

Dear Workshoppers,

I have needed to get these thoughts out of my system for quite some time now. I think it may be my deeply conflicted way of coming to terms with the Analytic of the Beautiful. But I am anxious that my argument is a poorly executed exercise in futility. Anyway, I am virtually certain that the historical Kant never entertained many of the views I ascribe to him here. But some part of me believes that, if his theory does not make room for such views, then it is of merely historical interest.

The paper itself is very long, and for that I apologize. By all means read selectively. It falls into two halves (quite literally, I never managed to integrate them). Sections 1-3 concern the role of concepts in the pure judgment of taste, sections 4 and 5 address the applied judgment of taste. If either of these topics doesn't interest you, don't read it.

Feel free to skip section 1 which merely serves to introduce a distinction between judgments as acts and judgments as products, and get some material on the table to which I frequently refer back. Sections 4.0-4.1.3 can be easily be skipped as well.

I greatly appreciate your suffering through this.

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Knowing What You're Talking About and When to Say What You Feel:
The Place of Concepts in Kant's Theory of Taste

There is perhaps no quicker way to jeopardize one's reputation as a judge of beauty or as a person of good taste than to pronounce, without further explanation and with some degree of gravity: "this...object...is...*beautiful*". Far from inspiring confidence in one's judgment, persisting in the use of a phrase so utterly lacking in specificity, and insisting that no other phrase will do, instead inspires the suspicion that one doesn't actually know what one is talking about. The best critics of art, as well as the most skillful appreciators of natural beauty, tend rather to proffer concrete observations about the objects of their criticism, the bulk of which take the form of what Kant would call 'logical judgments': objectively valid determinations of the object through concepts.¹ Whatever the correct explanation of this tendency may be, it gives one cause to worry that Kant's theory of taste simply does not make contact with our aesthetic practices. For Kant's account is based upon the fundamental premise² the judgment of taste is *aesthetic* – i.e. that its "determining ground **cannot be other than subjective**" (§1.1, 5: 203), and hence cannot contain concepts.³ The trouble here is not so much that critics and expert

¹ An example, taken more or less at random, from Clement Greenberg's essay on Cézanne in *Art and Culture*: "There remains something indescribably racy and sudden for all its familiarity by now, in the way his [Cézanne's] crisp blue line can separate the contour of an object from its mass" (p. 50). Or consider an observation by Michael Fried in *Corbet's Realism*: "[Géricault's *Charging Chasseur*] carries further than any previous equestrian painting I know not merely the idea of a merging of horse and man in a single rearing contrapposto "figure" but in particular the suggestion that the massive haunches of the former are the seat of power, including sexual power, for horse and man alike" (p. 24)

² I will not consider the motivations for this premise in any depth, but it is striking that Kant offers (as far as I can tell) no explicit argument for it. Hannah Ginsborg attempts a defense of the aesthetic nature of judgments of taste in "Kant on the Subjectivity of Taste" in *Kants Ästhetik/Kant's Aesthetics /L'esthétique de Kant* (Berlin: Walter de Gruyter, 1998) 448-465.

³ All parenthetical references cite the Academy volume and page number, with the exception of

judges of beauty tend to make conceptually determined logical judgments about the objects of their criticism. The trouble is that making such judgments appears to be *essential* to the critical enterprise of appraising objects' beauty in a way Kant seems not to allow room for.

My aim in this paper is to reconcile Kant's account of judgments of taste with this commonplace of aesthetic engagement by finding a place for concepts in Kant's theory of taste, which both respects his text and accounts for the essential role that logical judgments play in actual critical assessments of beauty. Be forewarned that this aspiration leads me to say things that sound heretical or at least hopelessly un-Kantian. Indeed, even Kant's own attempts in §16 to provide as little as an ancillary role for concepts (viz. concepts of the perfection of an object) in "applied judgments of taste" (which I discuss at some length in sections 4 and 5) have been met with bemusement and irritation.⁴ I will attempt to dispel the impression that my claims (and Kant's own in §§16 and 17) are hostile to his considered position, but I have abandoned all hope of making them sound palatable in advance.

My first apparent heresy will come in section 1, which begins with the reminder that "determining" is, on Kant's view, "the positing of a predicate to exclusion of its opposite".⁵ This has the straightforward, if unsettling, consequence that the judgment of taste – 'this...X...is...beautiful' – is, in this sense, a kind of *determinative* judgment.⁶

citations of the first *Critique* which cites the page number(s) of the A and B editions. References to the third *Critique* also include the section and paragraph number. All translations are my own. Kant's emphases are set in bold, mine are italicized.

⁴ Citation. Guyer? Cohen? Shaper?

⁵ *New Exposition*, i.e. *Principiorum cognitionis metaphysicae nova dilucidatio* (1: 391).

⁶ Indeed, *every* sentence that can serve as a premise in a syllogism is, by this criterion, a determinative judgment. Which is just to say that *all* judgments are determinative insofar as they are truth-valued. Or rather, since Kant links truth to objective validity, it is perhaps better to say that all and only

(This becomes somewhat less counterintuitive once one admits that ‘beautiful’ and ‘non-beautiful’ are, after all, predicates, and recalls that Kant repeatedly speaks of the “*determining ground*” a judgment of taste.) Taking this first heresy as a guide post, I proceed, in section **2**, to sketch an account of reflective judgment. Although this account contains its own heterodoxies, its primary function is to prepare the ground for my most grievous heresy, in section **3**: that the infamous “free play” of the cognitive faculties, which characterizes the reflective judgment of taste, *essentially involves* making a series of *determinative, logical* judgments about the object. Aesthetic reflection upon the beautiful consists in the ongoing revelation through a feeling of the peculiar freedom in the “playful”, self-amplifying activity (or process) of proceeding from one “free” determinative, logical judgment to other interrelated ones. A judgment of taste, then, is a determination of an object through the predicate “beautiful” on the grounds of one’s pure pleasure in such free, playful but essentially *conceptual* engagement with the object.

In this way, I find a place for concepts at the very heart of Kant’s theory of taste, in the free play of the cognitive faculties. Though concepts do not form any part of the determining ground of a judgment of taste, they nevertheless play an essential role insofar as the pleasure in the beautiful *transpires from* the peculiar quality of a series of determinative, logical judgments about an object. Building on this account, I move on, in section **4**, to consider Kant’s own explicit introduction of concepts in the “applied” judgment of taste in §16. If one thinks, as I do, that concepts have been present in the judgment of taste from the very beginning, of course, this maneuver of Kant’s is more

determinative judgments (in this sense) admit of correctness or incorrectness. The contrast between these uses of ‘correctness’ and of ‘truth’ comes out in Kant’s distinction between judgments which are indemonstrable, but about whose correctness we can nevertheless sensibly “argue” [streiten] and demonstrable judgments, whose truth one can therefore “dispute” [disputieren]. Cf. KU, §56, 5:338. I owe this latter reference to Rachel Zuckert.

readily intelligible. And I shall sketch an account of such applied judgments of taste which highlights their continuity with my picture of pure judgments of taste. Finally, I shall conclude by arguing that the introduction of the applied judgment of taste represents a singular insight on Kant's part that it is precisely the role of *concepts* in our aesthetic engagements with the world to determine the *aptness* (as opposed to the mere *correctness*) of judgments of beauty and thus to indicate the place of taste in human life more generally.

1. Determination and Determination

In the first *Critique* and elsewhere, Kant slides pretty freely between characterizing judgment in terms of mental activity and characterizing it in terms of the products of such activity (paradigmatically, bits of language). Now these slides can be innocuous, inasmuch as any adequate account of judgment should be able to tell compatible stories about mental acts of judging, judgments as mental products of such acts, linguistic acts of judging and judgments as linguistic products. The danger is, of course, that how one characterizes judgment in one register may not fit well with how one wants to characterize it in another. And indeed, I will argue that there is just such a mismatch between Kant's account of "determinative" judgment considered as a mental activity and his account of it considered as a product (usually a bit of language) of a certain kind. The value of identifying this divergence is that it will enable us to locate more precisely wherein the "reflectivity" of reflective judgment resides for Kant. The "reflectivity" of a judgment, I will argue, pertains solely to the *mental activity* of the subject, and hence does not preclude reflective judgmental activity from having determinative judgments as its products. Indeed, I hope to show, that *any* sort of

judgmental activity must terminate in a determinative judgment.

To get a sense of the difference between characterizing judgment in terms of mental activity and, on the other hand, characterizing it as a product of a certain kind, consider two of Kant's most famous descriptions of concepts and judgments in the section entitled "On the Logical Use of the Understanding in General" in the Metaphysical Deduction of the first *Critique*. On the one hand, he announces that concepts are (or, rather, rest upon) "the unity of the act of ordering various representations under a common one" (KrV, A69/B94) and accordingly characterizes judgments as "functions of the unity among our representations" (KrV, A69/B94). These formulations have been celebrated for emphasizing the dynamic, active nature of concepts and judgments – especially by those who bewail the evils of construing concepts and judgments as "mental images" of some kind or other. On the other hand, Kant is equally happy to treat concepts as bits of language – "predicates of possible judgments" (KrV, A68/B93) – and proceeds to use German sentences as examples of judgments without the least suggestion that these are in any way imperfect or inadequate expressions of judgment *proper*.⁷

Though I am not concerned to argue that this slide from mental acts to linguistic products is particularly problematic in the first *Critique*, it is nevertheless important to note that these two accounts of concepts (and judgments) are not equivalent. All concepts (qua mental acts) correspond to predicates of possible judgments (qua bits of language). But this clearly does not imply that all predicates of possible judgments (qua

⁷ Such laments were common in Kant's day, and have been since the time of Plato, so I think it is fair to interpret Kant's silence here as expressive of a view that language is in no way "inadequate" to thought. Compare, for example, Hamann. Or, later, Hegel, who repeatedly claimed that language was an inadequate medium for the expression of speculative truths (like: God is love). Cite *Phenomenology* (Preface) paragraph 23, and *Logic* (somewhere before "Becoming"...). *Find citations!*

bits of language) correspond to concepts (qua mental acts): there might be (linguistic) judgments that deploy non-conceptual predicates. And then the question arises: what is the mental-act analogue of a non-conceptual predicate, or of the judgment in which such a predicate is deployed?⁸

The divergence between these two kinds of accounts becomes critically important when one attempts to define various *species* of judgment. For then one must decide which register to treat as primary and whether and how to reformulate specific definitions in the other registers. With this in mind, consider the fourth proposition of the *New Exposition*, which offers the following definition: “**determining** is the positing of a predicate to the exclusion of its opposite” (1: 391).⁹ In the ensuing “demonstration of the reality” of this definition, Kant continues:

And since, of course, all truth transpires from the determination of a subject through a predicate, the determining ground is not only an indicator of truth, but also its source...without which nothing true can be discovered (1: 392).

In claiming that “all truth transpires from the determination of a subject through a predicate”, Kant strongly suggests that this definition does not merely pertain to one species of judgment among others, but rather to all judgment as such. Thus, in this sense, *all* (truth-valued) judgments (qua products) are determinative, no matter what sort of

⁸ Obviously, Kant becomes explicitly occupied with such questions in the third *Critique*. Yet even the first edition of the *Critique of Pure Reason* contains intimations that there may be (linguistic) judgments that deploy non-conceptual predicates. Take, for example, Kant’s remark at A 28 that “the pleasant taste of wine does not belong to the objective determination of the wine”. The implicit suggestion here is that, although its pleasant taste is no *objective* determination of the wine, it may well be a *subjective* determination of the wine. And this suggests that it is possible to make a (linguistic) judgment like – ‘My, this wine is pleasant-tasting’ – in which “pleasant-tasting” functions as a non-conceptual predicate.

⁹ *Principiorum cognitionis metaphysicae nove dilucidatio*, proposition IV (1: 391), my translation. The Latin is: “Determinare est ponere prædicatum cum exclusione oppositi.” On the next page, Kant continues in the *Adstructio realitatis definitionis*, “Et quoniam omnis veritas determinatione prædicati in subiecto efficitur, ratio determinans veritatis non modo criterium, sed et fons est...nihil omnino veri reperiretur.”

activity gave rise to them. Even a judgment of the agreeable posit a predicate to the exclusion of its opposite.¹⁰

Now, I will be the first to admit that Kant's pre-critical views of truth and judgment, as put forth in the *New Exposition* (and elsewhere), undergo radical revisions in his critical works. I would, however, maintain that he persisted in using 'determination' in accordance with this definition throughout his life. Consider the "Principle of Determinability" as stated in the chapter "On the Ideal in General" in the *Transcendental Dialectic*:

Every **concept**...stands under the principle of **determinability**: that of **any two** contradictorily opposed predicates only one can apply to it; which [principle] rests on the principle of contradiction and is therefore a merely logical principle, which abstracts from all content of cognition and has only its logical form in view (KrV, A 571/B 599).¹¹

As before, determination is treated here as the positing of a predicate to the exclusion of its opposite. And though (one of) the "contradictorily opposed predicates" gets *applied* to a concept, there is no indication that these predicates must *themselves* be concepts. Further, I would argue, calling the principle of determinability "a merely logical principle" entails that it pertains to *all* judgment as such, and does not define a single species of judgment among others. Moreover, this construal accounts for the fact that, throughout all the works with which I am familiar, Kant is quite comfortable to refer to the "determining ground" of all sorts of judgments (including reflective judgments) without any indication that this is an extended or unusual use of the term. Yet this use (and his comfort with it) only makes sense if "determining" means something like "positing a predicate to the exclusion of its opposite". This description, I would like to

¹⁰ Cf. footnote 8** (about A28).

¹¹ The same use of "bestimmen" is entailed a few sentences later by the "principle of the thoroughgoing determinacy", and the principle of determinability is repeated at KrV A 573/B 601.

suggest, characterizes *all* judgment as a certain (uniform) kind of *product*. It is only when one looks to the kinds of *mental activity* that generate such products that the specific differences between types of judgments become apparent. Thus, if reflective judgment and determinative judgment are specifically different (as we shall now see), this cannot be because reflective judgmental *activity* cannot generate determinative judgments as its *products*.

2. Reflective Judgment

The power of judgment has exactly two specifically different modes of activity – viz. reflecting and determining:

The power of judgment *per se* [überhaupt] is the faculty of thinking the particular as contained under the universal. If the universal (the rule, the principle, the law) is given, then the power of judgment, which subsumes the particular under it...is **determinative**. If, however, only the particular is given, for which the universal is to be found, then the power of judgment is merely **reflective** (KU, 2nd Introduction, IV, 5: 179).

Determining is the activity of subsuming a given particular under a universal one already possesses. Reflecting is the activity of finding, for a given particular, a universal that one does antecedently possess.

2.1 Seek and Ye Shall Find; Find and Ye Shall...What?

Before delving into the details of how the power of judgment goes about “finding” new universals, I would like to follow a rather naïve line of thought. If reflection is successful, what happens once a (the) new universal is found?

— Well, it seems three things might happen. First, one might find the universal and then... be hit by a bus. That is to say, the reflective activity of one’s power of judgment might not be followed by *any further* judgmental activity – something entirely different and unrelated might happen. (I’ll touch on this possibility again in section 5.)

But, if successful reflection *is* followed by more activity on the part of one's power of judgment, it seems there are only two things that could happen next: the power of judgment could proceed to *subsume* the given particular under the universal it has just found, *or* it could let its newfound universal fall by the wayside and go on instead to find a newer, shinier universal for its particular.

In the former case, it is clear that reflective judgmental activity conduces to, and naturally transitions into *determinative* judgmental activity. Indeed, why else would one seek out a universal for a given particular, if not to subsume the particular under it? Moreover, how else would one know whether the reflection was *successful*, if not by *checking* the candidate universal against the given particular? If this is on the right track, then the description of reflective activity as “finding” new universals is woefully incomplete. For this description addresses only the initial phase of a more complex activity of discovery on the part of the power of judgment, the natural telos of which is the determination of the given particular through the newfound universal. And Kant indicates in numerous places that a (if not “the”) primary function of reflective judgmental activity is precisely to enable such empirical discovery:

All comparison of empirical representations [by reflective judgment] [is] in order to cognize empirical laws in natural things and **specific** forms matching these... (KU, 1st Introduction, V, 20: 213)

The reflective power of judgment thus proceeds with given appearances, in order to bring them under empirical concepts of determinate natural things... (KU, 1st Introduction, V, 20: 213)¹²

Now such empirical discovery can only take the form of logical judgmental activity – that

¹² Some of Kant's other remarks to this effect will explicitly concern us shortly. Other formulations of the “purpose” or function reflecting upon an object include: “in order to bring the empirical intuition of that object under some concept (indeterminate which)” (KU, 1st Introduction, 20: 220), “in order to gain knowledge [Kenntniß] of it [the object]” (Logik, §83, 9:132), “in order to draw [ziehen] universal judgments from experience” (Logik, §84, 9:132). Cf. Also KU, 1st Introduction 20: 221, 223, 240.

is, objectively valid subsumptions of particulars under universals.¹³ So it appears that reflective judgmental activity can not only give rise to determinative judgmental *products* (as we saw in section 1), but that determinative judgmental activity can actually constitute the *final phase* of reflective judgmental activity as such.

But what of the third possibility, where the reflective power of judgment immediately segues into a further act of reflection, leaving its newly won universal to wither and rot? I would like to suggest that there is no such third possibility – or more precisely, that leaving the newfound universal by the wayside in fact amounts to the first possibility, where judgmental activity comes to an abrupt and unnatural halt.

My reasons for thinking this will become more clear once we investigate more particularly what is involved in “finding” (or seeking) new universals, but here is a first pass: concepts are not “images” or any other sort of mental item or product “stockpiled” in the understanding. Concepts – and the more complex universals (like laws) that are built up from them – are rather unities of *acts* of the understanding. Thus, “finding” a new universal involves bringing novel unity into the understanding’s activity. And this, of course, means that the understanding must be *active* in order for one to “find” new concepts. Yet, “we can reduce [or “trace back”, *zurückführen*] all acts [Handlungen] of the understanding to judgments, so that the understanding *per se* [überhaupt] can be viewed as the **capacity to judge** [Vermögen zu urteilen]” (KrV, A 69/B 94).¹⁴ Hence, concepts cannot be present without the understanding being active, and the understanding

¹³ Here and throughout, I follow Kant in speaking as though it were the *particular* (object) that gets subsumed under the universal in a determinative (act of) judgment. Yet there are good reasons to think that, at least in the Metaphysical Deduction, Kant views judgments as consisting solely of *concepts* and *not* directly involving intuitions. How these two views are to be understood and might be reconciled is a difficult question that I cannot address here. See Thomas Land’s paper “Intuition and Judgment”.

¹⁴ Cf. also Kant’s remark a little before this one: “Now the only use the understanding can make of concepts is to judge by means of them” (KrV, A 68/B 93).

cannot be active without judging. So the activity of the power of judgment in “finding” a new concept (or other universal), must necessarily involve the activity of the understanding: namely, (logical) judgment. Thus a newly reflected universal *cannot* simply fall by the wayside, for it only *exists* as *deployed* in an act of determinative, logical judgment. Now, as I said, until we delve into the particulars of reflective activity, this naïve first pass at an account of reflective judgment will generate more heat than light. So let us inquire: how *does* the power of judgment go about “finding” new universals?

2.2 Logical Reflection and Aesthetic Reflection

A fuller description of reflective judgmental activity is to be found in the first Introduction to the *Critique of the Power of Judgment*:

To Reflect (to consider [Überlegen]) is, however, to compare [vergleichen] and to hold together [zusammenhalten] given representations either with others or with one’s cognitive faculty in relation to a concept that is thereby made possible (KU, 1st Introduction, V, 20: 211).

So reflective judgment “finds” new universals by taking a given representation – whether it be an intuition, or a concept, or some higher-order representation like a law¹⁵ – and “comparing” and “holding it together” with something else. Further, there are exactly two species of such comparative activity, which are distinguished in terms of *what* the given representation is being compared with. Let us call the act of comparing (and holding together) a given representation with “other representations” of the mind *logical*

¹⁵ That the term “representation” has such breadth in these contexts comes out in passages like: “the power of judgment...merely reflects upon a given object, [either] in order to bring the empirical intuition of that object under some concept (indeterminate which), or in order to bring the laws contained in the concept of experience itself under shared principles” (KU, 1st Introduction, VII, 20:220). Cf. also Kant’s discussion the power of judgment as constructing an “artificial” system of empirical laws, KU, 1st Introduction, V, 20: 213-215.

reflection. By contrast, let's call the act of comparing (and holding together) a given representation “with one’s cognitive faculty” *aesthetic* reflection.¹⁶

2.2.1 Logical Reflective Activity

Now, in the *Logik*, Kant had already introduced the concept of logical reflection as one of the three acts of the understanding which are “the essential and universal conditions for the generation of any concept whatsoever [eines jeden Begriffs überhaupt]” (*Logik*, §6, 9: 94).¹⁷ Concept formation is presented there as a three step process of (1) *comparing* various representations with an eye to how they *differ* from one another, (2) *reflecting* upon those representations with an eye to what they have in *common* and, finally, (3) *abstracting* from the differences to the commonalities. These abstracted commonalities, then, *just are* the new concept (*Logik*, §6, 9: 94f.).

I will not speculate about what relation the reflective activity of the understanding bears to the sort of reflective activity Kant later attributes to the power of judgment. It suffices for our purposes to establish that, in both places, Kant is concerned with reflection as an activity essential to the formation of concepts. This becomes clear in Kant's first gloss on the principle of reflective judgment (i.e. that which licenses its activity): “the principle of reflection upon given objects [Gegenstände] of nature is: that empirically determinate **concepts** can be found for all natural things” (KU, 1st Introduction, 20: 211). Kant appends a footnote to this formulation in which he explains that, although this principle might appear to be purely logical, it is, in fact, a synthetic,

¹⁶ I do not select these terms at random, but draw them from the various places in the *Logik*, the Amphibolie chapter, and the 1st and 2nd Introductions to the third *Critique*. They have also become standard in the literature. *Citations*.

¹⁷ Kant also introduces the notion of logical reflection in the Amphibolie chapter of the first *Critique*. However, that discussion introduces complications which I cannot address, so I leave it out. Cf. Beatrice Longuenesse, *Kant and the Capacity to Judge* (Princeton: Princeton University Press, 2001), ch. 5.

transcendental proposition, for it is “a condition of the possibility of applying logic to nature” KU, 1st Introduction, 20: 212 note). This is because the merely logical activities involved in concept formation presuppose but cannot guarantee “that, for every object, nature has provided many others as objects of comparison, which have much in common with the first object in their form” (KU, 1st Introduction, 20: 211f. note). That is, logic – and indeed, even pure understanding – cannot guarantee that the empirical world doesn't contain objects that are unique in every respect, and which therefore have nothing in common with anything else (apart from what they have in common as “objects of experience in general”). With respect to such empirically idiosyncratic objects, our three-stage process of concept formation could not succeed. Indeed, it would break down precisely at the stage of *reflection*, since there would be no other representations which had something in common with the given representation, and hence there would be no commonalities to reflect *upon*.¹⁸

What I wish to draw from all of this is the following: however we conceive of the logically reflective activity of the power of judgment in “comparing” and “holding together” representations, it is clear that what is at issue in such comparison are commonalities and/or differences *within the contents of various representations*.¹⁹ This concern with conceptual *content* is, I will argue, what ultimately distinguishes logical

¹⁸ This, I take it, is why Kant singles out *reflective* judgment as problematic. In a world of empirically idiosyncratic objects, we would nevertheless be able to *compare* representations of objects with respect to their *differences* – i.e. we would be able to note *that* they were different (but arguably not *how* they differed). Abstraction too, insofar as it presupposes commonalities, would be impossible. In what follows, I will argue that Kant's conception of aesthetic reflection finds a place for abstraction.

¹⁹ Kant's does stipulate in the footnote that reflection concerns commonalities “in the form” of various representations. But this does not mean that what is common should not belong to the conceptual *content* of the representation, but rather that it should not belong to *sensation* – i.e. to “the *matter* [Materie] of representations”. This focus on form over matter is necessary, “because the quality of sensations itself is not univocal in all subjects” (KU, §14.3, 5: 224). Thus reflection concerns commonalities in what is *intelligible* in the representations – that is, in their conceptual *content*.

from aesthetic reflective judgmental activity.

2.2.2 Aesthetic Reflective Activity

Aesthetic reflection, Kant tells us, involves comparing and holding a given representation together with one's cognitive faculty. Now what it would mean to compare one representation with another is at least not immediately puzzling. But what it could mean to compare a representation with a *faculty* – not the *representation* of a faculty, but with the faculty *itself* – must initially strike us as something of a mystery. What this sort of comparison involves becomes somewhat clearer when Kant says that, in aesthetic reflective judgment,

imagination and understanding are considered in the relation to each other in which they must stand in the power of judgment in general, as compared with the relation in which they actually stand with respect to a given perception (KU, 1st Introduction, VII, 5: 220).

It appears then, that what gets compared in an act of aesthetic reflection is not two representations (as in logical reflection), or even a representation and a faculty (as Kant's language suggests), but rather two *relations* which (can) obtain between imagination and understanding. This is already more intelligible. For, however the details of comparison shake out, it should not come as much of a shock that one can compare relations with other relations.

Note, however, that there is still a type/token mismatch here. “The relation” in which the understanding and the imagination “must stand in the power of judgment in general” is a *type* of relation, which gets established by and instantiated in every *particular* act of logical judgment. But “the relation in which they actually stand with respect to a given perception” is a relation *token*. So the “comparison” here presumably consists in determining whether *this* token is an instance of the relevant type. And this,

of course, will involve determining *which* type(s) this token tokens. That is to say, aesthetic reflection involves determining what *sort* of relation a given representation *actually* establishes between the understanding and the imagination.

Now, as I indicated in my prefatory argument in section 2.1, I contend that the imagination and the understanding only *stand* in relation to one another insofar as they are *active*. Moreover, I want emphasize Kant's claim that *all* activity of the understanding can be traced back to acts of objectively valid judgment through concepts. So imagination and understanding only actually stand in a particular relation to one another insofar as they are engaged in a (joint) act of logical judgment. Consequently, if aesthetic reflective activity consists in comparing this relation with some other relation, then every act of aesthetic reflection *essentially involves* a logical judgment.

But though an aesthetic reflective judgment *does* essentially *involve* the determination of an object through a concept, the aesthetic reflective judgment *itself* merely concerns the *kind of relation* that this logical judgment establishes between the understanding and the imagination. Aesthetic reflective judgment thus does *not* concern either the *object* as determined by this concept, *nor* the *content* of the concept deployed in the logical judgment itself. Rather, aesthetic reflective judgment involves *abstracting* from these features of the logical judgment. Nevertheless this does require that there *be* a logical judgment from which to *abstract*.

To make this line of thought more plausible, consider what Kant says next:

If, then the form of a given object in empirical intuition is so constituted that the **apprehension** [Auffassung] of its manifold in the imagination agrees [übereinkommt] with the **presentation** [Darstellung] of a concept of the understanding (indeterminate which concept), then the imagination and the understanding are in accord [zusammenstimmen] to the promotion [Beförderung] of their business [Geschäft], and the object is perceived as

purposive merely for the power of judgment ... (KU, 1st Introduction, VII, 20: 220f.).

The idea here seems to be that the mere empirical intuition of an object can agree with some concept,²⁰ so to speak, of its own accord. When this happens, imagination and understanding work together in a uniquely productive way. Now I want to make some more naïve suggestions about this passage.

First, one obvious way to construe the “agreement” [Übereinkommen] of the empirical intuition and the concept is to view the intuition as *being subsumed* under the concept – indeed, what other sort of “agreement” between concepts and intuitions does Kant provide room for? This would accord well with construing the “business” [Geschäft] of imagination and understanding as that of forming logical judgments, which, in turn, gibes with the view of the understanding presented in the Metaphysical Deduction.

Second, Kant's parenthetical remark that it is “indeterminate which concept” of the understanding agrees with the empirical intuition indicates that *some* concept of the understanding must be present, though it doesn't much matter *which* concept it is. This fits well with the account of aesthetic reflection I have developed thus far. For, on my account, what is at issue in the aesthetic reflective judgment is rather the *relation* of agreement between intuition and concept – between imagination and understanding. This requires that the imagination and the understanding stand in *some* determinate relation to one another, and hence that *some* determinate concept be deployed in a logical judgment. But it does not

²⁰ Presumably the idea here is that the mere intuition of an object can (but might not) felicitously agree with some *empirical* concept. For it should not be news that an intuition can (and indeed *must*) immediately agree with the categories.

require that this, that or the other *specific* concept be deployed – so long as the right kind of *relation* is established, take any concept you please. This opens up the possibility that two people contemplating the same object might both enjoy the *same kind* of felicitous agreement between imagination and understanding without *deploying*, or even *sharing*, the same concepts of the object. (I'll develop this idea further in section 3.)

Now consider the way in which Kant closes the (characteristically) lengthy sentence I have been quoting:

[in the case of such agreement between intuition and concept]... the object is perceived as purposive merely for the power of judgment, and this purposiveness itself is accordingly viewed as merely subjective; for which positively no [gar kein] determinate concept of the object is required nor is one thereby produced and the judgment itself is no cognitive judgment. (KU, 1st Introduction, VII, 20: 220f.).

The agreement of an intuition with an (empirical) concept of the understanding is perceived as a *subjective* purposiveness of the object for the faculty of judgment. This purposiveness is *subjective* (rather than *objective*) in several distinct senses. First, it is subjective in the sense that the (would be) *purpose* which is served by this felicitous arrangement lies in the *subject* rather than in the *object* – namely, in his faculty of judgment. This is why, as Kant says, attributing the purposiveness to the object requires “positively no concept of the object”.²¹

But the purposiveness is also *subjective* in the sense that the attribution of purposiveness to the object is not *grounded* in anything *objective*, but rather in a mere *feeling* of the subject. This is the reason why, as Kant says, “positively no determinate concept of the

²¹ Now one might well employ a concept of the object in order to establish *reference* to the object in question. But that is a different matter, and anyway does not entail that one would need this, that or the other *particular* concept of the object to attribute subjective purposiveness to it. Indeed, Kant may even think that one could establish reference to the object without deploying a concept of the object at all.

object...is thereby produced and the judgment [i.e. the attribution of subjective purposiveness] is not a cognitive judgment.” What aesthetic reflection produces is not a determinate concept of the object (or of anything else), but rather a distinctive type of *feeling*, which serves as the determining ground for an *aesthetic* attribution of (subjective) purposiveness to an object. This is an especially striking consequence, when one recalls that reflective judgment *in general* was precisely characterized as the activity of “finding” new universals. The implication then is that the universal which aesthetic reflective judgment generates by “comparing a representation to the faculty of cognition” is a *universal feeling*. That is why a judgment grounded in the universal generated in an act of aesthetic reflection “is not a cognitive” judgment.

2.3 Objections

If these suggestions (that aesthetic reflective judgments essentially involve logical judgments) meet with resistance, it is likely motivated by turns of phrase like “positively no determinate concept of the object is required” and “the judgment itself is not a cognitive judgment”. I have already indicated how I am inclined to read such passages. Namely by suggesting that it is the *attribution of subjective purposiveness* which requires no concept of the object, and that it is this subjectively grounded attribution which is “not a cognitive judgment”. Moreover, all of this is compatible with insisting that there *is* a cognitive judgment in play here, and that it is precisely the happy relation between intuition and concept in this cognitive judgment which finds expression in the aesthetic reflective judgment (i.e. the attribution of a subjective purposiveness to the object).

There are, however, passages where it seems most natural to read Kant as claiming that

reflective judgment does not involve or require any concept of the object at all. Now I do think that one can often find a way to read these passages my way, and thus save Kant from inconsistency, but, where one cannot, I am content to compound my impiety by arguing that such passages (a) do not represent his considered position, (b) do not follow from what he has established and (c) represent philosophically inferior positions.

Consider, for example, the following two passages,²² which appear in close succession in section VII of the 1st Introduction:

We perceive purposiveness in our power of judgment insofar as it reflects upon a given object, whether to bring the empirical intuition of it under a concept (indeterminate which) or... (20: 220)

Because mere reflection upon a perception does not have to do with a determinate concept... (20: 220)

The second passage seems to contain a gross *non sequitur*, for the claim that it is not determinate *which* concept reflection involves clearly neither entails that reflection involves an *indeterminate* concept, nor that reflection does not involve *any* determinate concept (i.e. that it does not involve any concepts at all). We can perhaps save Kant from inconsistency here by emphasizing “determinate” in “does not involve a *determinate* concept”. Yet, as numerous commentators have observed, Kant seems to draw each of these (mutually incompatible) conclusions at various places, and my present aim is simply to point out that they are fallacious. In the section 3 I will also argue that they are philosophically suspect in their own right.

2.4 Conclusions: The Account of Reflective Judgment

To wrap up the discussion of reflective judgment then, we can say: The power of

²² I owe this juxtaposition of examples to Jens Kulenkampf, *Kants Logik des ästhetischen Urteils*, 2nd expanded edition (Frankfurt am Main: Klostermann, 1994), p. 57. Though I think the passages in question are, in fact, compatible (both with each other and with my account), they are nevertheless instructive examples of infelicitous phrasing.

judgment can engage in exactly two specifically different activities – reflecting and determining. Determining is the act of subsuming given particulars (paradigmatically intuitions) under given universals (paradigmatically concepts) – namely by representing the unity of these representations as belonging to the objective unity of apperception (KrV, §19, B 141). Reflecting, by contrast, is the activity of finding a (new) universal for a given particular, and itself has exactly two species.

First, there is logical reflection, which consists in comparing the given representation with others with respect to their intelligible (i.e. non-sensible) content, and with an eye to what (conceptual marks) they have in common. Since these common conceptual marks just *are* the new universal that the logically reflective power of judgment seeks, the universal generated by logical reflection is a concept and the success of logical reflection consists in *cognizing* the given representation (inter alia) through that concept (for how else would one know that it *shared* this set of marks with the others representations?). Logical reflective activity thus naturally transitions into determinative judgmental activity – or, more properly, the final phase of logical reflective activity *is* determinative judgmental activity. If logical reflection does not generate a determinative (logical) judgment, something has gone wrong – either one has had the misfortune to happen upon an empirical idiosyncrasy, and hence has failed to find anything common between the given representation and the others that can serve as a new universal, or something altogether unrelated to the mind's judgmental activity (like a bus) has brought reflection to an unnatural halt.

Aesthetic reflective activity, on the other hand, does not naturally transition *into* determinative judgmental activity but rather *proceeds* from it – that is, determinative

judgmental activity is not the *final* but rather the *initial* phase of aesthetic reflective activity. For aesthetic reflection does not consist in comparing various *representations* with one another, but rather in comparing the kind of *relation* that actually obtains between imagination and understanding in a given perception with the kind of *relation* that needs to obtain between them in *any* logical judgment. That imagination and understanding actually *do* stand in a determinate relation to one another presupposes that they are both *active* and hence that the object is currently being determined by a concept of the understanding. The comparison bears on whether or not the mere intuition of the object agrees, of its own accord, with this concept of the understanding, and the universal, which is generated by such comparison is a peculiar kind of *feeling* which registers the felicity of relation between the imagination and understanding. If the mere intuition agrees with a concept of its own accord, then the imagination and understanding are related in a way that is conducive to their joint activity in determining the object as falling under that concept, and the feeling this generates is a universal *pleasure*. If the mere intuition does not, of its own accord, agree with a concept of the understanding, then the joint activity of imagination and understanding in determining the object through the concept will be more laborious, and the universal feeling generated will not be pleasure (and may even be displeasure). In either case, however, the object *is* being determined through a particular concept of the the understanding, and it is the *felt felicity* of that determinative activity which gets expressed in the aesthetic reflective judgment.

To this extent, then, aesthetic reflection merely concerns the *relation* of the cognitive faculties, and *abstracts* from the *content* of the concept in question. In aesthetic reflective judgment, one regards the subsumption of the object under the concept *not* as a

determination of (say) this orange by the concept berry, but rather as a particularly felicitous (or not so felicitous) alignment of intuition and concept, imagination and understanding as such. This entails that aesthetic reflective judgments and, *a fortiori*, judgments of taste *essentially involve* and *depend upon* determinative judgmental activity.

3. The “Free Play” of the Cognitive Faculties

In section §9 – the “key to the critique of taste” – Kant argues that the pleasure in the beautiful cannot precede the judging [Beurteilung] of the object, but must rather be a consequence of it (KU, §9.1, 5: 216). This argument depends upon the fundamental premise of the Analytic of the Beautiful – that the judgment of taste is *aesthetic*, i.e. based solely in feeling (KU, §1.1, 5: 203f.) – and the result of §§ 6-8 – that the pleasure in the beautiful makes a claim to being universally communicable – i.e. valid for all judging subjects. Kant then argues:

Nothing can be universally communicated except cognition and representation insofar as it belongs to cognition. For only to that extent is the latter objective and only thereby does it have a universal point of reference, with which everyone's power of representation is obliged to accord [zusammenzustimmen genötigt wird]. Now if the determining ground of this judgment about the universal communicability of the representation is thought merely subjectively, namely without a concept of the object, then it [sc. the determining ground] can be none other than the state of mind [Gemütszustand] encountered in the relation of the powers of representation, insofar as they relate a given representation to **cognition in general** [Erkenntnis überhaupt] (KU, §9.3, 5: 217).

The argument seems to be this: Since the only thing that can be universally communicated is cognition, if the pleasure in the beautiful really is universally communicable, it must depend upon cognition in some way. However, since the judgment of beauty is aesthetic, it cannot have any particular cognition (i.e. something

objective) as its determining ground. Having read up to this point one might think that Kant has just painted himself into a corner. But instead, he declares that the judgment of the beautiful must therefore be grounded the subjective state which underlies *all* cognition as such.²³ The implicit claim here is that something can *depend* on cognition without thereby being “grounded” in it, and the key to understanding this argument is to discover what this non-grounding relation of dependence involves. That is to say, we must investigate how one “relates a given representation to **cognition in general**” without thereby *grounding* it in a *particular* cognition.

3.1 Particular Cognitions, in General

The first step in making sense of what it means to “relate a given representation to cognition in general” is to acknowledge that “cognition in general” is neither an *instance* nor a *type* of cognition – it does not get its own entry on one's list of 'cognitions I have'. Just there is no such thing as “fruit in general” – but only apples, bananas, plums, cherries etc. – so too one cannot simply cognize “in general” but must always cognize something *in particular*.²⁴ The mind traffics only in particular cognitions (however general their *contents* may be). When we refer something to “cognition in general” we refer it to what is common to every cognition in particular. “Cognition in general” is the form of every particular cognition qua cognition – moreover, the *only* things that can bear such a form are *particular* cognitions. This is the basis for the point I kept insisting on in section 2: namely that imagination and the understanding *only stand* in relation to one another insofar as they are *active* – i.e. involved in a *particular* cognition. One can, of course, say general things about cognition which will apply to all possible cognitions as such.

²³ I am unsure why he is so certain that there *is* a unique kind of subjective state underlying every cognition.

²⁴ I borrow the fruit example from Hegel, cf. *Enzyklopädie* § ??.

But in saying such general things, one is not, as it were, speaking *about* general things, but rather about particular things, in general. Correlatively, the *only way* to relate a representation to “cognition in general” is to relate it to a *particular* cognition, but merely insofar as one treats that particular cognition as a manifestation of what is common to *all* cognitions. To this extent, one treats the particular cognition as an *exemplar* of cognition as such. (I shall return to this idea presently.)

I therefore take it that Kant overreaches in attempting to capture this sense of generality by continuing:

The powers of cognition that are set into play by this representation are hereby in a free play, because *no determinate concept* restricts them to a particular rule of cognition (KU, §9.4, 5: 217).

I put it to you that this is a grievous overstatement of the philosophically defensible point. The cognitive faculties *cannot be in play at all* except insofar as they are “restricted” by a particular rule of cognition.

Now one might resist this claim if one imagined that “what all cognitions have in common” were some sort of essentially determinable basis out of which any particular cognition might grow, in something like the way stem cells form an essentially determinable basis which can develop into any particular kind of cell. One might then be tempted to think that this basis could be present in an *as-yet undetermined form* (like stem cells can be). In such a case, one imagines, there would be *some kind* of cognition present – there would be *some* cognitive “play” – but this primordial play would retain its full potentiality (to become *any* cognition whatsoever), and would therefore be truly *free* inasmuch as it would be (as yet) entirely *unrestricted* by any particular rule of cognition.

This line of thought betrays a misunderstanding of the nature of cognition, as

Kant conceives of it. A cognition is a *unity* of representations (KrV A69/B94). What cognitions have in common is a *form of unity*, and this is not the sort of thing that can “be present on its own”. Logical judgment is just the act of establishing such a unity of representations, and that is not something that one can do “halfway”: that is the point of calling it a *unit-y* – its *parts* are not independently viable examples of the whole. And this is why not even the “free” play of the faculties, which depends only on the subjective conditions of cognition as such, can forego relating a given representation to an *actual* act of logical judgment in order to relate it to “cognition in general”.

3.2 The Freedom of the Free Play

The proper sense in which the joint activity of the imagination and the understanding is “free” is that their joint activity goes particularly smoothly. The imagination and the understanding are responsible for two specifically different activities, which are severally necessary and jointly sufficient for cognition: “**imagination** for the composition [Zusammensetzung] of the manifold of intuition, and **understanding** for the unity of the concept, which unifies [vereinigt] the representations” (KU, §9.4, 5: 217).

Now, every empirical intuition must already manifest the unity of the pure concepts of the understanding. But a day-to-day empirical intuition need not, of its own accord, manifest the unity of any particular *empirical* concept of the understanding.²⁵ When the composition of an empirical intuition does not already manifest the unity of a particular empirical concept of the understanding, the understanding must actively bring such further unity into the intuition, by holding it together with other representations in the objective unity of apperception (KrV, §19, B 141).

²⁵

Consequently, it is not the case that everything is beautiful, on my account.

Yet, as we have seen, it *can* happen that an empirical intuition manifests the unity of a concept of the understanding of its own accord. Namely, when “the form of a given object in empirical intuition is so constituted that the **apprehension** [Auffassung] of its manifold in the imagination agrees [übereinkommt] with the **presentation** [Darstellung] of a concept of the understanding” (KU, 1st Introduction, VII, 20: 221). I contend that the “freedom” of the free play of the cognitive faculties consists precisely in this felicitous relation between intuition and concept, in which the activity of the imagination conduces, of its own accord, to the activity of the understanding. The joint activity of imagination and the understanding may be called “free” because the intuition does not require *further* unification in order for that joint activity to be successful – i.e. to determine the object by means of the concept. The “freedom” of the cognitive faculties in reflecting on the beautiful does not, therefore, consist in the *indeterminacy* of their relation to one another – i.e. in the directionlessness or aimlessness of the imagination with respect to the understanding. Rather their “freedom” consists precisely in the way in which they *are* directed – namely, in the fact they both are *self*-directed and yet *aimed* at the same thing: the determination of *that* object through *this* concept.

They are self-directed in the sense that neither hinders, constrains or otherwise modifies the activity of the other. Rather, the activity of the imagination naturally accommodates the activity of the understanding by composing an intuition of the object that antecedently manifests the unity of a concept of the understanding. And the activity of the understanding anticipates and accords with the activity of the imagination insofar as it antecedently bears within itself a unity of the sort exhibited by the intuition. To the extent, then, that the joint activity of the understanding and the imagination is *free*, the

intuition of the beautiful object serves not merely as an exemplar of whichever concept it happens to instantiate, but as an *exemplar of conceptuality as such*. For it manifests just that sort of harmonious relation which must obtain between imagination and understanding in order for a logical judgment to be possible. And it is precisely this relation – this exemplarity of sheer kindedness, conceptuality, cognitivity or meaningfulness – that is registered by the judgment of taste.

3.3 The Playfulness of the Free Play

Still, one might object, such “free play” as I have described it seems pathetically short-lived. So the imagination sometimes hits upon a composition of the manifold which anticipates the kind of unity that some concept of the understanding would bring into it. Then the understanding's work is very easy. Where is the *enlivening* [Belebung] Kant speaks of? Where is the sense that “we **linger** [weilen] in beholding [Betrachtung] the beautiful, because this beholding strengthens and reproduces itself” (KU, §12.2, 5: 222)? If the “free play” just consists in the felicitous alignment of an intuition with a particular concept, why would this be *self-perpetuating*? Why wouldn't it simply terminate in a logical judgment of the object – and a particularly easy and uninteresting one at that?

This objection is well founded: if all there were to the beautiful were the exemplification of a single concept of the understanding in intuition, then it is unintelligible how beauty could engross or please us.²⁶ In such a case, I should like to

²⁶ On the other hand, the fact that Kant is sanguine to the idea that (provided Euler is right about color) simple colors are more beautiful (or more likely to be judged beautiful) than mixed colors suggests that an intuition which freely exemplifies even a single empirical concept might be beautiful. For the reason simple colors would be superior is presumably that the intuition of a mixed color cannot freely exemplify a determinate empirical concept of the understanding, but rather would require a more complicated joint effort of the imagination and understanding in order to be cognized. It is nevertheless

say, there would be much freedom but little play. An initial attempt to address this shortcoming would be to suggest that the playfulness of the harmony of the faculties results when a given empirical intuition freely exemplifies *a plurality* of empirical concepts of the understanding. The “play” would then consist in bringing out, in making explicit, all the relations of conceptual-exemplarity inherent in the intuition – namely by making a series of peculiarly felicitous logical judgments about the object.

Though this surely captures an aspect of engagement with the beautiful, it does not succeed in addressing the concern that reflection upon the beautiful must be *self-amplifying*. For no matter how many additional concepts the intuition exemplifies, the “play” (and hence the aesthetic reflective judgment) would just consist in making one damn logical judgment after another and noting (by means of a feeling) the exemplary relation among the cognitive faculties exhibited in each one of them. But if it is unintelligible how a single such judgment would be pleasurable and self-sustaining, it is just as unintelligible how a discrete series of such judgments would be.

What is missing from this multiplicity is, I would argue, an interconnectedness among the exemplified unities in the intuition of the beautiful object. What I have in mind is this: the empirical intuition of a beautiful object contains a holistic multiplicity of concept-exemplifying unities, which are bound together in such way that each contributes something essential to another.²⁷ Now the *play* of the cognitive faculties does essentially consist in making a series of logical judgments which render these unities explicit. But the recognition of each one of these unities leads to (or, more accurately, involves) the

probable that such one-dimensional beauty could not sustain much tasteful engagement. Cf. KU, §14.5, 5: 224.

²⁷ This is, I take it, what Kant means by an “aesthetic idea”. Moreover, this construal of aesthetic ideas helps to explain why he thinks that even natural beauties express them.

recognition of another unity distinct from, but integrally related to the first.²⁸ Each one of these unities, as we have seen, brings about a free harmony between the cognitive faculties. Thus, insofar as the recognition of each unity leads to the recognition of another, the free play of the cognitive faculties consists in the self-perpetuation of the relation between imagination and understanding which is required for logical judgment in general. And it is precisely the aesthetic awareness of this self-sustaining relation (i.e. consciousness of it through feeling) that constitutes the pleasure in the beautiful (KU, §10.1, 5: 220; KU, §12.2, 5: 222).

To this extent then, the free play essentially consists in making a self-perpetuating series of logical judgments about the object. Note, however, that it is not particularly important *which* logical judgments these are, for the aesthetic reflective judgment *abstracts* from the content of such logical judgments in order to merely to consider the nature of the relation they establish between imagination and understanding as instances of conceptuality as such. Thus, two people may both engage in such free, playful reflection upon a particular object, without ever making the same logical judgment. (It is, of course, important that the logical judgments they make be *compatible*, but they needn't be inferentially related in any more interesting way.) Indeed, they may not even share many of the same *concepts* of the object, so long as both have enough empirical concepts of it to experience pleasure in the peculiarly felicitous alignment of the form of the intuition with whatever concepts of the object they *do* possess. Moreover, they may even

²⁸ This indicates one way in which aesthetic reflection may indeed give rise to new concepts (as well as a universal feeling of pleasure) after all: namely, insofar as the logical judgments one makes using concepts one already has leads one to appreciate unities (concepts) which one does *not* antecedently possess. The beautiful object can *call out for* innovative concepts and *require* that we develop new ways of thinking. However, strictly speaking, these new concepts will be generated by means of a spell of *logical* reflective activity, which would then constitute a sub-phase of our aesthetic reflective activities (in something like the way a bit of determinative judgmental activity constitutes a sub-phase of the logical reflective judgment).

be able to recognize and acknowledge the freedom and playfulness in each others' (logical) judgments (utterances) about the object without ever saying the same things about object, or, for that matter, ever coming out with those dreaded words "this...object...is...*beautiful*".

3.4 The Indispensability of Concepts in Kant's Theory of Taste

I can now make good on my initial claim to have found a place for concepts at the heart of Kant's theory of taste. The judgment of taste is an aesthetic judgment of reflection. As such, it concerns the kind of relation that a particular perception establishes between imagination and understanding. This requires that, in order to make a judgment of taste, the subject make a determinative (logical) judgment of the object, for there is no other way for the cognitive faculties to stand in a determinate relation to one another. Here we have an indispensable role for empirical concepts in aesthetic reflective judgments, although any particular empirical concept can serve in this role. An aesthetic judgment of reflection then consists in a feeling-based consciousness of this relation which has been struck up between the imagination and the understanding by a given representation.

The judgment that an object is beautiful, then, rests upon the pleasure in the self-perpetuating state of free play between the cognitive faculties. The freedom of this state consists in the natural and unenforced attunement between the form of an empirical intuition and a particular empirical concept of the understanding – i.e. in the felicity of the joint activity of the imagination and the understanding in the formation of a logical judgment. Thus, with respect to the *logical* judgment formed, the intuition serves as an *exemplar* of the concept whose unity it manifests; but with respect to the *aesthetic*

reflective judgment formed, it merely serves as an *exemplar of conceptuality, kindedness as such*. The playfulness (and self-perpetuation) of this state results from the interrelatedness of a multitude of concept-exemplifying unities in the intuition. The appreciation of each such concept-exemplifying unity (in a logical judgment) leads to the appreciation of another such unity (again, in a logical judgment), and hence each exemplification of conceptuality as such leads to a further exemplification of conceptuality as such. The aesthetic consciousness of this self-sustaining conceptual-exemplarity just is the pleasure in the beautiful.

4. Applied Judgments of Taste

I have been arguing that concepts enter into the pure judgment of taste at the ground level. For the judgment of taste, on my account, expresses precisely the sort of relation established between the imagination and the understanding in a particular empirical logical judgment. Thus, a judgment of taste presupposes that one has *some* (empirical) concepts of the object in question, though it is more or less indifferent *which* concepts those are. *Which* concepts are deployed in the logical judgment is immaterial, because the judgment of taste solely concerns the *relation* this judgment establishes between the cognitive faculties. Consequently, the judgment of taste involves *abstracting* from the content of the particular concepts deployed in the logical judgment, which is why it is not *grounded* in any concepts at all (but rather in the special kind of feeling aroused by the self-sustaining relation of the cognitive faculties).

In this and the following section, I want to consider how Kant complicates this story in §16 of the third *Critique* by introducing the “applied” judgment of taste, whose characteristic feature is that it precisely *does not* abstract from the content of a particular

empirical concept but rather “presupposes [voraussetzt] a concept of what the object is supposed to be” i.e. a concept of the object's perfection (KU, §16.1, 5: 229). Now the introduction of such a conceptually informed aesthetic judgment raises a number of interpretive challenges, and I hope to confirm much of what I have argued thus far by focussing on a couple of these and showing how my account contributes to their solution.

The first and most glaring problem presented by §16 is that Kant has just finished arguing in §15 that (*pace* Baumgarten) the concept of an object's perfection can form no part of the determining ground of judgment of taste.²⁹ Yet how exactly a judgment of taste *can* presuppose a particular empirical concept without thereby being *grounded in* that concept is not entirely clear. The second problem I will address is why Kant felt moved to introduce such a problematic form of aesthetic regard in the first place. Is it simply keyed to a different aesthetic register, as Kant's first words in §16 (“there are two kinds of beauty”) suggest (KU, §16.1, 5: 229)? (And if so, why should we think of both phenomena as kinds of *beauty*?) Or, is there some extra-aesthetic consideration which informs this peculiar mode of taste?

4.1 Grounds and Presuppositions

Kant argues in §15 that the concept of an object's perfection cannot be the ground of a judgment of taste. Yet he opens §16 with the claim that there is a sort of judgment of taste which “presupposes” and “depends upon” a concepts of the object's perfection. On pain of flagrant inconsistency (over an embarrassingly short stretch of text), we must take

²⁹ Unsurprisingly, his argument is rooted in the fundamentally aesthetic nature of the judgment of taste: “now the judgment of taste is an aesthetic judgment, i.e., one that rests on subjective grounds, and whose determining ground cannot be a concept, and hence not a concept of a determinate end” (KU, §15.4, 5: 228). Given this premise that judgments of taste are not grounded in any concept of the judged object, Kant's argument is straightforward. Judgments of perfection are judgments of objective purposiveness, and are, as such, grounded in the concept of the perfection of the object – i.e. the concept of “what sort of thing [the object] is supposed to be” (KU, §15.3; 227). Therefore, judgments of perfection (and imperfection) are not aesthetic at all but rather cognitive (logical) judgments.

Kant to mean that there is a relation of presupposition which neither involves nor entails a relation of groundedness. In this subsection, I want to argue that there is such a relation of presupposition (in fact there are several) and that it can obtain between an judgment of taste and an empirical concept. To butter you up for this conclusion, I present a series of analogies.

4.1.1 Logical Judgments and Pure Concepts

Consider the judgment 'this triangle is isosceles'. It is an a priori logical judgment whose determining grounds are the pure concepts 'triangle' and 'isosceles'. It follows from this that the concept 'equilateral' is *not* part of the determining ground of the judgment. For not all triangles are equilateral and, of course, nothing isosceles is equilateral. Yet I would argue that the concept 'equilateral' is presupposed by the judgment, for no one who lacked the concept 'equilateral' could have the (geometrical) concept 'triangle', and no one who lacked the (geometrical) concept 'triangle' could make the judgmental, 'this triangle is equilateral'. Thus, logical judgments can presuppose pure concepts which nevertheless form no part of their determining ground.

4.1.2 The Judgment of Taste and Pure Concepts

Though judgments of taste are aesthetic, only humans can make them (KU, §5.2, 5: 210). This is because enjoying the feeling(s) on which they are grounded requires possession of imagination and understanding, and only humans have both. Yet one only possesses the faculty of understanding if one has command over the pure concepts of the understanding. Therefore *every* judgment of taste presupposes the categories, for any creature that lacked them would therefore lack the faculty of understanding and consequently be unable to make judgments of taste. But the judgment of taste cannot be

grounded in any of the categories because it is aesthetic, and therefore cannot be grounded in *any* concept. Thus aesthetic judgments can presuppose pure concepts, which nevertheless do not form part of their determining ground.

4.1.3 Aesthetic Judgments and Empirical Concepts

Consider the joke: what is brown and sticky?³⁰ The judgment that this joke is funny (German: **lustig**) is an aesthetic judgment, for one's opinion of the joke is grounded in the pleasure (or displeasure) one derives from it and is therefore a judgment of the agreeable.³¹ Now I put it to you that someone's ability to find the stick joke funny depends upon their possession of the concept 'feces' (or an appropriate equivalent).³² Someone who does not have that concept is simply not in a position to enjoy the specific pleasure (or displeasure) that (groaner of a) joke can bring. Yet it is highly implausible that the concept 'feces' (or an equivalent concept) forms part of the determining ground of the judgment that the joke is funny. For such a judgment is grounded solely in the pleasure one takes in the joke. Thus, (empirical) aesthetic judgments can presuppose specific empirical concepts, upon which they are nevertheless not grounded.

4.1.4 The Judgment of Taste and Empirical Concepts

I now want to suggest that a judgment of taste can presuppose an empirical concept without thereby being grounded in it, in something like the way that a judgment that something is funny can. I'll present a fuller and more complicated account of how

³⁰ A stick.

³¹ Anyway this is Kant's view. Cf. His discussion of the "heartly pleasure" we get from jokes, KU, §53 Remark, 5: 333.

³² I realize that not everyone will find this claim plausible. It is, I think, clearer in the case of a different joke (which is meant to be *spoken* not written, which is why I have relegated it to this footnote): What, for Freud, comes between fear and sex? --- Fünf. No one who does not have the empirical concepts of the German words for the cardinal numbers (and much else besides) is in a position to 'get' this joke, and take pleasure in it (or fail to).

this works in the case of the applied judgment of taste a little bit later. For now, I simply borrow an example from Rachel Zuckert in order to show that this is, indeed, possible. If a beautiful piece of literature has ever been written in English, then one clearly must have the appropriate empirical concepts (involved in knowing English) in order to appreciate its beauty. Yet it is not very plausible that one's judgment of the work's beauty must be *grounded* in the concepts requisite for understanding it. For another (less discerning) person might possess those self-same concepts and yet not find the piece of literature beautiful. So a judgment of taste about a work of literature presupposes certain empirical concepts which nevertheless do not form part of its determining ground.

Now Kant argues that such a judgment of taste, which merely presupposes (but is not grounded in) certain empirical concepts, would be *impure*. Presumably, this is because the concept presupposed is *empirical*, and because the pleasure upon which such a judgment is based is no longer *strictly* universal, but only sharable by those who possess the concept in question. The impurity here does *not*, however, result from the fact that the aesthetic judgment *fails to abstract* from the content of the concept. In making such an applied judgment of taste, we *do* abstract from the content of the concept, but the pleasure on which the applied judgment of taste is grounded is nevertheless conditional on the presence of *that particular* concept. This is why the impurity of the applied judgment of taste does not simply vitiate its status as an *aesthetic* judgment of *taste*. So there is at least conceptual *room* for applied judgments of taste in Kant's theory. I'd now like to present a more textually grounded account of *why* Kant felt they were so important,³³ and why we should think so as well.

³³ To show that Kant *did* hold applied judgments of taste to be important it suffices to note that the "ideal of beauty" (viz. the human being) introduced in §17 can only be appreciated in an applied judgment

4.2 Adherent Beauty and the Applied Judgment of Taste

I'd like to begin my reading of §16 proper with a series of digressions on its opening line, in order to develop some argumentative materials that will enable a more unified account of applied judgments of taste and their place in the third *Critique*.

Kant's first words in §16 are: "there are two kinds [Arten] of beauty". I can think of four reasons not to take this at face value, which I take to be decisive. Instead, we should take this to mean that there are two ways of judging an object to be beautiful.³⁴

4.2.1 The Grammar of 'Presuppose'

In articulating the distinction Kant says that free beauty "presupposes a concept" whereas adherent beauty does not. But only things like concepts and judgments can presuppose a concept. Therefore, Kant has a distinction between ways of judging in mind.

4.2.2 Beauty is not an Objective Property of Objects

Beauty is not a property which inheres in objects. The subjective universal validity of judgments of taste leads us to "speak as though beauty were a property of the object" (KU, §6, 5: 211), but these judgments (indeed all aesthetic judgments) designate [bezeichnen] "nothing at all in the object, but [rather how] the subject itself feels [sich selbst fühlt] as it is affected by the representation [Vorstellung] [of the object]" (KU, §1.1, 5: 204). Kant develops (and can *only* develop) his account of beauty by stipulating necessary and sufficient correctness conditions for making a certain kind of judgment.³⁵ (I speak of "correctness conditions" rather than "truth conditions" because aesthetic

of taste.

³⁴ I follow Crawford (pp. 56f, 113f) and (following him) Allison (pp.142f) in endorsing this interpretation.

³⁵ See §33 where Kant notes that it is impossible to controvert a judgment of taste by citing empirical facts.

judgments are not objectively valid and consequently have no truth value, strictly speaking: they are made correctly or incorrectly.) Each of these conditions pertains to the judging subject, not to the judged object. Therefore, any distinction between “kinds of beauty” (viz. free and adherent) should be understood as a distinction between kinds of (correct) judgments of taste (viz. pure and impure/applied).³⁶

4.2.3 Tracking the Subject vs. Tracking the Object

Throughout §16, Kant consistently emphasizes the mental activity of the judging subject – whether or not the judging subject has a concept of the object, whether he “takes it into consideration” [auf [ihn] Rücksicht nimmt] (KU, §16.2, 5: 229) or “abstracts [abstrahiert] from it in his judgment” (KU, §16.7, 5: 231). Kant’s closing remark also indicates that he is primarily thinking of ways of judging:

By means of this distinction one can settle many disputes about beauty between judges of taste, by showing them that the one is concerned with free beauty, the other with adherent beauty, the first making a pure, the second an applied judgment of taste (§16.8; 231).

Hence, we should understand free beauty (and non-beauty) as that which is correctly asserted of an object in a pure judgment of taste, and adherent beauty (and non-beauty) as that which is correctly asserted of an object in an impure, or applied judgment of taste.

4.2.4 Listening to the “Nightingales”

Treating the distinction as a distinction between ways of judging enables us to explain the otherwise perplexing passage about the imitated nightingale (KU, §42.10, 5: 302). Briefly, before one discovers the knavish flutist’s trick, one might make an applied

³⁶ I take “judgment of taste” to include both judgments that an object is not beautiful and judgments that an object is beautiful. Similarly, “applied judgments of taste” include both positive and negative judgments of adherent beauty. I speak of “correctness conditions” rather than “truth conditions” because aesthetic judgments are not objectively valid and thus have no truth value: they are made correctly or incorrectly.

judgment of taste that the *nightingale-like* melody is beautiful. After one discovers that it was all a sham, one must retract certain logical judgments, and with them, perhaps, the concepts upon which one's pleasure was conditioned.

4.3 Making an Applied Judgment of Taste

It is finally time to present a reading of §16 which unites the points discussed thus far. I understand the section as a continuation of Kant's argument in §15 against the view that an object's perfection might contribute to its beauty. Kant sensibly admits that we do sometimes *deny* that an object is beautiful when that object is somehow *imperfect*. The goal of the section is to answer this apparent counter-example to his claim that judgments of taste "are entirely independent from the concept of perfection" (KU, §15, 5: 226):

One would be able to add much to a building that would be immediately pleasing in the intuition of it if only it were not supposed to be a church; a figure could be beautified with all sorts of curlicues and light but regular lines, as the New Zealanders do with their tattooing, if only it were not a human being; and this man could have much finer features and a more pleasing, softer outline to his facial structure if only he were not supposed to represent [vorstellen] a man, or even a warrior (KU, §16.5; 5: 230).

It is clear that (according to Kant's Protestant, eurocentric sensibility) such embellishments are inappropriate to churches and to people and, as such, mar their perfection: these objects (the church, the warrior) are not as they are should be, i.e. do not "represent" [vorstellen] what they are supposed to be. The counterfactual form further suggests that these embellished objects fail to please us *precisely because* they are imperfect – that is, the embellishments seem not only to mar their perfection, but also their *beauty*. Kant's ultimate aim is to resist this conclusion: "strictly speaking, however, perfection does not gain by beauty, nor does beauty gain by perfection" (KU, §16.7, 5: 231).

An interesting and crucial question is whether there remains a sense in which these objects *are* beautiful after all. Given our interpretation in section 4.2.2, this question is essentially the question of whether we *can* (correctly) judge these objects to be beautiful. The counterfactual form of the passage suggests that we cannot – the implication is that such embellished churches *do not* “please immediately in intuition”, and that tattooing warriors *does not* succeed in “beautifying” them. Yet we should question these claims. What could it mean to make a counterfactual judgment of beauty (or non-beauty), on Kant’s view?

First, it is clear that genuinely *counterfactual* ascriptions of beauty cannot be pure judgments of taste, for they could not be grounded *a priori*. This is because judgments of taste are, as aesthetic judgments, based solely in a special kind of feeling. So a genuinely counterfactual ascription of beauty would have to claim that, though one has no such feeling in apprehending a certain object in the *present* circumstances, one *would* have such a feeling were one to apprehend the object in some *different* set of circumstances. But this can only be a causal claim about what sorts of circumstances produce certain kinds of feelings. Yet such causal claims “can always only be known *a posteriori*” (KU, §12.1, 5: 222). Consequently, a counterfactual ascription of beauty (or non-beauty) would fail to have the universality and necessity distinctive of the pure judgment of taste and would therefore not properly be an ascription of *beauty* at all.

Second, if we understand counterfactual ascriptions of beauty as something like *recipes* for making particular objects beautiful, then they cannot be genuine judgments of taste, because they would then be *rules* for judging beauty and consequently have *concepts* as their determining grounds. That is, if the claim that “a figure could be

beautified with all sorts of curlicues and light but regular lines” is a *recipe* for beautifying the figure, then one could cite the fact that this figure falls under the concept “covered with all sorts of curlicues and light but regular lines” in order to *ground* or *justify* one’s claim that it was beautiful. We would then have a *rule* for producing beauty (albeit a very specific rule for producing beauty in *this* figure). Yet Kant is adamant that “there can be no rule in accordance with which someone would be forced to recognize something as beautiful” (KU, §8.6, 5: 216). So if such counterfactuals are understood as rules or recipes, they cannot be genuine ascriptions of beauty (or non-beauty).

Third, it is clear that a genuinely *counterfactual* ascription of beauty couldn’t be genuine judgments of taste, because it couldn’t possibly be an *aesthetic* judgment. Aesthetic judgments are grounded in the feeling occasioned by the representation of an object. Such a feeling is only present if the representation of the object is. But if the representation of the object is *already present* you can’t make a *counterfactual* judgment about what one *would* feel *were* it present. One can’t make an aesthetic counterfactual judgment because one cannot ground a judgment in a feeling one doesn’t have.³⁷

Finally, if beauty is not a property of objects, as I argued in **4.2.2**, then one cannot make predictions or counterfactual claims about what will or would be beautiful. For beauty is (and can only be) defined in terms of the correctness of a special kind of aesthetic judgment. Hence, the *only way* to tell whether something *is* beautiful is to *actually* (and correctly) *judge* it to be beautiful. Correlatively, the *only way* to tell whether something *would be* beautiful if it were modified in such-and-such a manner is to

³⁷ Compare Kant’s discussion in §33 where he speculates that the capacity to correctly judge objects’ beauty came to be known as “taste” because it shares the following feature with judging food to be tasty: “I am deaf to all reasons; I test the dish with **my own** tongue, my own palate: it is in accordance with them (not in accordance with universal principles) that I make my judgment” (§33.4, 285).

actually represent the result of the proposed modification in intuition and see how one feels. The very fact that we can (correctly) say “this building would be beautiful if only it were not supposed to be a church” *entails* that this church *is* beautiful.

This is why it is true to say, as Kant does, that beauty neither “gains” nor “suffers loss” through perfection or imperfection.³⁸ The difference between saying “the horse would be fast, if only it weren’t bowlegged” and saying “the horse would be *beautiful* if only it weren’t bowlegged” is that the latter claim is only *apparently* counterfactual. The only thing that can ground a judgment of beauty is *the presence* of a pure feeling of pleasure. And if the pleasure is occurrent, the judgment cannot be counterfactual, but can only be actual.

Nevertheless, there is still a *point* this use of the subjunctive. For it registers that, just as I have argued in sections **2** and **3**, in order to judge the object to be beautiful, the subject must “not take into consideration” (KU, §16.2; 5: 229) or “abstract from” (KU, §16.8, 5: 231) the content of the concept of what the object is supposed to be. And in certain circumstances (or with respect to certain kinds of objects) this may not be an appropriate or an acceptable thing to do. The point of denying that an object *is* beautiful, while at the same time admitting that it *would be* beautiful (if only it were not supposed to be the kind of thing that it is) is admit the possibility of making a pure judgment of beauty while at the same time putting beauty in its proper place. The applied judgment of taste expresses something about the relative *importance* of beauty in the grand scheme of things, and consequently the *appropriateness* of taking an aesthetic stance on an object.

³⁸ The converse is perhaps not true. As Ginsborg observes, there are “situations where we take a certain degree of beauty to be called for (as is generally the case when we are looking for shoes or clothes or home furnishings” (p.179). Thus, being beautiful is sometimes a condition of the perfection of certain objects. Similarly, “presentation” is often cited as a criterion of gustatory approbation: “die Augen essen mit”.

Now we can begin to understand why Kant is so confident that the tattooed New Zealanders have failed to “beautify” themselves.

Kant thinks that we would have to abstract from the concept ‘human being’ (or perhaps ‘end-in-itself’ in order to appreciate the beauty of the New Zealanders’ tattooed bodies – we would have to ignore the fact that they are using themselves merely as means. Insofar as it is inappropriate (or even immoral) to abstract from the humanity of our fellow human beings, it is inappropriate (or immoral) to judge the New Zealanders’ tattoos to be beautiful, for that is precisely what such a judgment would require us to do.³⁹ It is not that there is no beauty there to be appreciated; it is rather that appreciating this beauty is (in this context) not an acceptable thing to do. As Allison puts it, the “purely aesthetic value seems to be trumped by other considerations, which may, but need not be, moral” (p. 140). Thus, as Kant says, our concept of the perfection of an object – of what sort of thing the object is supposed to be – provides us with certain rules, “which are not, however, rules for taste, but merely [rules] for the unification of taste with reason, i.e. of the beautiful with the good” (KU, §16.7, 5: 231). For God has made everything beautiful in its time, but there are times when it is not good to judge of beauty.

In making an applied judgment of taste, our imagination “which is, as it were at play in the observation of a figure [Gestalt]” gets “restricted” [ingeschränkt] by our concept of what sort of thing the object is supposed to be (KU, §16.3, 5: 230). This

³⁹ Compare here the distaste some people have for certain kinds of jokes – like dead baby jokes. Such people often express this distaste by insisting that such jokes are not *funny*. Now the claim that something is funny is an empirical one, and the claim that dead baby jokes are not funny is empirically *false*. (Indeed, the declaration that such jokes are *not funny* is usually deployed precisely in order to *quell laughter*.) Presumably, what such a declaration really claims is that dead babies are *no laughing matter*, and that it is not *appropriate* to *laugh* at jokes about them, no matter how *funny* such jokes are. But, just as “strictly speaking beauty does not gain by perfection, nor perfection by beauty”, humorousness, strictly speaking, neither gains through (in)appropriateness nor (in)appropriateness through humorousness. It is nevertheless telling that such disapproval gets phrased the way it does, and it is this, I think, that Kant is picking up on in his observations about the “applied judgment of taste”.

restriction functions in three ways. The first is the familiar manner in which concepts restrict the activity of the imagination: by functioning as rules for synthesizing the manifold. Now in a pure judgment of taste, I have argued, we abstract from the content of such rules and merely consider the felicitous relation in which the understanding and the imagination stand to one another. So the second way in which the concept of the object “restricts” one's play is by restricting the scope of validity of one's pleasure in that play. For only people who share whatever concept is at issue can enjoy such pleasure, and the universality of one's judgment suffers as a result.

The third and more interesting way in which an applied judgment of taste gets “restricted” by a concept bears on the *content* of that concept. And here, it is relevant that the concept at issue is not merely a concept of “what sort of thing the object *is*” but the concept of “what sort of thing the object *should be*”. This more robustly normative formulation indicates that content of the concept which conditions a judgment of taste does not bear on which judgments of taste are *correct* (it is not functioning as a *ground*), but rather bears on *whether* and *when* judgments of taste are *opportune* or *appropriate*. These sorts of considerations may even *forbid* us from abstracting from the concept of the object, and thereby require that we take no note of (or at the very least give no expression to) the beauty of the object before us. This is the manner in which aesthetic reflective judgment might be brought to an unnatural (because externally determined) halt to which I alluded in section 1. Considerations deriving from the *content* of the concepts deployed in the logical judgments upon which aesthetic reflection would get going actually *forbid* (or at least *forestall*) the activity of abstraction which is essential to such reflection.

All of these sorts of constraint are in play in Kant's examples of the church and

the New Zealanders. The imagination is constrained by rules provided by the understanding – namely, the concepts ‘church’ and ‘human being’. But Kant says that taste itself has “rules prescribed to it in regard to certain purposively determined objects” – *certain* purposively determined objects, but not *all* purposively determined objects (KU, §16.7, 5: 230). Moreover, “these are also not rules of taste, but merely rules for the unification of taste with reason, i.e., of the beautiful with the good” (KU, §16.7, 5: 230). I take this to mean that even in cases where it is *possible* for us to make a pure judgment of taste, it may not be appropriate – it may even be untoward. The essential point is that the considerations upon which a judgment of adherent beauty (or non-beauty) depend [abhängen] do not affect the nature of the judgment of taste itself. For the judgment of taste involved concepts from the very beginning. Rather, what bringing the *content* of such concepts to bear does is guide us in our *application* or *use* [Anwendung] of our judgments of taste. They do not determine what is beautiful, but rather, who is in a position to appreciate it, and when it matters.

5. Taking the Aesthetic Stance

An applied judgment of taste involves a complex aesthetic evaluation of an object which presupposes (but is not grounded in) a concept, the content of which may (partly) determine the appropriateness of even engaging in aesthetic reflection. The introduction of such a form of aesthetic appreciation represents a rare acknowledgment of the complexity of our interactions with the world. As Kant says:

since in comparing the representation [Vorstellung] by which an object is given to us with the object (with regard to what it ought to be) *we cannot avoid* at the same time holding it together with the sensation in the subject, the **entire faculty** of the powers of representation gains if both states of mind [Gemütszustände] are in agreement (KU, §16.6, 5: 231).

What I want to emphasize here is that the subject is described as having *two* states of mind “at the same time” (*zugleich*), and that Kant says this is *unavoidable* [es kann nicht vermieden werden]. This plurality is unavoidable for two reasons, of which Kant mentions one: it is unavoidable that every cognition is accompanied by feeling and hence by an aesthetic judgment (which need not be a judgment of taste). I have suggested a second reason: namely because making a reflective aesthetic judgment essentially involves making an interrelated series of logical judgments about the object. I think it follows from this that our default mode of interaction with and appraisal of the world is the applied judgment of taste.

All of our intellectual interactions with the world are conditioned by concepts. To make a pure judgment of taste, we must *actively abstract* from the concepts we cannot help but apply. Kant’s strategy in the *Analytic of the Beautiful* is to articulate the essential features of this state of abstraction, *once it is attained*. Section §16 is one of the few places where he intimates that that state is an *achievement* which we must *do something* to bring about, and which it is sometimes *inappropriate* even to attempt.

That we must actually *do something* in order to assume the aesthetic stance, as I shall call it, indicates that there are two ways in which a judgment of taste might demand the assent of others. There is the conditional⁴⁰ demand that that anyone who makes a judgment of taste must agree with our judgment. But there also the sort of demand in which we insist that someone who has *not yet made* a judgment of taste actually come over here, behold the object, and *make* one. The former involves the sort of normativity

⁴⁰ In addition to the sort of conditional demand I am talking about here, Kant ascribes judgments of taste a “conditional necessity” (KU, §19, 5: 237). The “condition” of their necessity is “the common sense,” *i.e.* that they be grounded upon pleasure in the free play of the cognitive faculties (KU, §20, 5: 238). Since it is often uncertain whether we have satisfied this condition (KU, §8.7, 5: 216; §38, 5: 290f), the judgment’s (possession of) necessity is “conditional”. This sense of “conditional” will not concern us.

at issue in the *Analytic of the Beautiful*, the latter the sort at issue in Kant's discussion of our interests in the beautiful in §41 and §42.⁴¹

Cognitive judgments also enjoy a necessity that is conditional in the first sense. That you have (truly) judged this pimpernel to be scarlet does not require that I actually take the effort to make the same judgment. Now I *am* obliged *not* to make any judgment which entails that the object is *not* scarlet, but that doesn't require me to make any judgment at all. I may simply never encounter your scarlet pimpernel, or I may not have the relevant concepts, or I may just judge it to be a red flower and leave it at that. Likewise, that I have (correctly) judged an object to be beautiful does not require anyone else to do so; what it requires is that *if* anyone makes a judgment of taste about that object, it had better be a judgment to the effect that the object is beautiful.

Of course, we *do* sometimes require that others actually make a judgment of taste. But our grounds for demanding that they do so are different from the grounds of the judgment which we demand that they make. In demanding that someone actually judge an object to be beautiful, I am demanding that they *do* something – namely, assume the aesthetic stance with regard to that object. Since, as Kant says in the *Groundwork*, an interest is just “that by which reason becomes practical” (4: 460n), in demanding that someone *act* in a certain way (*viz.* take the aesthetic stance with regard to some object) I am *ipso facto* implying that they either already have an interest in so acting (though they don't seem to know it), or that they *ought* to take an interest in so acting.

That someone has a certain interest in taking the aesthetic stance does not, however, imply that his judgment of taste is grounded in that interest. My mother may

⁴¹ I think Moran's dissatisfaction with Kant's theory of beauty in results from a failure to distinguish these two senses of normativity. See “Kant, Proust, and the Appeal of Beauty” (unpublished draft).

insist that I will love green eggs and ham, if only I try them. Now, I have an interest in humoring my mother, so, with some trepidation, I try them. And wouldn't you know it, I *do* like green eggs and ham! (Mother is always right.) Of course, my fondness for green eggs and ham *is* grounded in an interest. But it is not grounded in the interest which moved me to eat them (pleasing my mother), but rather in my interest in eating things that taste good, *ceteris paribus*. Similarly, my therapist may ask me to tell him what I see "in" an inkblot. Since I have an interest in following my therapist's orders, I will tell him that I see such and such a shape (say, green eggs and ham). The interest which motivates me to give voice to the latter (logical) judgment is by no means part of the determining ground of that judgment. Moreover, I would be crazy indeed if I announced the shape I saw in an inkblot every time I saw one.⁴² Though the interest does not *ground* the judgment it does *occasion* it.

In giving voice to some component or aspect of our complex and multifarious evaluation of an object (which constitutes our default mode of interaction with the world), we thereby evince an interest in doing so – and we had better have some *reason* for doing so. The same holds of expressing or "abstracting to" a pure judgment of taste. Now our reasons for doing so need not be terribly profound or noble. An interest in impressing someone may be enough to motivate me to assume the aesthetic stance with regard to one of her favorite paintings. Nor do those reasons need be identical to the grounds of the judgment they occasion – indeed, when it comes to judging an object's beauty, it is critical that they not be. Accordingly, when we call upon someone to take the aesthetic stance, we must be able to give *reasons* for them to do so. And those

⁴² This line of argument was inspired by Avner Baz's paper "What's the Point of Seeing Aspects?".

reasons cannot (always) be based upon the conditional necessity of the judgment of taste: if you would only look, then you would see what I see, feel what I feel. Perhaps the beauty of an object is, other things being equal, grounds enough for calling others' attention to it. But things are hardly ever equal. And when they are not, we had better be able to give some reason why sharing these experiences and these feelings is a worthwhile thing to do. It is central role of concepts in our aesthetic engagement with the world that makes such normative resources available to us.

In this paper, I have attempted to clarify the senses in which Kantian judgments of taste can be conditioned by concepts and occasioned by interests without being grounded in either. In doing so, I've emphasized that beauty should be understood as what is assessed in a certain sort of conceptual activity. Moreover, I have tried to show that, to the extent that we are able to guide and determine this activity it is subject to a form of normativity which is distinct from the normativity involved in judgments of taste (*inter alia*). It is only by retaining these difficult points that we can begin to benefit from Kant's insights into the nature of taste, and the significance it has in our lives.

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