reflective practitioner, we must strive to give every law student a complex, complete educational experience by the end of their three years with us.

So we may not make matching our students' preferences our central goal but we might still learn quite a lot from the cognitive styles literature of Witkin, Sternberg, Kolb and others, which, I have argued, are all particular examples of Jung's type theory of personality. Having now taken two passes as Jung, one through the individual's appetite for abstraction, as revealed by Witkin and the second through the individual's preferred mode of information presentation, through the styles literature, I note that Jung's theory, though not empirical, fits well with the more quantitative, scientific approaches of Allport, Witkin, Sternberg and their peers. The introvert/extravert distinction has been well validated and Jung's focus on information and decision strategies links him to cognitive styles and cognitive science approaches to related issues. In that literature, the very similar ideas of processing and problem solving have received very close analysis. In important ways, Jung stands behind or is at least consistent with current ideas about teaching and learning.

But Jung was not a learning theorist; his is a vision of human nature expressed in fundamental psychological processes. While his work has had real impact in the cognitive styles area, Jung's most significant continuing influence has been through the well known Myers-Briggs Type Indicator (MBTI).³⁷ The MBTI claims to reveal deeper consistencies among seeming random variations in one's behavior, depending on how one uses his or her perception and judgment. I have discussed the MBTI and related instruments with many colleagues and acquaintances. There are two kinds of people in the world - those who are intrigued by these

³⁷<http://www.myersbriggs.org/my-mbti-personality-type/mbti-basics/>

instruments and those who find them odious. And if this approach seems silly to some, I know it resonates for others and I suggest, once again, that variation in personality rears its head.

The Myers-Briggs Type Indicator is a proprietary instrument, developed by the mother daughter team of *** during WWII. It measures type along four axes - the three Jung set out - extraversion/introversion, sensing/intuition, thinking/feeling - and adds judgement and perception, or the tendency to resolve or keep questions open.

As noted above, Jung identified one attitudinal axis, introversion and extroversion and two axes of function, thinking/feeling and sensing/intuition. Jung categorized thinking and sensing as rational and feeling and intuition as irrational. The rational is subject to change upon reflection, while the irrational presents as not subject to analysis and does not change with reflection. In our mental lives, we may be open to additional reflection - this is a preference for the rational functions of thinking and sensing. In this mode, our conclusions are subject to flux, as we think more or take in more sensation from the outside world. If we have a preference for the irrational functions, feeling and intuition, we will tend to be closed to additional reflection. In this mode, our conclusions are not subject to change, as our intuitions and feelings will not change with reflection.

Myers, drawing on much suggestive language in Jung's seminal Personality Types as well as his later recognition of additional types beyond the canonical eight, identified perceiving/judging as the fourth dimension of type. It identifies a preference for relating to the outside world. The perceiver, preferring to continue to take in new material for the familiar process of reshaping mental objects through reflection, will tend to keep options open and is slow to reach a conclusion. The judging type, experiencing his or her inner mental life as comprised of

wholes, not subject to predictable alteration through a replicable process of reflection, will tend to reach conclusions quickly and maintain them. The perceiver is more comfortable with keeping options open as the process of gaining new sensation and thinking about them is orderly, or in Jung's word, rational. The judger experiences conclusions as neat and orderly wholes, while continued openness to change exposes the judger to the disorder, or irrationality in Jung's terms, of new intuition and feeling, which may be different but which is not subject to any orderly comparison with prior intuitions and feelings. We have all had the experience of group discussion to decide upon a restaurant and know that there are those who decide quickly and will not be dissuaded by even persuasive evidence for a better choice while there are others who are still open to change even as the appetizers are served.

Those patterns, repeated by both the individuals and groups, are captured among the 16 Myers-Briggs types, often represented on the type table:³⁸

ISTJ	ISFJ	INFJ	INTJ
ISTP	ISFP	INFP	ISFP
ESTP	ESFP	ENFP	ENTP
ESTJ	ESFJ	ENFJ	ENTJ

For the restaurant example, those who were open to new possibilities late in the process are more likely to be among the Perceivers, found in the middle two rows. The Judgers, who tend not to

³⁸Where I/E is introversion/extraversion, S/N is sensing/intuition, T/F is thinking/feeling and J/P is judging/perceiving.

linger over a choice, are found in top and bottom rows. Introverts are in the top two rows and those who favor Intuition are in the two right hand columns. There are endless descriptions of the types and some find them as compelling as horoscopes or fortune cookies. They clearly pose the danger of the Forer or Barnum effect, in which we exhibit the tendency to find ourselves in any set of positive descriptors. So we must be careful in how we use these categories - but that is a consistent theme with all of the instruments discussed in this paper. Myers-Briggs is another useful tool and deserves its proponents in the legal academy,³⁹ even as we are careful in how much explanatory scope we give it.

The types can be useful on both the individual and group level, with the latter typically being more accessible to the classroom teacher. There are deep individual insights to be gained, but these are rich and complex ideas, typically yielding limited insight to those who spend only an introductory two or three hours with them. But if one does persist, there is real potential for growth. Learning that I favored intuition over sensing has made me a more self consciously careful thinker and writer over time. To me, Jung is quite convincing when he describes how some of us experience some ideas as wholes. Although not always, it is a familiar enough experience to me that the answer to a question or problem simply comes to me. And as I reflect or gaze upon it in my mind's eye, I have come to try to turn my focus from admiring my handiwork, which is always precious to me, to consciously analyzing, deconstructing or explaining it, often to myself as a first step to offering it to others. I cannot judge if my ideas, teaching or writing is better for it but I have long felt the conscious impulse to test my ideas against data and to seek

³⁹Cite the law review literature with an eye toward overenthusiasm

empirical demonstrations.⁴⁰ I have also long been interested in the danger of falling into error through too much devotion one's own intuitions. I understand behavioral economics and more fundamentally the cognitive bias literature to be centrally concerned with these problems and have long admired the bumper sticker slogan Don't Believe Everything You Think.

I have a similar, if more straightforward story about coming to understand myself as a judger rather than a perceiver. On the individual level, recognizing my tendency to decide and move on, rather than remain open and collect more information, led me in many similar directions as knowing I am an intuitive rather a sensing perceiver. But while I have found these insights useful to me as an individual,⁴¹ it is difficult to meaningfully and efficiently bring Jungian insights to a large group, like a law school class. Some will find the ideas interesting and many will pick up a nugget or two - like fast versus slow restaurant or movie choices. But for most of us, achieving useful personal insights from these ideas requires a good deal of reflection. It is not at all obvious that this is the most useful direction in which a first year law student should look. So I think there is real value here, but it is hard to realize on the individual level.

But Jungian types can be quite effectively deployed in helping our students work more effectively in groups. Often, it can be quite hard for us to see personality type in ourselves.

⁴⁰Some of my scholarship has been self consciously phenomenological, VT, or rather naively statistical, CLR (natural experiment and someone else crunched the data). Drawing on Jung, this might be compensatory for my preference for both intuition and feeling and the relative lack of sophistication may bespeak what he called the archaic forms of the non-preferred functions, which are driven largely into the unconscious. Or maybe it simpler to say that any one of us can use a variety of methods and approaches to explore professional problems.

⁴¹I observe that individuals vary widely in their interest in these particular categories, with many extroverted types having less access to and interest in their own inner lives. Those folks, of course, are much more open to the sensation than am I, so they are well occupied with the other function.

From the internal point of view, personality is just how we are. But many of us can readily see personality, particularly outlier traits, in others. While group function and dysfunction can be analyzed on many axes, synergies and conflicts along type lines are, in my experience, reasonably common and worthy of some attention. In small group work in both simulation and live client/real matter teaching, I have often observed conflicts over deadlines and decision making processes that are usefully analyzed in terms of judging/perceiving, thinking/feeling and sensing/intuition.

While I have not yet read Jung with clinic students, two or three reflective conversations about collaborative processes can present ample opportunity to introduce the themes. So, when a team presents deadline or decision making conflicts, in addition to moving toward a useful and just resolution in the practical dimension, there is the opportunity to go meta or turn toward the process. Often, individuals have some awareness of their own tendencies and welcome the opportunity to explore how they can integrate that personal experience into their professional identity. Ready access to these categories offers a vocabulary for discussing these differences and removes some of the personalized, affective charge from the discussion. And in my experience, or maybe it is just my students being polite to me, these categories resonate pretty broadly. Many are able to see themselves and others they know.

And when there is no conflict, as is more frequently the case, type theory can provide a frame to describe successful group functioning. Sometimes patterns of cooperation through division of labor are evident - folks divide up the work in ways that play to their strengths. In other cases particular contrasting viewpoints emerge as having shaped the discussion or approach and these can be understood from the perspective of type. And in other cases, no ready

opportunity to apply type theory may emerge. But if Jung persuades us that there are types and we can know them, he opens one door to a more systematic, theory driven approach to group work.⁴²

We have seen how Witkin, Kolb and Myers built on Jung to offer different perspectives on personality. Witkin's work opens the door on how we take in information. Consideration of how we frame our ideas can help us communicate more effectively to a broader group of students, even if its application in cognitive science does not turn out to unlock the mind. Kolb's work on learning cycles helps us think about personality variation within a system and from a process perspective. It opens important questions about the range of experiences students might have during a day, semester or program of study.

Myers, of course, is the disciple. And the MBTI retains more Jungian ambition, for better and worse. It may reveal great truths and then again it may be a lot of hand waving. I think one can make sense of the types and use them in teaching, and elsewhere, to good effect. Personality is a pervasive factor in our experience. We can gain real insight when we can make sense of it in ourselves or in others. And sometimes we can. But it can be hard to read and one should be selective in focusing on this complex area. In many law schools settings, personality presents as a background hum or tone. Most personalities work well enough in most of our contexts at both the individual and group level. But often enough, variation causes conflict or synergy within or among personalities. Those can be teachable moments.

But let's remember, there are two kinds of people in the world: Pirates and Ninjas. Or, if you prefer, those who think there are two kinds of people and those who do not. When faced with a new situation, do you typically turn inward and reflect or look outward to collect data and

⁴²But that is a whole other body of literature from several different fields.

analyze? Or does that seem like an ill formed question to you? Hard as it is for each of us to perceive, we can not help but show bits of our personality, revealing much while we also shroud much, from others as well as ourselves.