

FEELING AND JUDGMENT IN KANT

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ABSTRACT

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This dissertation examines the relationship between the power of judgment and the faculty of feeling in Kant's *Critique of the Power of Judgment*. Chapter 1 traces the development of Kant's account of the power of judgment from the *Critique of Pure Reason* to the *Critique of the Power of Judgment*. Chapter 2 offers an account of the relationship between feeling and judgment in aesthetic judgment and defends a novel interpretation of Kantian aesthetic judgment (the "performative view"). Chapter 3 addresses the role of feeling in empirical judgment and argues that feeling can guide empirical judgment if the judging subject aims solely at attaining empirical knowledge.

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Preface

In the Preface to the *Critique of the Power of Judgment*, Kant writes that his book will aim to answer three questions:

Now whether the power of judgment, which in the order of our faculties of cognition constitutes an intermediary between understanding and reason, also has *a priori* principles for itself; whether these are constitutive or merely regulative (and thus do not prove the power of judgment to have its own domain), and whether the feeling of pleasure and displeasure, as the intermediary between the faculty of cognition and the faculty of desire, gives the rule *a priori* (just as the understanding prescribes *a priori* laws to the former, but reason to the latter): it is this with which the present critique of the power of judgment is concerned. (5:168)

This dissertation examines Kant's answer to the third question: that is, how the faculty of feeling provides an *a priori* rule for the power of judgment.

In Chapter 1 ("Kant's Critique of the Power of Judgment"), I explain how Kant's account of the power of judgment evolved over the critical period, and how Kant uses his theory of aesthetic judgment to address outstanding issues in his theory of judgment more broadly. My thesis is that aesthetic judgment is the focal point of the critique of the power of judgment because aesthetic judgment directly confronts a problem that underlies all uses of the power of judgment: namely, how to account for correctness in judgment without appealing to either discursive explanation or deference to authoritative judges. In support of this thesis, I discuss three important passages from the critical philosophy concerning the power of judgment. The first is Kant's regress of rules argument in the first *Critique* for the claim that the power of judgment is an unteachable

talent (A133/B172). The second is a similar regress argument from the Preface to the third *Critique* for the claim that the power of judgment requires a subjective *a priori* principle (5:169). The third, also in the Preface to the third *Critique*, is Kant's claim that the Critique of Aesthetic Judgment is the "most important part" of the critique of the power of judgment in general (5:169).

In Chapter 2 ("The Performative View of Kantian Aesthetic Judgment"), I present a novel account of the Kantian judgment of beauty. I argue that a Kantian judgment of beauty functions in an analogous way to an Austinian explicit performative. I call this "the performative view". I motivate the performative view by considering a central puzzle in Kant's aesthetics: namely, how the judgment of beauty can both *be about* and *precede* the subject's pleasure. I call this the *Puzzle of Taste*. I argue that none of the most prominent interpretations of Kantian aesthetic judgment – Guyer's (1997; 2017) two-judgment view, Ginsborg's (2015; 2017) one-judgment view, or Sethi's (2019) two-pleasure view – adequately respond to the *Puzzle of Taste*. I then show how the performative view resolves the *Puzzle of Taste*. On the performative view, the judgment of beauty is both *about* and *precedes* one's pleasure in the same way that an Austinian explicit performative is *about* an object but *precedes* the status assigned to that object. For example, in the explicit performative of Queen Elizabeth knighting Elton John, the act of knighting is about Elton John but precedes Elton John having the status of knighthood. Similarly, the judgment of beauty is about the subject's pleasure but precedes the subject's pleasure's having status of universal validity. Since, on the performative view, the feeling of the beautiful just is the subject's pleasure with this

special status, the judgment of beauty is both about the subject's pleasure but precedes the feeling of the beautiful.

In Chapter 3 ("Kant on Common Sense and Empirical Judgment"), I consider the role of feeling in empirical judgment. Kant's most explicit discussion of feeling in empirical judgment comes in §21 in the *Analytic of the Beautiful*. There, Kant argues that the idea of "common sense" (*Gemeinsinn*) is "the necessary condition of the universal communicability of our cognition, which is assumed in every logic and every principle of cognitions that is not skeptical" (5:239). I reconstruct Kant's argument for this claim and then offer an account of the relationship between feeling and empirical judgment. On my view, the common sense discussed in §21 is best understood as the capacity to feel the agreement between imagination and the understanding in an empirical judgment. Drawing on the work of Alix Cohen (2020; 2021), I argue that feeling can orient empirical judgment by providing the subject with an immediate awareness of the extent to which their imagination and understanding are in agreement. I argue further that feeling can serve as a guide to correct empirical judgment if the subject's sole aim in judging empirically is the attainment of empirical knowledge.

Chapter 1. Kant's Critique of the Power of Judgment

In this chapter, I discuss three important passages from the critical philosophy concerning the power of judgment. The first is Kant's regress of rules argument in the first *Critique* for the claim that the power of judgment is an unteachable talent (A133/B172). The second is a similar regress argument from the Preface to the third *Critique* for the claim that the power of judgment requires a subjective *a priori* principle (5:169). The third, also in the Preface to the third *Critique*, is Kant's claim that the Critique of Aesthetic Judgment is the "most important part" of the critique of the power of judgment in general (5:169).

My aim in discussing these passages is to understand the problem that motivated the *Critique of the Power of Judgment* and to explain why Kant took aesthetics to be the most important part of a critique of the power of judgment. My thesis is that aesthetic judgment is the focal point of his critique of the power of judgment in general, because aesthetic judgment directly confronts a problem that underlies all uses of the power of judgment: namely, how to account for a judgment's correctness without appealing to either discursive explanation or deference to authoritative judges.

The outline of the chapter is as follows. In section 1, I consider the regress of rules argument from the first *Critique* for the claim that "the power of judgment is a

special talent that cannot be taught but only practiced” (A133/B172). First, I give a brief account of Kant’s rule regress argument for this claim (1.1). Second, I explain the distinctively Kantian meanings of the key terms of his argument: ‘general logic’, ‘rules’, ‘the power of judgment’, and ‘teaching’ (1.2). Third, I unpack Kant’s suggestion that the power of judgment can be “practiced” (1.3). I show that although the power of judgment cannot be taught, it can be “trained” through the use of examples and “treated” by means of applied logic to avoid errors of prejudice.

In section 2, I discuss Kant’s regress argument from the Preface to the third *Critique* for the claim that the power of judgment “has to provide a concept itself, through which no thing is actually cognized, but which only serves as a rule for it” (5:169). First, I explain Kant’s regress argument and compare to the first *Critique*’s regress (2.1). Second, I explain three important changes to Kant’s theory of judgment that allowed him to draw this new conclusion: the determinative/reflective judgment distinction, the notion of a subjective *a priori* principle, and the heautonomy of reflective judgment (2.2).

In section 3, I address the relationship between the third *Critique*’s regress argument and the Critique of Aesthetic Judgment. Immediately following the regress argument in the Preface, Kant writes that “[t]his embarrassment about a principle,” referring to the regress problem, is “found chiefly in those judgments that are called aesthetic,” and it is for this reason that the Critique of Aesthetic Judgment is “the most important part of a critique of this faculty [the power of judgment]” (5:169). First, I explain how the need for a subjective *a priori* principle for the power of judgment

manifests in aesthetics (3.1). Second, I explain how aesthetic judgment directly confronts this more general challenge for the power of judgment (3.2).

In section 4, I conclude by previewing what I will argue in subsequent chapters is Kant's response to this challenge. In my view, Kant looks to the connection between the faculty of feeling and the power of judgment to find a non-discursive, non-deferential source of correctness in judgment.

1. The Rule Regress

In the *Critique of Pure Reason*, Kant presents a brief regress argument for the claim that the power of judgment is an unteachable talent. After distinguishing the understanding, as the faculty of rules, from the power of judgment, as the faculty of applying rules, Kant considers whether there could be a general rule for how we ought to apply rules to cases. I'll call the passage in which this argument appears the *Rule Regress*:

Rule Regress. Now if it [general logic] wanted to show generally how one ought to subsume under these rules, i.e., distinguish whether something stands under them or not, this could not happen except once again through a rule. But just because this is a rule, it would demand another instruction for the power of judgment, and so it becomes clear that although the understanding is certainly capable of being instructed and equipped through rules, the power of judgment is a special talent that cannot be taught but only practiced. (A133/B172)¹

The *Rule Regress* has had a mixed reception among Kant scholars. Some of the major commentaries on the first *Critique* do not mention it, while others treat it briefly as a non-

¹ For similar regress of rules arguments for the power of judgment in later works, see also 8:275 and 24:737.

problem.² Of those who do regard the *Rule Regress* as a serious philosophical problem, most treat it as anticipating the late Wittgenstein's regress of rules argument from the *Philosophical Investigations*.³ On this reading, the upshot of Kant's argument, like Wittgenstein's, is that there can be no general rule for rule-following, and the reasoning behind Kant's argument is presented as not importantly different from Wittgenstein's. In both cases, there can be no general rule for applying rules, because any such rule would demand another rule to explain how it should be applied, and so on, *ad infinitum*.

However, I think that neither of these common approaches is adequate. If we brush the *Rule Regress* aside as a non-problem, we miss out on some important insights for understanding the development of Kant's theory of judgment between the first and third *Critiques*. If we absorb Kant's argument to Wittgenstein's, we obscure what is

² Neither Strawson (1966) nor Kemp Smith (2003) discuss the rule regress argument in their commentaries on the first *Critique*. Both Kitcher (1990, 209) and Longuenesse (1998, 288) only mention the conclusion of the rule regress in passing, but do not discuss the reasoning behind Kant's argument. Guyer (1987) is similarly brief and deflationary, remarking that "Kant does not think that there is any real problem about the application of [empirical or mathematical] concepts, ... for his view of such concepts is that they basically are rules for applying predicates to particular objects or their images, and thus virtually identical to schemata" (159; see also Guyer 1997, 10). Margolis (2013, 123) also thinks the *Rule Regress* is not a serious problem for Kant: "he brushed the regress off as a sort of conceptual gnat, and he was quite right to do so" (123). Finally, De Boer (2016) argues that the application of empirical concepts is not a serious problem for Kant, because "empirical concepts, like all concepts, are from the outset geared toward the schematic representation of the rules they contain" (455fn44).

³ Bell (1987) assimilates the rule regress arguments in Kant and Wittgenstein, claiming that they have the same general upshot for a theory of judgment: "for both philosophers, it is to our criterialess, spontaneous, and 'blind' awareness of an intrinsic but inarticulable meaning that we must look for an understanding of the art, rather than the science, of judgement" (244). Similarly, Ameriks (2003) claims that Kant "anticipates the Wittgensteinian insight, namely that, while having a concept seems like 'following a rule', we should not presume that a possession of prior explicit rules fully captures what it is to have genuine control of a concept" (339). Kukla (2006) argues that Kant's rule regress "foreshadows Wittgenstein's formulation of it in the *Philosophical Investigations*, indicates that our general capacity to 'see' which concepts apply to a particular cannot itself be governed by conceptual rules" (10). Bennett (1966) introduces the *Rule Regress* passage by comparing it to an argument in the *Blue Book*, and then claiming that this Wittgensteinian "line of argument has never been better presented than by Kant himself" (1966, 144; see Wittgenstein 1960, 3-5). Brandom (1994) also credits Kant with anticipating Wittgenstein in the endnotes to *Making It Explicit* (23n31). However, in the body text he presents the rule regress as Wittgenstein's innovation and does not take up Kant's rule regress in substantial detail. Rule-following considerations are also central to Ginsborg's (2011; 2015) interpretation of Kant's theory of reflective judgment. However, she does not treat either one of Kant's regress arguments in detail.

distinctive about Kant's treatment of this problem. If we want to understand the significance of this argument for Kant, we need to understand it in Kant's own terms. This means getting clear on a few basic questions: What does Kant mean by "rule" and "the power of judgment" in this passage? What does it mean to say that "general logic" cannot provide a general rule for judgment? Why does Kant infer from this that the power of judgment is a "special talent that cannot be taught"?

1.1. Terms of the Argument

1.1.1. General Logic

The conclusion of the *Rule Regress* problem is that general logic cannot supply a general rule for the power of judgment. Kant begins his argument by supposing that general logic could supply a rule, and then shows why this supposition leads to a regress. To understand this, we have to first understand what Kant means by "general logic."

What Kant means by logic is not what we mean by logic today. For Kant, logic is "the science of the rules of the understanding in general" (A52/B76).⁴ By "rules of the understanding," Kant does not mean that logic is the psychology of how we actually think. Rather, as Kant says in the *Jäsche Logic*, logic concerns "not how we do think, but how we ought to think." In other words, logic aims to "teach us the correct use of the understanding, i.e. that in which it agrees with itself" (9:14).⁵ Logic, on Kant's view, includes not only formal rules of inference, but many topics that we would now regard as

⁴ From the *Jäsche Logic*: Logic is the "science of the necessary laws of the understanding and of reason in general, or what is one and the same, of the mere form of thought as such" (9:13). "Logic is to teach us the correct use of the understanding, i.e. that in which it agrees with itself" (9:14)

⁵ On the normative status of logic in Kant, see Tolley (2006) and Lu-Adler (2017).

belonging to epistemology (such as certainty, doubt, or deference) or psychology (such as attention, concept-formation, or bias).

Kant's taxonomy of logic has two main divisions. The first is between general logic and particular logic. General logic is domain-general: it "has to do with nothing but the mere form of thinking," abstracted from any particular contents (A54/B78; see also 9:12). A particular logic, on the other hand, supplies domain-specific rules for thinking well. A particular logic consists in "the rules for correctly thinking about a certain kind of objects" (A52/B76). For example, the rules for what counts as evidence may differ depending on whether one is reasoning in a courtroom or a physics lab. The particular logic of each would supply the domain-relative rules for what counts as evidence. However, a general rule of inference, like *modus ponens*, would apply equally to the reasoning done in courtrooms and physics labs. Such domain-general rules are the subject matter of general logic.

General logic is divided further into pure logic and applied logic.⁶ Pure logic provides "*a priori* principles" for the correct formal use of concepts, judgments, and inference (A53/B77; 9:18). It enumerates the different forms of judgment (e.g., the universal, particular, and singular judgment forms), the different forms of argument (e.g., the categorical, hypothetical, and disjunctive syllogisms), and rules of inference (e.g., *modus ponens* and *modus tollens*).

⁶ According to Lu-Adler (2017), Kant's distinction between pure and applied logic has its roots in Meier's distinction between *logica artificialis* and *logica naturalis*, whose textbook Kant used for his logic lectures. Lu-Adler notes that although first *Critique* mainly focuses on pure logic, applied logic is "front and center in Kant's logic lectures" (2017, 221). The topics of applied logic are also treated at length in the *Anthropology*: e.g., common sense (7:139-140), sensory illusion (7:149-151), mental deficiencies (7:204-212), and mental illnesses (7:212-217). This aligns with Kant's later statement in the *Jäsche Logic* that the applied logic, or the logic of common reason (*sensus communis*), is really an anthropological science, which has empirical principles for the *in concreto* use of understanding and reason (9:17).

Applied logic concerns domain-general rules for thinking well under actual empirical conditions, or, in Kant's terms, "the understanding and the rules of its necessary use *in concreto*" (A54/B78). Instead of rules of inference or forms of judgment, applied logic deals with topics like "attention, its hindrance and consequences, the cause of error, the condition of doubt, of reservation, of conviction, etc." (A54/B78-79). Since applied logic deals with thinking under empirical conditions, its principles are not *a priori*, but empirical. Nevertheless, these principles are general, because they are not domain-relative: they are rules for thinking well under actual empirical conditions for any domain of objects.

Kant summarizes the differences between these three kinds of logic as follows. Pure logic is a "canon of the understanding": it consists of *a priori* principles of the formal features of correct thinking in general. A particular logic is the "organon" for a particular science: it provides the tools for thinking correctly about a certain domain of objects. Applied logic is "a cathartic of the common understanding": it aims to identify and purge empirical defects in our actual thinking (A53/B77-78; see also 9:14).

So, on Kant's view, if there is a general rule for how to judge correctly, it would have to come from general logic, because general logic supplies domain-general rules for thinking correctly. However, because general logic includes both pure and applied logic, Kant is not making the trivial point that formal logic has nothing to say about the correctness of actual acts of judgment. Rather, his claim is that there can be no general rule, whether *a priori* or empirical, for determining whether a rule applies to a case.

1.1.2. Rules

In the context of the *Rule Regress*, by “rule” (*Regel*), Kant means “concept” (*Begriff*). Throughout the first *Critique*, Kant uses these two terms almost interchangeably, at times referring to the understanding as “the faculty of rules” (A132/B172), at other times referring to it as the “faculty of concepts” (A126; A160/B199). As Longuenesse (1998, 48-51) has argued, there is a twofold sense in which concepts are rules for Kant.⁷ In the first sense, a concept is a discursive rule that can be employed in abstract reasoning (A304/B360). For example, if I know that part of the definition of the concept DOG is that a dog is a four-legged animal, I can infer from the fact that something is a dog to the conclusion that it is a four-legged animal. In the second sense, a concept is a rule for synthesizing a manifold of intuitions (A78/B104). In this sense, to possess a concept is to have the ability to recognize sensible instances of that concept. Kant offers the following description of how the concept DOG can be a rule in this second sense:

The concept of a dog signifies a rule in accordance with which my imagination can specify the shape of a four-footed animal in general, without being restricted to any single particular shape that experience

⁷ Longuenesse (1998) uses the terms “discursive rule” and “schema” to make this distinction (48-51). I avoid using this distinction for a few reasons. First, in the context of the first *Critique*, it is not clear whether there are empirical schemata. For a brief list of the obscurities and contradictions in the Schematism chapter, see Bell (1987, 229). For readings of the Schematism chapter that claim that there are empirical schemata, see Allison (2004, 212), Kukla (2006, 11n12), and Matherne (2014, 187). For readings that deny that there are empirical schemata, see Chipman (1972, 39), Guyer (1987, 159), and De Boer (2016, 454-455). Second, Kant’s remarks about schemata outside the first *Critique* are almost always restricted to the transcendental schemata of the categories (see 4:216; 5:68-70; 5:351-352; 20:274, 279). Third, one of the main resources for fleshing out Kant’s account of empirical schemata and concept-formation, §6 in the *Jäsche Logic*, has a questionable publication history. As McAndrew (2021, 193) has recently argued, there are good reasons to resist attributing §6 to Kant, as it is not supported by the *Reflexionen* and it conflicts with accounts of concept-formation presented in other logic lectures from the 1780s and 1790s. So, although Kant is clear that a concept’s role in abstract reasoning is different from its role in recognizing sensible particulars, absorbing the latter ability into his theory of schematism is an unnecessary complication with insufficient textual support.

offers me or any possible image that I can exhibit *in concreto*.
(A141/B180)

In other words, the concept DOG, in this second sense, is a rule (or procedure) for constructing or recognizing sensible instances of the concept DOG. So, if I possess the concept DOG in this second sense, I can reliably recognize sensible instances of the concept DOG, even though I may not know the constituent concepts of the concept DOG.

In Kant's taxonomy of representations, there are three main kinds of concepts: categories, empirical concepts, and ideas (A320/B376-377). The *Rule Regress* only concerns empirical concepts. The *Rule Regress* does not concern ideas, because it is impossible for an idea to apply correctly to an object, because an idea is, by definition, a concept that "goes beyond the possibility of experience" (A320/B377). The categories are immune to this argument, because we can specify *a priori* the rules for their application to objects. To explain this point, Kant introduces his own "transcendental" logic, which deals exclusively with "concepts [that] may be related to objects *a priori*" and aims to determine "the origin, the domain, and the objective validity of such cognitions" (A57/81). Kant distinguishes his transcendental logic from general logic on precisely the point that the latter is subject to the *Rule Regress* while the former is not. In contrast to general logic, transcendental logic *can* "indicate *a priori* the case to which the rule [a category] ought to be applied" (A135/B174-175).⁸ Such rules can be provided because categories relate *a priori* to objects. So, the issue of whether a category applies to an object does not arise.

⁸ Because transcendental logic has a specific content, this raises the question of whether transcendental logic is a particular logic or a special kind of logic that is neither general nor particular. For a discussion of this issue, see Tolley (2012) and Lu-Adler (2017). Whether transcendental logic is a particular logic or not has no bearing on my main claim here that the *Rule Regress* does not concern the categories.

This leaves us with empirical concepts. The *Rule Regress* is a problem for empirical concepts because there is no *a priori* relation between an empirical concept and the objects to which it applies.⁹ The concept DOG does not relate *a priori* to the particular objects to which we apply the concept DOG, nor does the concept APPLE relate *a priori* to the objects to which we apply the concept APPLE. There are rules for applying such concepts, but these are *a posteriori* rules, which are derived from experience, through induction (B3-4), and have a weaker form of universality than the categories (B124).

1.1.3. The Power of Judgment

Since the *Rule Regress* only concerns empirical concepts, the *Rule Regress* is only an issue for empirical judgment. In general, the power of judgment is “the faculty of subsuming under rules, i.e., of determining whether something stands under a given rule (*casus datae legis*) or not” (A132/B172). In the case of empirical judgment, the power of judgment is the capacity to determine whether an empirical concept, which is supplied by the understanding, applies to a particular, which is supplied by intuition or imagination.

As I said in the previous section, concepts are rules in two senses for Kant. In the first sense, a concept is a rule for abstract reasoning, and in the second sense, a concept is a rule for recognizing a certain class of particulars. Applying a concept correctly involves possessing the concept in this second sense. It is an important part of Kant’s view that

⁹ As Allison (2004, 206ff.) has observed, this restriction in scope is one of the main ways in which Kant’s *Rule Regress* differs from Wittgenstein’s regress argument. Wittgenstein’s argument concerns rule-following in general, especially mathematical rule-following (e.g., *PI* §§214, 226), Kant’s argument only concerns empirical rule-following. So, the scope of Kant’s *Rule Regress* is restricted to a narrower set of rules, and the mathematical considerations that motivate Wittgenstein’s argument are not shared by Kant.

having a concept in the first, intellectual sense does not guarantee that one has the concept in the second, recognitional sense. Following the *Rule Regress*, Kant offers some examples of how these two senses can come apart in practice:

A physician ..., a judge, or a statesman, can have many fine pathological, juridical, or political rules in his head, of which he can even be a thorough teacher, and yet can easily stumble in their application, either because he is lacking in natural power of judgment (though not in understanding), and to be sure understands the universal *in abstracto* but cannot distinguish whether a case *in concreto* belongs under it, or also because he has not received adequate training for this judgment through examples and actual business. (A134/B173)

What is most important to note in the passage above is that the ability to reason with a concept apart from experience (*in abstracto*) is distinct from the ability to apply a concept in experience (*in concreto*).¹⁰ Knowing the definition of an empirical concept does not secure that the ability to apply it correctly, nor does this ability to apply a concept correctly entail the ability to explain why something is an instance of that concept. These two abilities – understanding a concept *in abstracto* and being able to apply it *in concreto* – may complement one another, but it is possible to have one without having the other.

In Kant's terms, someone who only understands a concept *in abstracto* has a "scholarly" or "speculative" understanding, while someone who can only apply the concept *in concreto* has a "common" understanding (4:369; 7:139-140; 9:27).¹¹ For example, a botanist who has a sophisticated scientific knowledge of poison oak but

¹⁰ Kant further clarifies the distinction between using a concept *in abstracto* and *in concreto* in the *Jäsche Logic*, where he explains that being able to understand rules *in abstracto* consists in the ability to think rules "apart from their application" (9:12; see also 16:19). In contrast, being able to apply rules *in concreto*, at least in the empirical case, consists in the ability to apply the rule to sensible particulars.

¹¹ Kant uses a variety of related terms to discuss ordinary judgment and reasoning, including "gemeine Menschenverstand" (5:293; 9:57), "gemeine Menschenvernunft" (4:405; 7:140), and "sensus communis" (5:295; 7:139). While the relation between these terms is not always clear or consistent, Kant does make an explicit distinction between *gemeiner Verstand* and *gesunder Verstand*, as I note. For a comprehensive overview of these terms, see Zhouhuang (2016, 13-37) and Nehring (2010, 47-63).

cannot reliably recognize poison oak plants in the wild has only a scholarly understanding of the concept POISON OAK. On the other hand, an avid camper who cannot define poison oak but can recognize it in the forest has only a common understanding of POISON OAK.

Kant's ideal for the power of judgement is what he calls "healthy understanding" (*gesunder Verstand*). Healthy understanding is the common understanding "insofar as it judges correctly" (4:369). By "judging correctly", Kant means that the judging subject not only applies the right concept to the object but also does not do so on the basis of "sensible illusion" or "prejudice" (16:19).¹² Kant reaffirms the connection between correct judgment and healthy understanding in the third *Critique*, remarking in the Preface that "the correct use of [the power of judgment] is so necessary and generally required that nothing other than this very faculty is meant by the name 'healthy understanding' (*gesunden Verstandes*)" (5:169).¹³ I will return to this connection and the role of sensible illusion and prejudice in erroneous judgment in 1.2.1.

1.1.4. Teaching

Recall that the upshot of the *Rule Regress* is that the power of judgment cannot be "taught" (*belehrt*) (A133/B172). But the explicit premises of the *Rule Regress* only get us to the conclusion that there can be no general rule for correct empirical judgment. We are

¹² From the *Blomberg Logic*: "According to the common mode of speech, understanding is called a common understanding insofar as it is found in most in the same degree. It is a healthy understanding, however, when it is correct. It is not healthy by degrees; rather, correctness is when the understanding and reason judge according to laws that agree with experience" (24:18).

¹³ See also McAndrew (2014), who argues that the concept of "healthy understanding" in the pre-critical writings is the progenitor to the power of judgment, which Kant introduces in the first *Critique*.

missing the premise that links the absence of a general rule for the power of judgment to the conclusion that the power of judgment cannot be taught.

We find this missing link in Kant's discussions of education. In the Doctrine of Method, Kant distinguishes the "negative contribution" of discipline from the "positive contribution" of culture and doctrine (A710/B738; 9:442). "Teaching" (*Belehrung*) belongs in the latter category: when we teach, we make a "positive contribution" to the student's understanding. "Discipline" (*Disciplin*), on the other hand, consists in the "compulsion through which the constant propensity to stray from certain rules is limited and finally eradicated" (A709/B737).

Kant acknowledges that this distinction between teaching and discipline goes against the popular usage of terms, which treats the two terms interchangeably. Yet he is clear that they must be distinguished: "I wish that this word [discipline] would never be allowed to be used in anything but the negative sense" (A710/B738). Kant thinks the teaching/discipline distinction is important for distinguishing the "positive" from the "negative" contributions that an educator makes to a student's understanding. Discipline is negative because it "serves merely to defend us from errors," and it does this by correcting the student when the student's behavior does not conform to a rule or practice (A710/B738; 9:442). Teaching, on the other hand, does more than steer the student toward the correct answer through reward and punishment; rather, in teaching, the teacher explains to the student what the correct answer is and why it is correct.

So, if correct empirical judgment in general is teachable, then it must be possible to give a general explanation for what makes an empirical judgment correct.¹⁴ But any such explanation of a correct empirical judgment would involve referring to some other concepts, which, in turn, would presuppose the student's understanding of them. For example, if I wanted to teach someone how to use the empirical concept DOG, I would have to explain why the concept DOG applies to certain cases and not others: e.g., "If something has the properties of *being four-legged* and *being an animal*, etc., then it is a dog." However, this method only works if the student already knows how to use concepts featured in my explanation: e.g., ANIMAL and FOUR-LEGGED. If not, then I would have to explain how ANIMAL and FOUR-LEGGED apply to particulars. If the student is able to apply these concepts correctly, then this might work. But if not, then I must appeal to the constituent concepts of these further concepts. Eventually, this must come to an end: the student must be able to simply *see* that the concept applies. It is this non-discursive ability to see whether a concept applies, which the common understanding has, but scholarly understanding lacks, that cannot be taught.

¹⁴ Kant makes the same point more explicitly in the *Anthropology*, where he argues that the power of judgment "cannot be *instructed*, but only exercised," because "instruction takes place by means of communication of rules" (7:199). This point leads Kant to a restatement of the *Rule Regress*: "Therefore, if there were to be doctrines of the power of judgment, then there would have to be general rules according to which one could decide whether something was an instance of the rule or not; which would generate a further inquiry into infinity. Thus the power of judgment is, as we say, the understanding that only comes with years" (7:199).

1.2. Learning to Judge

1.2.1. Training with Examples

Because the power of judgment cannot be taught, Kant claims that it can only be “practiced” (*geübt*) (A133/B172). Kant’s explicit suggestion for how to practice judgment is to train on examples. On Kant’s view, the “sole utility of examples” is that they can help develop the judging subject’s ability to apply rules correctly to cases.

As with teaching, training with examples presupposes the student’s ability to see whether a concept applies. For example, suppose I wanted to train a student to correctly apply the concept DOG. To do this, I would show them many examples of dogs, and perhaps also some examples of nearby concepts (e.g., CAT or WOLF), so that the student could learn to identify the distinguishing features of dogs. In order for this strategy to work, the student must be able to grasp the relevant similarities and differences in these examples. But there is no guarantee that the student will attend to the relevant properties. This is why Kant says that examples can only help to “sharpen the power of judgment” (A134/B173), but if the student lacks the “natural gift” for applying rules correctly, there is no quantity of examples that will ensure that the concept is correctly applied (A133/B172).

Kant’s view on the proper use of examples in cultivating good judgment is complicated. On the one hand, he thinks that examples are essential to sharpen one’s ability to apply rules to cases. On the other hand, Kant often worries that an over-reliance

on examples diminishes the need to acquire an intellectual understanding of the subject-matter.¹⁵ Following the *Rule Regress*, Kant details the dangers of examples:

[A]s far as the correctness and precision of the insight of the understanding is concerned, examples more usually do it some damage, since they only seldom adequately fulfill the condition of the rule (as *casus in terminis*) and beyond this often weaken the effort of the understanding to gain sufficient insight into rules in the universal and independently of the particular circumstances of experience, and thus in the end accustom us to use those rules more like formulas than like principles. Thus examples are the go-carts (*Gängelwagen*) of the power of judgment, which he who lacks the natural talent for judgment can never do without. (A132/B173-174; translation modified)

Kant's main worry about examples is that they can lead to intellectual complacency. The ability to apply a concept correctly can give the subject an illusory sense of understanding and can diminish the drive to inquire and gain a discursive grasp of the concept for themselves. If one does not go on to develop an intellectual grasp of the concept, then one will be beholden to those who do have such an understanding to determine how rules should be applied. Knowing only *what* a concept applies to but not *why* it applies puts the judging subject at the mercy of those who can offer such explanations.

Kant takes up this last point more directly in "What is Enlightenment?". For Kant, enlightenment is the "the human being's emergence from his self-incurred minority," where "minority" means the "inability to make use of one's own understanding without

¹⁵ Kant had similar worries about the use of examples in his practical philosophy. In the *Groundwork*, he writes: "Imitation has no place at all in matters of morality, and examples serve only for encouragement" (4:409)

Likewise, in the *Metaphysics of Morals*, Kant claims that role of examples in political philosophy is solely illustrative, and that we must turn to metaphysics instead for principles: "all examples (which only illustrate but cannot prove anything) are treacherous, so that they certainly require a metaphysics" (6:355). For a fuller discussion of the role of examples in Kant's moral philosophy, see Louden (1992).

direction from another” (8:35). Kant describes the situation of an unenlightened person as follows:

If I have a book that understands for me, a spiritual advisor who has a conscience for me, a doctor who decides upon a regimen for me, and so forth, I need not trouble myself at all. I need not think, if only I can pay; others will readily undertake the irksome business for me. (8:35)

Kant follows this by saying that the unenlightened person must dare to step forward out of their self-incurred minority, but without relying on the “go-carts” (*Gängelwagen*) of examples.¹⁶ Without an intellectual grasp of rules, the unenlightened person is dependent on those with such an understanding – the priest, the doctor, and so on – to determine how these rules should be applied. Even though one might suffer occasional failures in doing without examples, Kant thinks that this is the only way that one will learn to judge independently (8:35).

In short, Kant thinks that examples are useful for cultivating common understanding, but an overreliance on examples can obstruct the transition from common understanding to healthy understanding. They can serve a useful purpose in initially training the power of judgment, but they can stand in the way of its further development.

1.2.1. Treatment with Applied Logic

There is a tendency among interpreters to think that that the *Rule Regress* shows that teaching with rules or training with examples exhausts the options for improving one’s power of judgment. On the common way of reading the *Rule Regress*, the most a teacher can do is offer examples, hoping that the student tracks the relevant features

¹⁶ From the OED: a go-cart is “a light framework, without bottom, moving on castors or rollers in which a child may learn to walk without danger of falling” (cited in Loudon 1992, 307).

across instances, or offer explanations, presupposing the student's ability to use other rules correctly. This has led to readings that make the improvement of the power of judgment seem as mechanical as reinforcement learning or as mysterious as cultivating artistic genius.¹⁷

However, I think there is more to Kant's account of how the power of judgment can be improved. This additional part of the story is easy to see, given the work we have done to understand the terms and context of Kant's argument. First, recall that the "correct use" of the power of judgment is "healthy understanding" (5:169). Second, recall that the aim of applied logic is to cultivate healthy understanding, by identifying and purging sources of error in judgment (A53/B77-78). Third, recall that the prevention of error is the aim of discipline and not of teaching. So, it is consistent with the conclusion of the *Rule Regress* – that the power of judgment cannot be taught – that the power of judgment can be treated by applied logic in order to avoid common sources of error.

I use the term "treated" because Kant himself conceives of applied logic as a kind of medical treatment for the common understanding.¹⁸ Applied logic is a "cathartic" of common understanding, with the aim of making the common understanding "healthy" (A53/B77-78). Applied logic does this by providing techniques for diagnosing common sources of error and suggests treatments that aim to bring an unhealthy common

¹⁷ For an example of the first reading, see Allison (2004), who limits his account of Kant's views on the improvement of the power of judgment to the use of examples: "Kant insists that it [the power of judgment] needs to be practiced and that this usually requires the use of examples" (207). For an example of the second reading, see Matherne (2014), who argues that knowing how to apply a concept correctly, an ability she identifies with empirical schematism, is an inborn talent that is as unknowable as artistic genius: "What I would like to suggest is that by calling schematism a *hidden Kunst* Kant is alerting us to the fact that it, like genius, is a natural endowment we cannot fully understand. Schematism, in whatever form, involves a process that we are not fully conscious of, let alone have much insight into" (199).

¹⁸ See also the pre-critical work "Essay on the Maladies of the Head" (1764) where Kant refers to logicians as "the doctors of the understanding" (2:260).

understanding to health. This approach stands in contrast to other logicians of Kant's time who try to combat erroneous judgments themselves instead of the sources of erroneous judgments (9:56). Instead, like a good doctor, Kant thinks that in order to treat defects in the power of judgment, we must distinguish the symptoms from their causes: "to avoid errors ... one must seek to disclose and to explain their very source, illusion" (9:56).

On Kant's view, the source of all error in judgment is sensibility: "error is effected only through the unnoticed influence of sensibility on understanding" (A294/B350; 9:53). This unnoticed influence leads us to confuse merely subjective grounds of judgment for objective grounds, which, in turn, leads us to confuse the illusion of truth for truth itself (A294/B351; 9:54).

In empirical judgment, sensibility can lead us into error in two main ways.¹⁹ The first is empirical illusion. In empirical illusion, the "faculty of judgment is misled through the influence of the imagination" (A295/B352). Optical illusions (e.g., a bent stick in water or the Müller-Lyer illusion) are examples of empirical illusion. The imagination presents an object in a misleading way, which leads the subject to judge the object erroneously. In this way, we mistake what is merely subjective (e.g., the bent shape of the stick, relative lengths of line segments) for what is objective (e.g., the straight shape of the stick, the actual lengths of line segments).

The second way sensibility leads to error is what Kant calls "prejudice." Prejudices are "provisional judgments *insofar as they are accepted as principles*" (9:75). Prejudices arise when we passively accept an unexamined judgment and treat it with

¹⁹ For discussion of metaphysical error and transcendental illusion, see Grier (2001, 102-117). Transcendental illusion is not relevant to the *Rule Regress*, because the *Rule Regress* is restricted to empirical judgment.

undue certainty. There are two main kinds of prejudice: prejudices of imitation, and the prejudice of self-love. Prejudices of imitation involve passively deferring to some other judge or group of judges instead of judging for oneself. Examples include prejudices of the “prestige” of “the person,” “the multitude,” or “the age” (9:78-79). In each case, we passively defer to some other judge or group of judges, on the basis of their “prestige,” that is, their power or reputation. The prejudice of self-love (or logical egoism) occurs when we passively accept our own judgment without examination. As Pasternack (2014) argues, a Kantian prejudice is a product of the subject’s natural inclination to use their reason passively and their specific character traits (71). For example, an arrogant person who reasons passively will be prone to the prejudice of self-love, while someone with low self-esteem who reasons passively will be prone to prejudices of imitation.²⁰

Kant thinks that we can reduce prejudice by reflecting on our grounds for judging: “The cause of this deception is to be sought in the fact that subjective grounds are falsely held to be objective, *due to a lack of reflection*, which must precede all judging” (9:76).²¹

²⁰ Consider also Kant’s remark in the *Prolegomena* that “the divining rod of so-called ‘healthy human understanding’ (*gesunden Menschenverstandes*) ... does not bend for everyone, but is guided by personal qualities” (4:369; translation modified). On the reading I am suggesting, we can see clearly why Kant would say this: healthy understanding is inhibited by prejudice, and prejudice is based in the subject’s character traits. So, differences among people with respect to common sense is largely driven by differences in personal qualities.

²¹ By “lack of reflection,” Kant does not mean the absence of reflection. Kant thinks that every judgment must involve reflection: “we still cannot and may not judge concerning anything without *reflecting*” (9:76; A261/B317). Rather, Kant means that, in prejudice we do not adequately reflect: we mistakenly take our judgment as having arisen from the understanding rather than sensibility. Kant expresses the same view – that reflection serves as a safeguard against error due to the influence of sensibility – in the pre-critical *Blomberg Logic* lectures: “Reflection is, however, an important[,] very great and certain path, if not for extinguishing the affects, nevertheless for quieting them, for hindering their dangerous consequences, and thus for avoiding errors. By reflecting one allows and takes time to investigate, and in fact to inquire, whether something is true or false or not, whether one can accept the opposite of it or not. And by this path, where one reflects on the thing peacefully, one is even soon convinced of the truth of a thing or cognition” (24:163).

By “reflection” here, Kant means the act of “comparing a cognition with the power of cognition from which it is supposed to arise (sensibility or the understanding)” (9:76). When I reflect on my judgment, I ask myself whether my judgment has intellectual or sensible grounds, that is, whether it arose from the understanding or sensibility. Since sensibility is the source of all error, when I reflect, I am really asking myself whether my judgment is erroneous.

There are two general ways to improve reflection to avoid prejudice. The first is to learn more about the object judged. The more we know about an object or a domain of objects, the easier it is to distinguish subjective from objective grounds for judgments. The second way is to learn more about yourself as a judge: what character traits you exhibit in judgment and what your aims in judging are. Sometimes this can be accomplished by simple self-reflection, pausing a moment to ask whether your judgment is primarily based in a desire to please yourself or others, or through more patient self-observation over time, taking note and interrogating your tendencies in judgment.

For the more challenging cases, Kant offers a few useful heuristics for determining whether your judgment is prejudiced. Here I will briefly discuss two. The first heuristic is the test of communicability (A821/B849; 9:57). If a judgment has objective grounds, then it is communicable: the grounds of your judgment are also available to others. So, if you cannot communicate your grounds to others, then you have reason to reflect on the grounds for your judgment. The fact that you are alone in your

Kant goes on to opposed judgments grounded on reflection and prejudicial judgments “Prejudices are not grounded on reflection. They lack this, for otherwise they would be actual judgments of the understanding.” (24:165).

judgment does not mean that the judgment is wrong, but it is a useful indication that you may need to learn more about the topic or about your motivations in judging.

A second heuristic is to make a hypothetical wager that the judgment is true (A824-825/B852-853; 9:73). When we have little at stake in making a judgment, it is easier to reason passively, whether to insist on your own view or to defer to others. By placing a hypothetical bet on our judgment, we can combat our laziness or overconfidence in judgment:

Often someone pronounces his propositions with such confident and inflexible defiance that he seems to have entirely laid aside all concern for error. A bet disconcerts him. Sometimes he reveals that he is persuaded enough for one ducat but not for ten. For he would happily bet one, but at ten he suddenly becomes aware of what he had not previously noticed, namely that it is quite possible that he has erred. (A824-825/B852-853)

Betting on one's judgment encourages reflection, as one's interest in winning the bet serves as a counterweight to the natural inclination to reason passively.

So, unlike the common reading that restricts the "practice" of the power of judgment to training by examples, Kant provides us with more guidance on how we can learn to judge correctly. In addition to practicing applying rules to example cases, we can also practice reflecting on our own acts of judging: monitoring our interests and motivations, character traits, and tendencies in judging.

2. The Judge Regress

So, on my reading of the *Rule Regress*, cultivating healthy understanding has as much to do with looking inwards – to our interests, our character traits, our tendencies in

judgment – as it does with looking outwards – to experience, examples, and explanations. However, in the first *Critique*, many difficult questions about empirical judgment remain unanswered. For example: Is correctness in empirical judgment anything more than convention? What exactly is the relationship between empirical judgment and reflection? How does our ability to determine *whether* something is an instance of a concept relate to our ability to explain *why* it applies?

Nine years after the publication of the first *Critique*, Kant takes up these and other questions about the power of judgment in the third *Critique*. In its Preface, Kant motivates his book's project with a similar regress problem for finding a general principle for the power of judgment.²² But this time, Kant draws a different conclusion. Instead of conceding, as he did in the *Rule Regress*, that there can be no general rule for correct empirical judgment, Kant concludes here that there is such a rule, but that it must be of a special kind, namely, a subjective *a priori* rule. Let's call this passage in which Kant makes this argument the *Judge Regress*:

²² Other scholars have noticed this parallel, but none have developed it in detail, especially with respect to the role of applied logic, prejudice, and reflection. Cavell (1976) suggests a parallel between the normativity of empirical judgments and Kantian judgments of beauty (86-96). Floyd (1998) develops Cavell's suggestion, citing the rule regress problems for ordinary judgment in the first and third *Critiques*. However, she confines her discussion to the Introductions, focusing mainly on empirical judgment and the systematicity of nature. Gibbons (1994) calls the *Rule Regress* the "problem of judgment" and claims that the Critique of Aesthetic Judgment responds to the problem by setting out "the main criteria for non-cognitive but universally communicable judgment" (10). However, Gibbons does not address the role of applied logic or the relevance of prejudice and communicability. Bell (1987) does not treat this problem in context, but instead assimilates Kant's problem to more contemporary issues of judgment. Friedlander (2015) rightly foregrounds the power of judgment as the central topic of Kant's aesthetics and the rule regress from the first *Critique* as one of its main problems (1-4). However, Friedlander does not address the regress problem in the Preface of the third *Critique*. Zammito (1992) observes that in A133/B172, the only place in the first *Critique* where Kant treats the power of judgment autonomously from the understanding, "Kant approached the 'other kind of judging' which he only came to fully acknowledge in the *Third Critique*" (Zammito 1992, 386). Zuckert (2007, 14ff.) thinks that the principle of purposiveness without a purpose is Kant's solution to the rule regress problem. But neither Zammito nor Zuckert provide a substantial comparison of the two regress problems or discuss the relevance of applied logic, prejudice, or reflection already implicit in the first *Critique*.

Judge Regress. It can, however, easily be inferred from the nature of the power of judgment (the correct use of which is so necessary and generally required that nothing other than this very faculty is meant by the name “healthy understanding”) that great difficulties must be involved in finding a special principle for it (which it must contain in itself *a priori*, for otherwise, it would not, as a special faculty of cognition, be exposed even to the most common critique), which nevertheless must not be derived from concepts *a priori*; for they belong to the understanding, and the power of judgment is concerned only with their application. It therefore has to provide a concept itself, through which no thing is actually cognized, but which only serves as a rule for it, but not as an objective rule to which it can conform its judgment, since for that yet another power of judgment would be required in order to be able to decide whether it is a case of the rule or not. (5:169; translation modified)

In outline, the argument is as follows. If there is a principle for the power of judgment, it is either an objective rule or it is not. If it is an objective rule, then a regress ensues, for the same reasons as in the *Rule Regress*: any application of the rule to objects would require a further rule to determine whether that application is correct. If it is not an objective rule, then the principle is not objective, that is, it is not a rule that applies to objects. However, unlike the *Rule Regress* of the first *Critique*, the fact that there is no objective rule for the power of judgment does not mean that there can be no rule for the power of judgment. Rather, it only shows that if there is a rule for the power of judgment, it must be a subjective *a priori* rule, that is, a rule that the power of judgment applies to itself to legislate its own activity.

2.1. Relation to the *Rule Regress*

To understand this argument and what allows Kant to draw this new conclusion, I must explain some important changes to Kant’s theory of judgment that take place between the first and third *Critiques*. But before I do that, I want to note three important

ways in which the *Judge Regress* differs from the *Rule Regress*. The first is Kant's explicit identification of the correct use of the power of judgment with "healthy understanding." In the previous section, I argued that this identity is only implicit in the *Rule Regress*. But here, in the *Judge Regress*, Kant makes it clear: the "correct use" of the power of judgment "is so necessary and generally required that nothing other than this very faculty is meant by the name 'healthy understanding' (*gesunden Verstandes*)" (5:169).

The second noteworthy feature of the *Judge Regress* is the intersubjective framing of the problem. The regress here is one of *judges* rather than rules. Unlike the *Rule Regress*, Kant does not generate the regress here by saying that yet another "rule" would be required, but, rather, that "yet another power of judgment would be required" (5:169). This subtle change is important, because it rules out a certain kind of solution to the problem, namely, that we could stop the regress by endowing certain judges with the authority to determine the correct use of empirical concepts. On this solution, we could maintain that healthy understanding is an unteachable talent, and yet still account for the correct use of empirical judgment by taking the judgments of the talented as our standard for judgment. The *Rule Regress* does not explicitly rule out this kind of deferential solution, but, as we saw in Kant's writings on enlightenment, this is not a conclusion he would want to accept. Here in the *Judge Regress*, however, both explanation and deference are ruled out as ways of accounting for the correct use of empirical judgment.

The third noteworthy feature of the *Judge Regress* is that it is a transcendental problem. Unlike the *Rule Regress*, the *Judge Regress* is not about the acquisition of healthy understanding, which is a task for applied logic, but about the possibility of

healthy understanding, which is a task for transcendental philosophy. Kant says that the *Judge Regress* is a problem that lies in the “nature” of the power of judgment (5:169). As he did in first and second *Critiques*, Kant will look to a relationship between the higher cognitive faculties (i.e., reason, the power of judgment, and the understanding) and the faculties of the mind (i.e., the faculty of cognition, the faculty of desire, and feeling of pleasure and displeasure) to find an *a priori* principle to solve this problem. By the time Kant was writing the third *Critique*, only one such connection remained unexplored: the connection between the power of judgment and the faculty of feeling (5:168).²³

2.2. Changes in Kant’s Theory of Judgment

Kant is able to formulate this new regress argument and reach this new conclusion – that there is an *a priori* rule for the power of judgment – because of three main changes in his theory of judgment: the determinative/reflective judgment distinction (2.2.1), the introduction of subjective *a priori* rules (2.2.2), and the heautonomy of reflective

²³ In a December 1787 letter to Reinhold, Kant explains how exploring the relations between the higher cognitive faculties and the faculties of mind inspired the third *Critique*:

My inner conviction grows, as I discover in working on different topics that not only does my system remain self-consistent but I find also, when sometimes I cannot see the right way to investigate a certain subject, that I need only look back at the general picture of the elements of knowledge, and of the mental powers pertaining to them, in order to discover elucidations I had not expected. I am now at work on the critique of taste, and I have discovered a new sort of *a priori* principles, different from those heretofore observed. For there are three faculties of the mind: the faculty of cognition, the faculty of feeling pleasure and displeasure, and the faculty of desire. In the Critique of Pure (theoretical) Reason, I found *a priori* principles for the first of these, and in the Critique of Practical Reason, *a priori* principles for the third. I tried to find them for the second as well, and though I thought it impossible to find such principles, the analysis of the previously mentioned faculties of the human mind allowed me to discover a systematicity, giving me ample material at which to marvel and if possible to explore, material sufficient to last me for the rest of my life. (10:514)

For a discussion of the role of these systematic considerations in the construction of the third *Critique*, see Frierson (2017) and Zammito (1992, 45-48).

judgment (2.2.3). I will discuss each of these in turn and explain how they make an *a priori* rule for the power of judgment possible.

2.2.1. Reflective Judgment

Given that the first *Critique* defines the power of judgment as the faculty for applying rules to cases (A133/B172), it might seem puzzling how the power of judgment could give itself its own rule. However, in the third *Critique*, Kant expands his conception of the power of judgment to include both the application and finding of rules. In the published introduction, Kant offers the following new definition of the power of judgment:

The power of judgment in general is the faculty for thinking of 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 (even when, as a transcendental power of judgment, it provides the conditions *a priori* in accordance with which alone anything can be subsumed under that universal), is determining. If, however, only the particular is given, for which the universal is to be found, then the power of judgment is merely reflecting. (5:179)

What Kant calls the power of judgment in the first *Critique* – that is, the faculty for applying rules to cases – is now determinative judgment. Reflective judgment is introduced as the power of judgment in its activity of finding a rule for the particular, where the rule is not already given. So, the power of judgment, in the third *Critique*, becomes the capacity to both apply and find rules – two different ways of bringing the particular under the universal. Under this expanded view of the power of judgment, it is possible for the power of judgment to give a rule to itself, as the *Judge Regress* suggests.

In order to isolate what is truly new in Kant's account of reflective judgment in the third *Critique*, I should make two clarifications. First, Kant already had a notion of reflection in the first *Critique*. In the *Amphiboly* and in his logic lectures, Kant claims that reflection plays a role in cognitive judgment and empirical concept-formation. So, with reflective judgment, Kant is not addressing the relationship between reflection and judgment for the first time, but he is providing a more direct, thorough treatment of this relationship. Second, by distinguishing reflective and determinative judgment, Kant does not mean to suggest that these two judgments are mutually exclusive. As Kant writes in the *Amphiboly*, "all judgments, indeed all comparisons, require a reflection" (A261/B317; 9:76). Kant remains consistent on this point throughout the logic lectures of the early 1770s through to the *Jäsche Logic* of 1800.²⁴ When we make a determinative judgment, we not only judge that the object is an instance of the concept, but we also make the implicit self-appraisal that we are judging correctly. This latter act is an act of reflective judgment.

Setting these points aside, there are two genuinely new elements in Kant's theory of reflective judgment in the third *Critique*. The first is Kant's introduction of the "merely reflective judgment" (5:179; 20:223-224).²⁵ A merely reflective judgment is a

²⁴ Kant also makes the claim about the necessity of reflection for judgment in the *Blomberg Logic*, which is dated to early 1770s: "*Reflecting* is distinct from *investigating* and *investigation*. *To reflect* is to compare something with the laws of the understanding. *To investigate*, however, is actually to reflect mediately. Concerning many things we can quite well cognize without investigation what is true, what false. But *reflection*, on the other hand, is always necessary for any judgment, and for the distinction of the true from the false, even if it be in general, or in a [particular] cognition, etc., in all cases indispensable." (24:161). For a fuller discussion of the role of reflection in determinative judgment, see Longuenesse (2005, 231-232).

²⁵ Longuenesse (2005) argues that the "the true novelty" of the third *Critique*'s account of reflective judgment consists in relating the cognitive use of reflective judgment to aesthetic and teleological judgments (234). Otherwise, she maintains that the third *Critique* "not so much an innovation" as a

judgment that only concerns the subject's judging and does not determine the object. Examples of merely reflective judgment include aesthetic judgment and teleological judgment. For example, in making an aesthetic judgment, the subject does not make a determinative judgment about the object but, rather, makes a judgment about their response to the representation of the object: namely, whether their pleasure in perceiving the object is disinterested.

The second innovation in Kant's theory of judgment, which is not as widely appreciated as the first, is the explicit assignment of reflection to the power of judgment.²⁶ Before the third *Critique*, Kant is not clear about what cognitive faculty is responsible for reflection. On the one hand, in addressing reflection as part of the Transcendental Analytic, one might think that reflection is an act of the understanding.²⁷ On the other hand, in the Appendix to the Transcendental Dialectic, Kant attributes the activity of finding empirical rules to the "hypothetical use" of reason (A646/B674). However, in the third *Critique*, Kant abandons both these faculties, opting instead for the previously untried path of the power of judgment.

"clarification" on the first *Critique* account of reflection. Although I agree that the introduction of merely reflective judgment is an innovation, I think that the explicit assignment of reflection to the power of judgment is also a significant change.

²⁶ For example, McFarland (1970) writes that "I do not think that there is anything of philosophic significance in the change from reason to reflective judgment" (80). Friedman (1991) asserts that "reflective judgement [corresponds] to what is characterized in the first *Critique* as the regulative use of reason" (Friedman 1991, 74). Similarly, Abela (2006) refers to reflective judgment and hypothetical reason jointly, using the term "rational judgment" (409). For a comprehensive discussion of the relation between hypothetical reason and reflective judgment, see Rajiva (2006).

²⁷ See Ostaric (2017) for a fuller discussion of the different senses of reflection in Kant. Ostaric (2017) makes a compelling argument against the common view, as in Longuenesse (2005), that the reflection involved in aesthetic judgment is the same as the reflection involved in the logical actus of the understanding (1384-1388). Although I do not agree with Ostaric's positive account of aesthetic reflection, I agree with her negative claim that these are two different species of reflection and that interpreters have been misled in their efforts to explain aesthetic reflection through comparison to logical reflection. For my account of aesthetic reflection, see Chapter 2.

With respect to the *Judge Regress*, I think this move is significant for two reasons. First, it is methodologically significant, because it enables Kant to follow his method of finding *a priori* principles for higher cognitive faculties by looking for connections between the higher cognitive faculties and the faculties of mind. If reflection remained an activity of either the understanding or of reason, then Kant might not have had the insight to pursue the connection between the power of judgment and the faculty of feeling in order to derive an *a priori* principle for the power of judgment.²⁸

Second, assigning reflection to the power of judgment clarifies that reflection is a kind of judgment, namely, a judgment about one's own judging. In the first *Critique*, it is unclear whether reflection is either (a) the initial stage of an inquiry into the subjective conditions of cognition, (b) a determination of the cognitive power from which a representation originated, (c) a comparison of representations, or (d) a comparison of representations with cognitive powers.²⁹ In the third *Critique*, however, reflection is construed as a judgment about the relation obtaining between one's own cognitive faculties in judgment. For example, consider the role played by reflection in an empirical

²⁸ The affective dimension of the activity of the higher cognitive faculties becomes steadily more explicit between the first and third *Critiques*. On the practical side, the *Groundwork* (1784) introduces "respect" for the moral law as the motive for moral action (4:440), which is further developed in the second *Critique* (1788) (5:73). On the theoretical side, Kant claims in his "Orientation" essay (1786) that we should use the "felt need of reason" to orient ourselves in speculative inquiry (8:139).

²⁹ Kant's general definition of reflection is an example of (a): "Reflection (*reflexio*) does not have to do with objects themselves, in order to acquire concepts directly from them, but is rather the state of mind in which we first prepare ourselves to find out the subjective conditions under which we can arrive at concepts" (A260/B316). An example of (b) is his parenthetical definition of reflection as "a distinction of the cognitive power to which the given concepts belong" (A261/B317). Logical reflection is an example of (c), which he defines as "a mere comparison, for in its case there is complete abstraction from the cognitive power to which the given representations belong, and they are thus to be treated the same as far as their seat in the mind is concerned" (A262-263/B318-319). Transcendental reflection is an example of (d), which he defines as an "action through which I make the comparison of representations in general with the cognitive power in which they are situated, and through which I distinguish whether they are to be compared to one another as belonging to the pure understanding or to pure intuition" (A261/B317).

judgment. In this case, the “mere reflection on a perception” is a “matter of ... reflecting on the rule concerning a perception in behalf of the understanding, which is the faculty of concepts” (20:220). In other words, in reflection, we judge whether the rule (an empirical concept) is fitting for the perception (a sensible particular). In the case of a merely reflective judgment, such as aesthetic judgment, where there is no determinate concept, the power of judgment judges the fittingness between the imagination and the understanding in a general way: “in a merely reflecting 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 in the case of a given perception” (20:220). So, whether in the empirical or the merely reflective case, reflective judgment is a judgment about whether the imagination and the understanding stand in the relation required for a judgment in general. In the empirical case, this is a judgment about a determinate relation: whether some empirical concept is fitting for a particular image. In the merely reflective case, this is a judgment about an indeterminate relation: whether one’s imagination and understanding agree in a generic way required for any judgment.

2.2.2. Subjective *A Priori*

The second important change in Kant’s theory of judgment is the introduction of a principle that is both subjective and *a priori*. In the *Judge Regress*, Kant claims that if one tried to provide an objective principle for the power of judgment, then a regress of judges would ensue. From this, he infers that the principle of judgment must be a

subjective *a priori* principle (5:169). By “objective rule,” Kant means a rule that determines objects. For example, the empirical concept DOG is an objective rule, because when we judge that something is a dog, we apply the concept DOG to the object and not to ourselves. By “subjective rule,” on the other hand, Kant means a rule that does not apply to the object but instead to the subject: it is a rule that the subject uses to judge her own activity of judging.

In addition to being subjective, the principle for the power of judgment must also be *a priori*, because it is about how we *ought* to make judgments – that is, the “correct use” of one’s power of judgment – and not about how we *do* make judgments. One of the third *Critique*’s central questions is whether the power of judgment has any *a priori* principles (5:168). This is an especially challenging question for the power of judgment, because unlike the other two higher cognitive faculties, reason and the understanding, the power of judgment does not have its own “domain” (*Gebiet*) of objects to legislate (5:177). The understanding has its own domain, nature, to which its laws – the categorial principles – apply *a priori*; and reason has its own domain, freedom, to which its law – the moral law – applies *a priori*. Since these domains are mutually exclusive and exhaustive, it would seem that there is nothing left for the power of judgment to legislate, and thus no *a priori* principle of judgment. However, Kant thinks that although the power of judgment has no domain of its own, it does have its own “territory” (*Boden*) (5:177). By this, Kant means that although the power of judgment does not determine the laws governing the realm of nature or the realm of freedom, it may legislate its own activity, analogously to how a province within a nation may determine provincial laws, even

though it remains subject to the federal laws. So, if the power of judgment has an *a priori* principle, Kant thinks that it must legislate the power of judgment's own activity.

2.2.3. Heautonomy of Judgment

The notion of a subjective *a priori* principle depends, in turn, on a further change to Kant's theory of judgment, namely, the introduction of a new kind of autonomy: the heautonomy of reflective judgment. In the Introduction, Kant tells us that each higher cognitive faculty – that is, the understanding, the power of judgment, and reason – must “contain an autonomy” (5:196). The autonomies of the understanding and reason are explored in the first two *Critiques*. In the first *Critique*, Kant explains how the laws of the understanding legislate the domain of nature; and in the second *Critique*, Kant explains how the law of pure practical reason legislates the domain of freedom.

However, since the power of judgment has no domain of its own, if it has an autonomy, it must be one that is different in kind from those of the understanding or reason. Kant calls this special kind of autonomy “heautonomy” (*Heautonomie*) (5:186), and explains it by opposing it to the heteronomy of determining judgment, on the one hand, and the autonomy of reason, on the other.³⁰

Determining judgment is heteronomous, because its activity is governed by concepts supplied by the understanding. In determining judgment, the subject thinks the

³⁰ Floyd (1998) offers the following etymological explanation for Kant's choice of the term: “Heautonomy derives from the Greek definite article *he* being attached to the Greek pronoun for ‘self,’ or ‘itself’: *auto*. The resulting term, *heauto*, means just what *auto* does except that it may only appear grammatically in a sentence reflexively (as in, e.g., ‘I wash myself,’ ‘He praised himself,’ etc.), and never intensively, as an emphazier (as in, e.g., ‘I myself think we ought to vote,’ or ‘You yourself said so!’). By contrast, *auto* can occur either reflexively or intensively. Philologically speaking, Kant is trying to emphasize a certain necessarily reflective character of the faculty of judgment” (Floyd 1998, 205; quoted in Pollok 2017).

particular under a universal which is already given (5:385; 5:389). This is an instance of heteronomy because the rule that governs the power of judgment's activity comes from outside the power of judgment. Here, the rule-maker (the understanding) and the rule-follower (the power of judgment) are distinct. Reflective judgment, on the other hand, is heautonomous, because its operation is legislated by a law that reflective judgment gives to itself. In this case, the rule-maker (the power of judgment) and the rule-follower (the power of judgment) are one and the same.

Reason is not heautonomous, but rather autonomous, because it legislates a realm of objects. Reflective judgment imposes its principle "not to nature (as autonomy) but to itself (as heautonomy) for reflection on nature" (5:186).³¹ So, whereas reason is autonomous in the sense that its principle, the categorical imperative, legislates a domain of free, rational beings, reflective judgment is heautonomous because that it only legislates its own activity.

The heautonomy of reflective judgment is required for a subjective *a priori* principle of the power of judgment, because a subjective *a priori* principle is a rule where the rule-maker and the rule-follower are one in the same. Unlike the objective *a priori* principles of reason or the understanding, where the principle legislates a domain of objects, the principle of reflective judgment applies only to itself. Unlike subjective *a posteriori* rule, that is, an empirical concept, where the rule is given from outside the

³¹ On this point, I follow Allison's view (2001) that claiming that "judgment is "heautonomous" in its reflection is just to say that it is both *source* and *referent* of its own normativity" (41). For contrasting view, see Guyer (2003), who argues that a principle, P, is "heautonomous" if we can "*conceive*" P to be about objects, but we "cannot ourselves—autonomously, by our own power—*impose*" P upon those objects (14).

power of judgment, in a merely reflective judgment, the power of judgment is “itself, subjectively, both object as well as law” (5:288).

3. The Relevance of Aesthetics

So, the *Judge Regress* tells us that the possibility of healthy understanding requires a principle that can account for the correct use of empirical judgment but without appealing to deference or discursive explanation. Kant’s suggestion is that this is a subjective *a priori* principle, one that the power of judgment gives to itself to legislate its own activity. But what it means for the power of judgment to legislate itself, how this sort of legislation is possible, or how it is supposed to work in practice is unclear. To address these issues, Kant turns to a special kind of merely reflective judgment: the pure judgment of taste.

In the Preface, immediately following the *Judge Regress*, Kant explains that a similar problem to the *Judge Regress* arises in aesthetics, and it is for this reason that the “most important part” of a critique of the power of judgment in general is the Critique of Aesthetic Judgment:

This embarrassment about a principle (whether it be subjective or objective) is found chiefly in those judgments that are called aesthetic, which concern the beautiful and the sublime in nature or in art. And likewise the critical investigation of a principle of the power of judgment in these cases is the most important part of a critique of this faculty.
(5:169)

By “this embarrassment about a principle,” Kant is referring to the *Judge Regress*: that is, the problem of finding a principle for the correct use of the power of judgment. By

“found chiefly,” Kant means that the need for a subjective *a priori* principle to account for the correct use of the power of judgment is especially pronounced in the case of aesthetic judgment.

To understand why this is so, I will first consider what Kant calls the “twofold logical peculiarity” of the judgment of taste and the special challenge it poses for accounting for the correctness of aesthetic judgment (3.1). Then I will compare this challenge to the one posed in the *Judge Regress* and explain why Kant thinks this problem is “found chiefly” in aesthetics (3.2). On my view, Kant focuses his critique of the power of judgment on aesthetics because aesthetics isolates the challenge of finding a non-discursive, non-deferential source of correctness in judgment.

3.1. Twofold Logical Peculiarity

In the sections preceding his official deduction of pure aesthetic judgment, Kant unpacks the way in which the pure judgment of taste stands between an objective judgment and a merely subjective judgment. On the one hand, “[t]he judgment of taste determines its object with regard to satisfaction (as beauty) with a claim to the assent of everyone, **as if it were objective**” (5:281; my bold). On the other hand, “[t]he judgment of taste is not determinable by grounds of proof at all, just **as if it were merely subjective**” (5:284; my bold).

Kant refers to these two features as the “twofold logical peculiarity” of the judgment of taste (5:281).³² Like an objective judgment, the judgment of taste makes a

³² Kant describes the twofold logical peculiarity of the judgment of taste as follows: “first, universal validity *a priori*, yet not a logical universality in accordance with concepts, but the universality of a singular

universal demand. But like a merely subjective judgment, the judgment of taste is not based on objective grounds but, rather, on the subject's pleasure in perceiving the object.³³ Following Allison (2001), I will refer to these two features of the judgment of taste as its "as if objectivity" and "as if mere subjectivity" (166).

3.1.2. As If Objectivity

In §32, Kant discusses the first logical peculiarity of the judgment of taste: its "as if objectivity". Kant illustrates this feature of the judgment of taste through his infamous example of a young poet who appraises his own work as beautiful while stubbornly resisting the opposing judgments of others:

[A] young poet does not let himself be dissuaded from his conviction that his poem is beautiful by the judgment of the public nor that of his friends, and, if he does give them a hearing, this is not because he now judges it differently, but rather because, even if (at least in his view) the entire public has a false taste, he nevertheless (even against his judgment) finds cause to accommodate himself to the common delusion in his desire for approval. Only later, when his power of judgment has been made more acute by practice, does he depart from his previous judgment of his own free will, just as he does with those of his judgments that rest entirely on reason. Taste makes claim merely to autonomy. To make the judgments of others into the determining ground of one's own would be heteronomy. (5:282)

In this example, the young poet insists on the beauty of his poem, despite the fact that it conflicts with the judgments of others. The young poet does not allow his "desire for approval" to overrule his judgment. Rather, he sticks to his judgment because he believes

judgment; second, a necessity (which must always rest on a priori grounds), which does not, however, depend on any a priori grounds of proof, by means of the representation of which the approval that the judgment of taste requires of everyone could be compelled" (5:281).

³³ Allison (2001) calls these two peculiarities the "as if objectivity" and "as if mere subjectivity" of the judgment of taste (166). The judgment of taste is neither objective nor merely subjective, but it has elements of both kinds of judgment because it is a subjectively universal judgment.

– rightly, according to Kant – that such considerations are irrelevant. Allowing the judgments of others to influence one’s judgment would be “heteronomy” (5:282). Instead of conceding that his poem is only appealing to some people, perhaps only himself, the young poet imputes his judgment to all others. Everyone, he claims, ought to agree that his poem is beautiful.

With the case of the young poet, I do not think that Kant is putting forth an example of a pure judgment of taste; rather, it is meant as an example of one part of the twofold logical peculiarity of the pure judgment of taste: its “as if objectivity”. Kant praises the young poet’s steadfastness in judgment, because the same steadfastness in demanding universal assent is exhibited by a pure judgment of taste. But from Kant’s description of the case, it seems unlikely that the young poet’s determining ground is disinterested.³⁴ Rather, it seems more reasonable to assume that the young poet’s judgment is contaminated by his interest in being the author of a beautiful poem.

However, by isolating the “as if objectivity” of the judgment of taste, the young poet teaches us a valuable lesson: namely, that it is never appropriate to defer in a

³⁴ On this point, I follow Matherne (2019), against Savile (1987) and Allison (2001), that the young poet example is not intended as a model for aesthetic judgment. Savile (1987) claims both that the young poet makes a judgment of taste and that the young poet’s pleasure is disinterested (157-158). Similarly, Allison (2001) argues that the young poet’s judgment is “presumably disinterested (at least insofar as it is not based on the desire to gain the approval of others-as a critic-if not as a poet)” (167). I think neither claim is accurate. The young poet is making an interested judgment on the basis of his own self-esteem; therefore, his judgment cannot be a judgment of taste. As Matherne (2019, 18) observes, there are remarkable similarities between the young poet example and Kant’s description of aesthetic egoism from the *Anthropology*. An aesthetic egoist is one who remains steadfast and convinced of his own judgments, indifferent when others criticize and laugh at his judgments (7:129). Kant regards this way of judging as inappropriate, remarking that the aesthetic egoist “deprives himself of progress toward that which is better when he isolates himself with his own judgment; he applauds himself and seeks the touchstone of artistic beauty only in himself” (7:129-130). Similarly, the young poet deprives himself of progressing in taste because he fails to reflect on whether the pleasure he takes in his poem has the proper grounds. It seems probable from Kant’s description that if the young poet did reflect in a more self-critical way, he would find that his pleasure is not disinterested but is, like the aesthetic egoist, self-interested.

judgment of taste. Whatever the proper determining ground of the judgment of taste is, it cannot be found in the judgments of others. Instead, when making a judgment of taste, one must look within and scrutinize whether one's pleasure is disinterested. Upon judging that something is beautiful, one should, like the young poet, demand universal assent, sensitive but not submissive to dissenting judgments.

3.1.2. As If Mere Subjectivity

In §33, Kant addresses the second logical peculiarity of the judgment of taste: its “as if mere subjectivity”. Kant illustrates this second peculiarity by comparing a judgment based on the experience of tasting a dish with a judgment based on a list of the ingredients in the dish:

[S]omeone may list all the ingredients of a dish for me, and remark about each one that it is otherwise agreeable to me, and moreover even rightly praise the healthiness of this food; yet I am deaf to all these grounds, I try the dish with my tongue and my palate, and on that basis (not on the basis of general principles) do I make my judgment. (5:285)

In Kant's view, knowing an object's properties is not sufficient for making a judgment of taste, because the proper ground for a judgment of taste is not properties of the object but one's pleasure in perceiving the object. In matters of taste, a description of the object will not do. Rather, the subject must have an intuitive representation of the dish: that is, a singular, immediate representation, for the judgment of taste concerns whether this representation bears a necessary relationship to pleasure (5:236).

Just as the young poet's judgment exhibits the “as if objectivity” of a judgment of taste but not the right kind of subjectivity, the food taster exhibits the “as if mere

subjectivity” of a judgment of taste but not the right kind of objectivity. Like a judgment of taste, the food taster’s judgment is grounded on the subject’s pleasure, but unlike a pure judgment of taste, the pleasure one takes in a tasty meal is not the sort of pleasure about which one could demand universal assent, because such pleasure does not rest on universal grounds but varies intersubjectively.

By isolating the “as if mere subjectivity” of the judgment of taste, the food taster example teaches us a second lesson about taste: that we cannot discursively justify our judgments of taste. No description of an object’s properties is sufficient for determining whether something is beautiful, because one’s ground in making a judgment of taste must always be subjective (5:203). Rather, just as the food taster must “try the dish” with her own “tongue and palate”, one must judge an object’s beauty only on the basis of one’s own pleasure in perceiving it.

So, neither the young poet nor the food taster exhibits the full twofold logical peculiarity of the judgment of taste. The young poet seems to judge on the basis of self-interest, and the food taster does not demand that everyone ought to agree with his judgment. But through these examples we learn that in making a judgment of taste, we cannot defer to others, and we cannot justify our judgment discursively. Rather, in order to make a judgment of taste, one must judge for oneself on the basis of a subjective but universal ground.

3.2. Relation to the *Judge Regress*

Now I want to return to Kant's claim that the Critique of Aesthetic Judgment is "the most important part" of the critique of the power of judgment in general (5:169). Kant claims that his account of aesthetic judgment is most important for the third *Critique* because aesthetic judgment faces the same "embarrassment about a principle (whether it be objective or subjective)" that empirical judgment faces in the *Judge Regress*, and this embarrassment is "found chiefly" in aesthetic judgment (5:169).

Let's first consider Kant's remark that aesthetic judgment involves the same "embarrassment about a principle" as empirical judgment. Following Kant's explanation of the twofold logical peculiarity of the judgment of taste in §§32-33, Kant claims, in §34, that the principle of taste cannot be objective. Just as we saw in the *Judge Regress*, the impossibility of an objective principle of taste leads Kant to the conclusion that the principle of taste must be subjective *a priori*:

Such a judgment, if it is not a mere judgment of sensation but a formal judgment of reflection, which requires this satisfaction of everyone as necessary, must be grounded in something as an *a priori* principle, even if only a merely subjective principle (if an objective principle for this kind of judgment would be impossible), but which, as such a principle, also requires a deduction, by means of which it may be comprehended how an aesthetic judgment could lay claim to necessity. (5:288)

The principle of taste must be *a priori*, because the judgment of taste claims that there is a necessary relationship between a representation and the feeling of pleasure (5:236).

This is a consequence of the judgment of taste's "as if objectivity": that it makes a universal demand on how all others *ought* to judge. However, the principle of taste cannot be objective, because the necessary relationship that claimed between a

representation and pleasure in a judgment of taste is not grounded on concepts (5:236).

This is a consequence of the judgment of taste's "as if mere subjectivity": that it is based on the subject's pleasure.

Now, consider Kant's remark that the challenge of finding a subjective *a priori* principle is "found chiefly" in aesthetic judgment (5:169). One of the significant differences between aesthetic judgment and empirical judgment is that partial discursive explanation and deference is possible in the case of empirical judgment but impossible in the case of aesthetic judgment. For example, as I discussed in 1.2.1, I may explain why the concept DOG applies to an object by appealing to the constituent concepts of DOG, like ANIMAL and FOUR-LEGGED. Such an explanation may be satisfactory if my interlocutor understands these constituent concepts and sees that they apply to the object. But if pressed to explain why these concepts apply, and why their constituent concepts apply, and so on, then we will reach a point at which discursive explanation is no longer possible. In aesthetic judgment, however, there are no such partial discursive explanations. Because the judgment of taste has only subjective grounds, it is impossible to even partially explain why something is beautiful. With respect to deference, there are many situations in which it is reasonable defer to someone else's empirical judgment. For example, if a friend tells me that he had eggs for breakfast, it is reasonable for me to make the empirical judgment that he had eggs for breakfast. In aesthetic judgment, however, there are no cases in which deference is appropriate. An aesthetic judgment can only be made on the basis of the subject's pleasure in perceiving the object.

Since the twofold logical peculiarity of the judgment of taste rules out both discursive explanation and deference, we confront the need to account for a non-

discursive, non-deferential correctness in every judgment of taste we make. In this sense, every judgment of taste begins where the *Judge Regress* ends.

By isolating this general problem for the power of judgment, Kant's account of aesthetic judgment also isolates his solution in three important ways. First, the judgment of taste, as a merely reflective judgment, isolates the role of reflection in judgment.³⁵ Whereas empirical judgments involve both determination and reflection, as I discussed in 2.2.1, aesthetic judgment is a "merely reflective judgment" (20:241; 5:190). By this, Kant means that the judgment of taste does not determine the object through determinate concepts. Consequently, in the judgment of taste, imagination and understanding do not relate to each other in a *determinate* way but, rather, in a general, *indeterminate* way. As Kant explains in the First Introduction, "in a merely reflecting 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 in the case of a given perception" (20:220). Because the judgment of taste exemplifies this indeterminate imagination and understanding, of which any empirical judgment is a determination, in inquiring into the judgment of taste, we are inquiring into "subjective formal condition of a judgment in general" (5:287). On Kant's view, the relation between imagination and understanding required for the judgment of taste is also "requisite for the common and healthy understanding that one may presuppose in everyone" (5:293). So, in

³⁵ There is good reason to think that Kant's decision to explicitly incorporate reflection under the power of judgment happened in the course of writing the Critique of Aesthetic Judgment. The phrase 'reflective judgment' does not appear in §§1-22 or §§30-40, which were the first parts Kant composed, when Kant still took himself to be writing a critique of taste rather than a critique of the power of judgment in general. Rather, 'reflective judgment' makes its first appearance in the Analytic of the Sublime (5:250), which was written in the later period in which Kant expanded his ambitions to the power of the judgment in general. On the order of the third *Critique's* composition, see Wicks (2007, 10) and Nuzzo (2005, 73-74).

investigating the conditions of the judgment of taste, we are also indirectly investigating the conditions of healthy understanding, that is, the ability to make correct empirical judgments.

Second, the judgment of taste is a heautonomous judgment.³⁶ In a judgment of taste, the power of judgment “is itself, subjectively, both object as well as law” (5:288). In other words, when we make a judgment of taste, we are not judging the object, since it is not a determinative judgment, but, rather, our own judging. But we cannot explain or defer to others to explain what makes this reflective judging correct. This sort of claim to correctness is difficult to grasp when it comes to empirical judgment, but it is more familiar feature of aesthetic judgment. For example, if I judge that a sunset is beautiful, I take myself as a judging correctly without appeal to discursive explanation or deference. I simply *see* that the sunset is beautiful, and I claim that everyone ought to agree. By investigating this special kind of autonomy in the judgment of taste, we are able to better understand the special kind of autonomy that underlies empirical judgment.

Third, the judgment of taste foregrounds the connection between the power of judgment and the faculty of feeling. As I said in 2.2.1, the connection between the power of judgment and the faculty of feeling is one of Kant’s guiding ideas in writing the third *Critique*. While this connection is obscure in the case of empirical judgment, it is essential to aesthetic judgment. An aesthetic judgment is, by definition, a judgment that relates a “representation ... to the subject and its feeling of pleasure or displeasure”

³⁶ There is good reason to think that Kant discovered the concept of heautonomy through his investigation of aesthetic judgment. In the unpublished First Introduction to the third Critique, Kant only uses the term “heautonomy” to describe aesthetic judgment (20:225). But in the later, published Introduction “heautonomy” is extended to reflective judgment in its empirical use (5:185-186). For more on the relation between these two kinds of heautonomy, see Pollok (2017, 279-286).

(5:204). By more precisely determining the relationship between feeling and the power of judgment in the aesthetic judgment, Kant is able to more precisely determine the role of feeling in empirical judgment. Over the course of the *Critique of Aesthetic Judgment*, we find Kant filling out an account of the role of feeling in empirical judgment. To name just a few examples, Kant tells us that making a communicable cognitive judgment “carries a pleasure with it” (5:218), that feeling can provide us with an immediate awareness of the relation between imagination and understanding in judgment (5:218), and that “the universal communicability of our cognition” presupposes that there is a common feeling that underlies empirical judgment (5:239). Understanding these remarks and others like them will be the aim of the remainder of my dissertation.

4. Feeling and the Power of Judgment

In this chapter, I argued that Kant’s account of empirical judgment faces a problem, namely, how to account for the correct use of empirical judgment without appealing to discursive explanation or deferring to authoritative judges. I argued that Kant recognizes this problem in the regress of rules argument in the first *Critique* but only attempts to solve it in the third *Critique*. This solution depends on three important additions to his theory of judgment: the reflective use of the power of judgment, the possibility of subjective *a priori* principles, and the heautonomy of reflective judgment. In order to isolate this problem and offer his solution, Kant turns to an investigation of aesthetic judgment, a kind of judgment that in every case confronts this deeper problem that underlies empirical judgment.

In conclusion, I want to preview what, I will argue, is Kant's response to this problem. In the Preface, Kant says that the third *Critique* aims to answer three main questions:

Now [1] whether the power of judgment, which in the order of our faculties of cognition constitutes an intermediary between understanding and reason, also has *a priori* principles for itself; [2] whether these are constitutive or merely regulative (and thus do not prove the power of judgment to have its own domain), and [3] whether the feeling of pleasure and displeasure, as the intermediary between the faculty of cognition and the faculty of desire, gives the rule *a priori* (just as the understanding prescribes *a priori* laws to the former, but reason to the latter): it is this with which the present critique of the power of judgment is concerned. (5:168; my numbering)

We know from the discussion of the *Judge Regress* that Kant thinks that the answers to [1] and [2] are “yes” and “regulative”: there must be an *a priori* principle for the power of judgment in order to account for the possibility of correct empirical judgment, and it is regulative because the power of judgment does not have its own domain of objects.

But things get more interesting when we consider [3]. It is clear that Kant thinks that the faculty of feeling does give the rule *a priori* for the power of judgment in its aesthetic use. But what about the power of judgment in general? Can an appeal to feeling also answer the challenge posed by the *Judge Regress* and account for the correctness of empirical judgment? If so, what is the role of feeling in our ability to make correct empirical judgments?

In the remaining chapters, I answer these questions. In Chapter 2, I offer an account of Kantian judgment of beauty and explain how the Kantian judgment of beauty reveals our capacity to take subjective states as correct without appeal to discursive explanation or deference. I argue that the Kantian judgment of beauty functions in an

analogous way to an Austinian explicit performative. I call this “the performative view.”

On the performative view, when one makes a judgment of beauty, one claims that their mere pleasure (a pleasure whose validity has not yet been determined) is universally valid, and if this act satisfies the constitutive conditions of the judgment of taste, then this claim transforms the subject’s mere pleasure into the feeling of beautiful.

In Chapter 3, I return to empirical judgment and explain how Kant appeals to the faculty of feeling to show how healthy understanding is possible. Here, I take up Kant’s claim in §21 of the third *Critique* that “common sense” (*Gemeinsinn*) is “the necessary condition of the universal communicability of our cognition, which is assumed in every logic and every principle of cognitions that is not skeptical” (5:239). I argue that §21 is Kant’s argument for a cognitive common sense, that is, a universal capacity to feel the extent to which image and concept agree in an empirical judgment. I explain how, on Kant’s view, feeling can serve as a guide in making empirical judgments, if the subject’s sole aim in judging is attaining empirical knowledge.

Chapter 2. The Performative View of Kantian Aesthetic Judgment

In this chapter, I offer an account of the Kantian judgment of beauty. I argue that the Kantian judgment of beauty functions in an analogous way to an Austinian explicit performative. I call this “the performative view.” On the performative view, when someone makes a judgment of beauty, they judge that their mere pleasure (a pleasure whose validity has not yet been determined) is universally valid, and if this act of judgment satisfies certain conditions, then their judgment transforms their mere pleasure into the feeling of beautiful.

In section 1, I motivate the performative view by considering a central puzzle in Kant’s account of aesthetic judgment: namely, how the judgment of beauty can both *be about* and *precede* the subject’s pleasure. I call this the *Puzzle of Taste*. I argue that none of the most prominent interpretations of Kantian aesthetic judgment – Guyer’s (1997; 2017) two-judgment view, Ginsborg’s (2015; 2017) one-judgment view, and Sethi’s (2019) two-pleasure view – adequately respond to the *Puzzle of Taste*.

In section 2, I present the performative view and explain how it resolves the *Puzzle of Taste*. On the performative view, the judgment of beauty is both *about* and *precedes* one’s pleasure in the same way that an explicit performative is *about* an object but *precedes* the status assigned to that object. For example, in the explicit performative

of Queen Elizabeth knighting Elton John, the act of knighting is about Elton John but precedes Elton John having the status of knighthood. Similarly, the judgment of beauty is about the subject's pleasure but precedes the pleasure's universal validity. Since, on the performative view, the feeling of the beautiful just is the subject's pleasure with this special status, the judgment of beauty is both about the subject's mere pleasure but precedes the subject's feeling of the beautiful.

In section 3, I present three sources of textual evidence for the performative view: the descriptions of the judgment of taste as a "declaration" or "postulation" (3.1), the unique logical status of the predicate of beauty (3.2), and Kant's claim that beautiful works of art function as rules for aesthetic judgment (3.3).

Finally, in section 4, I reply to two major objections to the performative view: that it conflicts with Kant's "key" to the critique of taste (4.1), and that it illegitimately posits "mere pleasure" (4.2).

1. The Puzzle of Taste

1.1. The Puzzle in Outline

In the Critique of Aesthetic Judgment, Kant attempts to demonstrate the possibility of the judgment of taste: a judgment that is based on the subject's pleasure but whose claim holds universally for all judging subjects. Kant describes the problem as follows:

How is a judgment possible which, merely from one's own feeling of pleasure in an object, independent of its concept, judges this pleasure, as

attached to the representation of the same object in every other subject, a priori, i.e., without having to wait for the assent of others? (5:288).

In his attempt to account for the possibility of the judgment of taste, Kant makes two apparently conflicting claims. On the one hand, Kant claims, as in the quote above, that the judgment of taste is a universalizing judgment *about* the pleasure one takes in perceiving an object (see also 5:191; 5:203). On the other hand, in §9, the section that Kant calls the “key” of the critique of taste, he claims that judgment must *precede* aesthetic pleasure, on the basis of the following argument:

If the pleasure in the given object came first, and only its universal communicability were to be attributed in the judgment of taste to the representation of the object, then such a procedure would be self-contradictory. For such a pleasure would be none other than mere agreeableness in sensation, and hence by its very nature could have only private validity, since it would immediately depend on the representation through which the object is given. (5:217)

In other words, if aesthetic pleasure in a given object precedes the judgment of taste, then the judgment could not be universally valid. But the judgment of taste is a universally valid judgment. So, Kant concludes, aesthetic judgment must precede aesthetic pleasure.

These two claims give rise to a puzzle: How can aesthetic judgment both *precede* and *be about* the subject’s pleasure? If an aesthetic judgment is about one’s pleasure, then pleasure should come before one’s judgment. However, if the judgment must precede aesthetic pleasure, then this seems impossible. Call this problem the *Puzzle of Taste*.

In outline form, solving the *Puzzle of Taste* involves resolving a tension between the following two claims:

- (1) The judgment of taste is about the subject’s pleasure.
- (2) The judgment of taste precedes the subject’s pleasure.

In the following subsections, I will discuss three influential attempts – Guyer’s (1997; 2017) two-judgment view, Ginsborg’s (2015; 2017) one-judgment view, and Sethi’s (2019) two-pleasure view – and I will show why none of them offers an adequate solution.

1.2. Guyer’s Two-Judgment View

The first attempt at a solution to the *Puzzle of Taste* is the two-judgment view. The main proponent of this interpretation is Paul Guyer, who introduced this reading in his 1979 book *Kant and the Claims of Taste* and has defended it as recently as 2017, in a paper arguing against Ginsborg’s one-judgment view.³⁷ In the latest statement of the view, Guyer summarizes the structure of Kantian aesthetic judgment as follows: “First *Beurteilung*, then pleasure, then *Geschmacksurteil*, which is about that pleasure” (2017, 411).

Guyer interprets Kantian aesthetic judgment as involving three phenomena. First, there is a “mere judging” (*Beurteilung*), which Guyer identifies with the free play of the cognitive faculties (that is, the harmonious interaction between imagination and the understanding in perceiving an object, where this harmony is not due to a determinate concept). Second, there is the feeling of the beautiful, which is the pleasure produced by this mere judging. Third, there is the judgment of taste (*Geschmacksurteil*), which is a judgment about whether one’s pleasure is the effect of mere judging. If the pleasure is, in fact, caused by mere judging, then the subject has a legitimate claim to universal assent.

³⁷ Other two-judgment readings include Crawford (1974), Allison (2001), Longuenesse (2005; 2006), and Hughes (2017). Each of these accounts differ from Guyer’s in various ways. But my intent in discussing the two-judgment view is only to show that its general appeal and advantages over the one-judgment view can be captured without accepting its problems.

Guyer's account has two main parts, each of which has its problems. The first is the distinction between "mere judging" (*Beurteilung*) and the "judgment of taste" (*Geschmacksurteil*).³⁸ The titular question of §9 asks "whether in the judgment of taste (*Geschmacksurteil*) the feeling of pleasure precedes the judging (*Beurteilung*) of the object or the latter" (5:216). Since, for Guyer, *Beurteilung* and *Geschmacksurteil* are two distinct acts of judgment, the question of §9 is not whether the judgment of taste (*Geschmacksurteil*) precedes aesthetic pleasure, but whether mere judging (*Beurteilung*) precedes aesthetic pleasure. Making this distinction allows Guyer to claim that the judgment of taste can follow the feeling of the beautiful, thus accommodating Kant's claim that the subject "judges" their pleasure (5:288). The first act, the mere judging, produces the feeling of the beautiful, while the second act, the judgment of taste, makes a judgment about this pleasure.

Kant uses the terms 'Beurteilung' and 'Geschmacksurteil' throughout the third *Critique* (see 20:224; 5:169; 5:289; 5:306). However, as Guyer acknowledges, Kant does not employ this distinction consistently and never explicitly distinguishes these terms as referring to two separate acts of judgment (1997, 98). Nonetheless, Guyer thinks that the distinction is justified, because it makes the two-judgment view possible, and the two-judgment view is the only way to avoid what he regards as the "absurd" alternative: that aesthetic judgment consists of a single act of judgment. He writes that "if the aesthetic

³⁸ The interpretive move of distinguishing between "judging" and "judgment of taste" in §9 is not original to Guyer. Crawford (1974) argues for this same distinction and on similar grounds. For Crawford, the distinction between "judging" and "judgment of taste" is the only way to avoid the "obscure and paradoxical" result that the judgment of taste precedes aesthetic pleasure (1974, 70). This result is paradoxical, according to Crawford, because it suggests that a judgment about one's pleasure precedes the pleasure itself; and it is obscure, because it conflicts with Kant's claim that aesthetic judgment is about the relation between a representation and the subject's pleasure.

judgment resulted from a single act, this would be to say that the same feeling of pleasure both succeeded, as its product, and yet preceded, as its evidence or ground, a single judgment. This is clearly absurd” (Guyer 1997, 99).

The second main part of Guyer’s account is the causal interpretation of the relationship between mere judging and the feeling of the beautiful (1997, 97).

Throughout the third *Critique*, Kant uses causal language to describe the relationship between aesthetic judging and aesthetic pleasure. In the first Introduction, Kant states that the free play of imagination and the understanding, which Guyer identifies with mere judging, “produces” (*bewirkt*) aesthetic pleasure (20:224). Similarly, in the published Introduction, Kant claims that this play “arouses” (*erweckt*) aesthetic pleasure (5:190), and, in §40, he describes aesthetic pleasure as an “effect (*Wirkung*) of mere reflection on the mind” (5:295).

However, the causal interpretation of free play’s production of the feeling of the beautiful is an awkward fit with Kant’s explicit denial that the feeling of the beautiful is causally produced. In §12, Kant’s claim that it is “absolutely impossible” to “establish *a priori* the connection between the feeling of pleasure or displeasure as an effect of some representation (sensation or concept) as its cause,” because this would be a “causal relation,” and causal relations “can only ever be cognized *a posteriori*” (5:221-222). In the case of beauty, there is an *a priori* connection between the representation and pleasure. So, whatever relation this is, Kant argues, it cannot be causal. Guyer acknowledges this awkwardness, but insists that the causal interpretation is “more consistent than any other with his [Kant’s] theory of aesthetic judgment as the outcome of a complex process of reflective judgment” (1997, 97). On Guyer’s reading, the causal

relation that Kant denies in §12 is between the beautiful object and the subject's pleasure, not the one between the subject's judgment and pleasure. In his view, this leaves open the possibility that mere judging stands in a cause-effect relationship to the feeling of the beautiful.

1.3. Ginsborg's One-Judgment View

Another prominent response to the *Puzzle of Taste* is Hannah Ginsborg's one-judgment view, according to which Kantian aesthetic judgment consists of a single act which is both about and prior to aesthetic pleasure. On Ginsborg's account, the content of a judgment of taste is the universal communicability of the judging subject's mental state. When I judge that something is beautiful, I claim that I am responding affectively in the right way to the representation of the object. This awareness of correctness manifests itself to the subject's consciousness as pleasure. The feeling of the beautiful, therefore, *just is* my awareness that my affective response to the object is universally valid. In Ginsborg's (2017) words, an aesthetic judgment is a mental state that "makes a non-conceptual claim to its own appropriateness with respect to the object judged and hence to its own universal validity," and this claim manifests itself to the subject as "a feeling of disinterested pleasure" (422).

So, what are three phenomena on Guyer's view become one on Ginsborg's view. There is no distinction between "mere judging" (*Beurteilung*) and the "judgment of taste" (*Geschmacksurteil*). Rather, both terms refer to the same act of judgment. Nor is there any distinction between the judgment of taste and the feeling of the beautiful: the feeling

of the beautiful is one's awareness of having made a judgment of taste. Thus, Ginsborg solves the *Puzzle of Taste* by identifying aesthetic judgment with aesthetic pleasure. On Ginsborg's view, aesthetic judgment is both about itself and precedes itself in the same way that a self-referential judgment, such as "This statement is true," is both about itself and precedes itself.

In some respects, the one-judgment view is superior to the two-judgment view on textual grounds. For example, it makes better sense of Kant's claim in §9 that the universal communicability of the subject's state is the basis for the aesthetic judgment, and that the aesthetic judgment is a judgment about this universal communicability.³⁹ It also accommodates some of the distinctive features of Kant's account of aesthetic pleasure, specifically, the claim that pleasure is the subject's consciousness of formal purposiveness.⁴⁰

³⁹ In §9, Kant writes that "it is the universal capacity for the communication of the state of mind in the given representation which, as the subjective condition of the judgment of taste, must serve as its ground and have the pleasure in the object as a consequence" (5:217). On Ginsborg's reading, Kant's point here is that the communicability of the judgment of taste – the fact that it holds universally for all subjects – is the ground of the feeling of the beautiful. In other words, the basis for one's aesthetic pleasure is the universal communicability of one's mental state. But, on Ginsborg's view, an aesthetic judgment *just is* the judgment that one's mental state is universally communicable. So, the judgment of taste is the ground of the feeling of the beautiful.

⁴⁰ In §10, Kant defines pleasure in general as the "consciousness of the causality of a representation with respect to the state of the subject, for maintaining it in that state" (5:220). Ginsborg interprets this causality in "normative" rather than "causal" terms (2017, 430). When I am pleased by something, I have a reason to continue doing whatever it is that I am doing. For example, if eating a meal gives me pleasure, I have a reason to continue eating. In the case of a judgment of beauty, according to Ginsborg, the activity I am engaged in is judging that my state is universally valid. So, if this activity produces pleasure, I have a reason to continue judging, that is, to remain steadfast in my judgment. This means that, on Ginsborg's account, the feeling of the beautiful serves as the judging subject's justification "that I should be in that state with respect to the object" (2017, 431). In §12, Kant elaborates that the sort of causality of which we are conscious in the feeling of the beautiful is "the merely formal purposiveness in the play of the cognitive powers of the subject in the case of a representation through which an object is given is the pleasure itself" (5:222). Kant's description of the intentional object of the feeling of the beautiful here – the formally purposive play of cognitive powers – matches Kant's description of the cognitive activity of the judgment of taste (5:218). So, Ginsborg infers from this that the intentional object of the feeling of the beautiful is the judgment of taste. Thus, the feeling of the beautiful is the subject's awareness that she is making a judgment of taste. This means that, from the subject's perspective, the judgment of taste is

However, these clarifications come at the cost of ascribing to Kant, in Ginsborg's words, "the identification of pleasure in the beautiful with the judgment of beauty" (Ginsborg 2017, 433). Many commentators, such as Ameriks (2003) and Allison (2001), have found this identification implausible.⁴¹ I agree with them: it is difficult to attribute this view to Kant, especially since he never once explicitly describes the relation between the judgment of taste and the feeling of the beautiful in terms of identity.

Ginsborg's identification of judgment and pleasure conflicts with other aspects of Kant's views on judgment and pleasure in two main ways. First, Ginsborg's identity claim directly contradicts Kant's statement that, in a judgment of taste, "the subjective purposiveness is thought before (*ehe*) it is felt in its effect" (20:225). If aesthetic pleasure were identical to the consciousness of the subjective purposiveness, then the subject could not *think* this purposiveness before feeling it. Rather, the thinking and feeling of subjective purposiveness would be simultaneous.

Second, Ginsborg's reading cannot adequately account for error.⁴² On Ginsborg's view, we ascribe error to others when they take the wrong things as beautiful or when

indistinguishable from the feeling of the beautiful. The only awareness the subject has that she is making a judgment of taste is that she feels the feeling of the beautiful. So, in this sense, the judgment of taste is identical to the feeling of the beautiful.

⁴¹ For example, Ameriks (2003) argues that, for Kant, feelings and judgments are not just distinct as particular mental states, but different types of mental states. He writes: "it is a fundamental doctrine of Kant's that judgments and feelings as such have very different necessary structures—for example, only judgments can have truth value—and there is no point in jettisoning such a sensible doctrine needlessly here" (2003, 310ff). Similarly, Allison (2001) argues that Ginsborg's one-judgment view is "inherently implausible" as an account of judgments of taste in general, and that it conflicts with the text in four main ways, none of which I repeat in my own criticisms (114-115).

⁴² If the relation between the judgment of taste and the feeling of the beautiful is intentional and identical, as Ginsborg suggests, then pleasure itself should provide us with direct awareness of the universality of our pleasure. But if this were true, then we would have no need to separate out the good and the agreeable to be certain about our judgment, as Kant claims in §8 (5:216). Rather, we would know immediately whether our pleasure has the proper ground, because this pleasure, on Ginsborg's view, just is our awareness that our pleasure is universally valid. If this view is right, then it is hard to see how we could fail to judge correctly.

they fail to take the right things as beautiful, where what counts as “right” and “wrong” is determined by the judging subject alone (2017, 429). However, Ginsborg’s account does not explain how we recognize ourselves as being in error, and it ignores Kant’s guidance throughout the Critique of Aesthetic Judgment on how to avoid erroneous judgments of taste (e.g., by eliminating interests in sociability, or by separating considerations of charm and emotion from considerations of form). Moreover, Ginsborg’s identification of the judgment of taste with the feeling of the beautiful cannot make sense of some of Kant’s discussions about whether certain fine arts can be beautiful. Consider Kant’s indecision about whether music can be beautiful. He argues that if what is sensed in listening to music is “only the effect of ... vibrations on the elastic parts of the body,” then music “would be represented as an agreeable art (at least in part)” (5:324-325). But if, instead, what the subject judges when listening to music is the “proportion of the oscillations in music,” then “music would be represented as a beautiful art” (5:325). Kant is undecided on whether music can be beautiful, because he is not sure what exactly is judged in the aesthetic appreciation of music. But if pleasure alone could tell us whether we are judging on the basis of mere form, as Ginsborg suggests, then these theoretical considerations about auditory perception would be irrelevant. Rather, we would know from the pleasure itself whether we are judging music’s mere form.⁴³

⁴³ The same point also applies to Kant’s discussion of whether colors and tones can be beautiful (5:224). If pleasure alone could tell us whether we are judging on the basis of mere form, then we should know from the pleasure of seeing a color or hearing a tone whether we are judging its form.

1.4. Sethi's Two-Pleasure View

Most recently, Janum Sethi (2019) has tried to resolve the *Puzzle of Taste* by distinguishing two different pleasures: the sensation of the harmony of the faculties, and the feeling of the beautiful. She calls this the “two-pleasure view.” On the two-pleasure view, the harmony of the faculties gives rise to a pleasure; this pleasure is then judged by the judgment of taste; and the judgment of taste produces a second pleasure: the feeling of the beautiful. So, on Sethi's account, there are “*two* distinct feelings in the beautiful: the first, the ground of judgments of beauty; the second, the feeling of pleasure consequent on judging” (Sethi 2019, 2). This dissolves the tension between (1) and (2) in the *Puzzle of Taste*, as it distinguishes the pleasure that *precedes* the judgment of taste from the pleasure that the judgment of taste is *about*.

However, Sethi's solution faces a dilemma. Either (a) both pleasures are universally valid, or (b) only the feeling of the beautiful is universally valid. If (a) both feelings are universally valid, then this conflicts with Kant's claim that one's pleasure cannot be universally valid prior to the judgment of taste. Kant makes this point explicit in his argument for the idealism of beauty in §58 of the Dialectic. After stating the disjunctive premise that beauty is either real or ideal, Kant explains that “in the judging of beauty in general we seek the standard for it in ourselves *a priori*, and the power of aesthetic judgment, with regard to the judgment whether or not something is beautiful, is itself legislative” (5:350). If beauty is real – that is, if we assume that beauty is an objective property – then “we would have to learn from nature what we have to find beautiful, and the judgment of taste would be subject to empirical principles” (5:350).

And if this were the case, Kant writes, then the judging subject would not have the authority to determine what is beautiful; rather, the judgment “would be grounded in heteronomy and would not, as befits a judgment of taste, be free and grounded in autonomy” (5:350). For Kant, this consequence is proof that realism about beauty is false. If the pleasure that is judged in a judgment of taste is universally valid prior to judgment, then the judgment of taste would not legislate but only report the universal validity of one’s pleasure. So, the pleasure that is judged by the judgment of taste cannot be universally valid prior to the judgment of taste.

On the other hand, if (b) only the second pleasure, the feeling of the beautiful, is universally valid, then we cannot make sense of Kant’s descriptions of the feeling of the beautiful as “the sensation whose universal communicability is postulated (*postuliert*) by the judgment of taste” (5:219), or as “the feeling of pleasure that is at the same time declared (*erklärt*) to be valid for everyone through the judgment of taste” (5:221). In both cases, we have a pleasure whose universal validity is “postulated” or “declared” by the judgment of taste. But on Sethi’s view, the feeling of the beautiful is not a sensation whose universal validity is postulated or declared. Rather, the sensation whose universal validity is postulated or declared is Sethi’s first pleasure, the pleasure of the harmony of the faculties, and the feeling of the beautiful is a distinct pleasure produced by judging that one’s pleasure of the harmony of the faculties is universally valid. So, if Sethi takes this horn of the dilemma, the two-pleasure view cannot accommodate Kant’s descriptions of the feeling of the beautiful as a sensation or pleasure whose universal validity is postulated or declared.

2. The Performative View

2.1. The Performative Clue

The strategies discussed so far have tried to resolve the tension between (1) and (2) in the *Puzzle of Taste* either by distinguishing different acts of judgment (Guyer), or by distinguishing different pleasures (Sethi), or by identifying judgment and pleasure (Ginsborg). However, I believe we can resolve the *Puzzle of Taste* without introducing these revisionary distinctions or identifications. To do this, I will draw on a suggestion, found in Brandt (1998) and Rind (2003), that the Kantian judgment of taste is analogous to an Austinian explicit performative.⁴⁴

An explicit performative (hereafter, “performative”) is an utterance in which the speaker does not describe or state anything but instead institutes a rule to be recognized by other speakers. To illustrate this, Austin (1975) uses the example of a groom saying ‘I do’ at a wedding: “When I say, before the registrar or altar, &c., ‘I do’, I am not reporting a marriage: I am indulging in it” (Austin 1975, 6). The act of saying ‘I do’ is a performative, according to Austin, because the groom is not describing or stating that he

⁴⁴ The performative reading of Kantian aesthetic judgment has two important predecessors in the secondary literature. The first is Reinhard Brandt’s suggestion that the judgment of taste (“This is beautiful”) is analogous to a judgment of possession (“This is mine”), as Kant understands it in the Doctrine of Right (Brandt 1998, 242-243; see 6:246-248). On Brandt’s view, in both cases, the predicate (“...is mine” or “...is beautiful”) is not theoretically verifiable or falsifiable. Rather, like an explicit performative, the legitimacy of the judgment depends on the performance of a certain kind of ritual. The second predecessor is Miles Rind’s suggestion that the judgment of taste is like an Austinian explicit performative utterance, such as “I promise to be there.” This approach is originally discussed in Cohen (2002), who remarks that it was suggested informally to him by Rind, but Cohen does not attempt to develop it. Rind (2003), in his reply to Cohen’s paper, takes it up, but only briefly (72-74). Rind’s central point is that the explicit performative utterances, like “I promise to be there,” cannot allow for logical inferences in the way that reports of explicit performances, like “MR promises to be there,” can. Neither Brandt nor Rind take their analogy as a way of solving what I call the *Puzzle of Taste*, but only as elucidating what is claimed in a judgment of taste. In both cases, the analogy is employed to make sense of the way in which a non-cognitive judgment can be correct or incorrect.

is married, but is instead performing an act that is required for marriage. If the other conditions for a proper marriage ceremony are satisfied, then the groom will become a spouse. After having performed this act, the groom's status as a husband ought to be recognized by other speakers. From that point on, it is correct to regard him as married and incorrect to regard him as bachelor.

In my view, the *Puzzle of Taste* is not so puzzling once we see that the effect that the judgment of taste has on the subject's pleasure is much like the effect that a performative has on its object. To see this point, we will consider two analogous "puzzles", substituting a performative for the judgment of taste and the product of the performative for the subject's pleasure into the earlier schema of the *Puzzle of Taste*.

First, consider the performative of Queen Elizabeth conferring knighthood on Sir Elton John. Substituting the terms of this act into our general schema, we get the following pair:

(3) Queen Elizabeth's knighting is about Sir Elton John.

(4) Queen Elizabeth's knighting precedes Sir Elton John.

The apparent challenge here, as in the *Puzzle of Taste*, is to explain how an act can be both about and precede the same thing. But the error in this presentation, unlike in the *Puzzle of Taste*, is obvious. The knighting ceremony did not precede the man, Elton John; rather it preceded Elton John's having the title 'Sir'. The knighting ceremony was about the man Elton John; it was not about a man who already had the title 'Sir'.

Consider another example, this time involving the performative of parents naming their newborn child 'David':

(5) The parents' naming is about David.

(6) The parents' naming precedes David.

Here as well, the source of confusion should be easy to spot. The parents' naming did not precede the child, but it did precede the child having the name 'David', and while the parents' naming was about the child thereafter known as 'David', it was not about a child already named 'David'.

In both cases, the source of confusion is a misunderstanding of what the speaker is doing. The speech act does not describe the object or produce a new object. Rather, it institutes a rule for how others ought to act with respect to that object: Elton John should be called 'Sir' and enjoy the privileges of knighthood, and the newborn should be called by the name 'David'.

Once we appreciate that this is the relation in which the speech act and the object stand, the apparent tension dissolves. We can offer the following revisions of the above pairs to clarify this:

(3*) Queen Elizabeth's knighting is about Elton John.

(4*) Queen Elizabeth's knighting precedes Elton John having the title 'Sir'.

(5*) The parents' naming is about their child.

(6*) The parents' naming precedes their child having the name 'David'.

In these cases, the performative confers a certain status on its object, which is to be recognized by other speakers. The performative does not precede the object, nor does it produce a new object. Rather, the object precedes the performative, and the performative precedes the status assigned to the object.

2.2. A New Solution to the Puzzle

I think that a similar confusion underlies the *Puzzle of Taste*, and that a proper understanding of what sort of judgment the judgment of taste is dissolves the *Puzzle of Taste* in a similar way. I want to suggest that the Kantian judgment of beauty, like a performative, does not describe one's pleasure or the object that produced this pleasure; rather, the act of judgment confers universal validity upon one's pleasure, and in so doing, transforms it into the feeling of the beautiful. By extension, it institutes a rule for all other judging subjects: that they ought to agree that the object that caused the judging subject's pleasure is beautiful.

If this suggestion is correct, then we have a new way to resolve the tension in the *Puzzle of Taste*, and we can revise (1) and (2) of the *Puzzle of Taste* as follows:

(1*) The judgment of taste is about the subject's pleasure.

(2*) The judgment of taste precedes the subject's pleasure having universal validity.

The pleasure in (1*) and (2*) is the same pleasure, except in (2*), a special status, its universal validity, has been conferred upon it through the judgment of taste. I will call the pleasure in (1*) that comes before the judgment of taste "mere pleasure." A mere pleasure is a pleasure whose ground is not yet determined. The pleasure in (2*) is what Kant calls "the feeling of the beautiful." So, on my view, the judgment of taste is about the subject's mere pleasure but precedes the feeling of the beautiful. The judgment of taste's conferral of universal validity on the subject's mere pleasure is what transforms the subject's mere pleasure into the feeling of the beautiful.

I will elaborate and defend the parts of the performative view in subsequent sections. For now, let me explain how the performative view works using a concrete example. Suppose you are standing in a garden before a red rose. Looking at the rose, you feel pleasure. You reflect on the source of this pleasure. It does not seem to be rooted in any desire. You weren't looking for a rose to complete a bouquet; red isn't your favorite color; and there's no pleasant memory that the sight of this red rose evokes. It's also not the case that your satisfaction is due to your recognition that this rose is an exemplary rose, that it is a paradigmatic instance of the concept ROSE. Far from it. Its redness is not uniform but dappled. Its stem does not stand straight but bends under the weight of the bulb. The rose is not merely agreeable *to you*, nor is it simply a *good* rose – it is *beautiful*. Now, if you're right in your judgment – that is, that your pleasure has universal validity – then your judgment will transform your pleasure *into* the feeling of the beautiful, and the rose, whose perception caused your initial pleasure, *becomes* something that all other judging subjects ought to regard as beautiful.

So much for a concrete example. Now let's break down the stages of the performative account of the Kantian judgment of beauty in a more general way, showing the textual support for each step. Generally speaking, on the performative view, every judgment of taste will have the same four-step structure:

Step 1: The subject, *S*, perceives the object, *x*. (20:223; 5:211)

Step 2: *S*'s perception of *x* causes mere pleasure in *S*. (5:190; 5:288)

Step 3: *S* reflects on the grounds for their pleasure and judges that it is not grounded in either a sensation or a concept. (5:216; 5:290n)

Step 4: If *S*'s mere pleasure is grounded in neither a sensation nor a concept, then *S*'s reflective judgment that this pleasure is universally valid transforms this pleasure into the feeling of the beautiful. (5:219; 5:221)

Step 1 concerns the relationship between the subject and the object represented. Even though an aesthetic judgment is not an objective judgment, Kant thinks that, in an aesthetic judgment, “the representation is certainly related to the object” (20:223; 5:211). A judgment of beauty is not about an objective property of the object represented; rather, it is a judgment concerning how “an intuitive singular representation [is] related to the feeling of pleasure” (5:339). Nonetheless, the intuitive singular representation is a representation of an object. The relation to the object is what allows us to make aesthetic judgments about works of art or natural beauties. For example, the aesthetic judgment “This rose is beautiful” only makes sense if we take the pleasure-eliciting representation as related to the rose.

Step 2 concerns the relationship between the representation of the object and pleasure. Even though the judgment of taste is about one's pleasure and not the object, it is the representation of the object that produces the subject's pleasure. So, the judging subject must be acquainted with the object and the subject must take pleasure in the representation of it, since the judgment of taste is directly about one's pleasure and only indirectly about the object (5:215). By “mere pleasure” here, I mean a pleasure whose ground has not yet been judged by the subject. So, to revisit my example, the pleasure that you feel prior to judging that the rose is beautiful is a mere pleasure. (For a fuller defense of the role of mere pleasure in the Kantian judgment of beauty, see section 4.2 below.)

In **Step 3**, the subject reflects on the source of her pleasure. More specifically, the subject reflects on whether her pleasure is disinterested. There are two ways in which one's pleasure can fail to be disinterested. The first way is if the pleasure is grounded in a particular sensible interest of the subject. For example, if I have a craving for chocolate, the taste of chocolate may be pleasurable to me. But this pleasure has its basis in a particular interest of mine and not something universal. Kant calls this sort of pleasure the "satisfaction in the agreeable" (5:205). The second way is if the pleasure is grounded in a concept of the object. For example, I might take pleasure in seeing a well-constructed chair, because the chair performs its function of supporting a sitting human body well. In this case, my pleasure has a conceptual ground. The reason why the sight of the chair pleases me is that it exemplifies the concept CHAIR. Kant calls this sort of pleasure the "satisfaction in the good" (5:207).

Kant claims that only way to be "certain" that one is making a proper judgment of beauty – that is, that one's pleasure is disinterested – is "through the mere consciousness of the separation of everything that belongs to the agreeable and the good from the satisfaction that remains to him" (5:216). In other words, the most assurance a subject can have that she is making a judgment of beauty on the proper grounds is that she remains pleased after ruling out any interested grounds. If the subject later realizes that she has failed to separate out these interested grounds, then she does not have the proper grounds for making a judgment of beauty.

In **Step 4**, the subject judges that her pleasure is universally valid. If the subject reflects and finds that her pleasure is neither a satisfaction in the agreeable nor the good, then she may judge that her pleasure is universally valid (5:290n). Through this act of

judgment, the subject transforms her mere pleasure into the feeling of the beautiful, and, by extension, institutes a rule that all other judging subjects ought to agree that the object is beautiful.

Kant thinks that the universalizing claim of the judgment of taste is justified if we accept two further assumptions: first, that “[i]n all human beings, the subjective conditions of this faculty [the power of judgment] ... are the same,” and second, that the judgment of taste is “mixed with neither concepts of the object nor with sensations as determining grounds” (5:290n). In support of the first point, Kant argues that the sameness of these conditions across subjects “must be true,” because otherwise, “human beings could not communicate their representations and even cognition itself” (5:290n).⁴⁵ The second point is stipulative. Kant defines the feeling of the beautiful as a pleasure that is not mixed with sensation (as in the agreeable) or concepts (as in the good) but, rather, is grounded in universal subjective conditions of cognition.

If the subject’s judgment follows Steps 1-4, then the subject successfully performs a judgment of taste, thereby transforming her mere pleasure into the feeling of the beautiful. However, if the subject fails to satisfy any of these steps – if, for example, the subject is not actually pleased (Step 2) or does not rule out interested grounds (Step 3) – then the subject does not perform a judgment of taste. In such cases, the subject’s pleasure will not be transformed into the feeling of the beautiful, and her judgment will have misinvoked the concept of beauty. If the subject later discovers that she failed to rule out interests from her pleasure, she does not discover that her attempted judgment of beauty was false, but, rather, that she failed to make a judgment of beauty at all.

⁴⁵ I discuss the link between communicability and the subjective conditions of cognition in Chapter 3.

Consequently, her pleasure was never the feeling of the beautiful, because her judgment did not confer universal validity upon it.⁴⁶

3. Textual Evidence

I want to pause here to consider just a few of the advantages of the performative view over the views discussed in section 1. First, unlike Sethi's two-pleasure view, the performative view retains the identity of the pleasure; rather, the difference between the pleasure judged and the pleasure produced is only the universal validity conferred on that same pleasure through the judgment of taste. Second, unlike Guyer's two-judgment view, the performative view does not divide the judgment of taste into two separate acts of judgment; rather, there is a single judgment of taste that produces the feeling of the beautiful by conferring universal validity upon one's mere pleasure. Finally, unlike Ginsborg's one-judgment view, the performative view does not involve the identification of judgment and pleasure. The judgment of taste is an act of judgment, and the feeling of the beautiful is a pleasure whose universal validity has been conferred upon it through this act of judgment.

⁴⁶ Pursuing the analogy to performatives, it might be helpful for the reader to think of Steps 1-4 as the "felicity conditions" of the judgment of taste (allowing that this analogy is imperfect, as the judgment of taste is a mental act and the performative is a speech act). Felicity conditions are rules that a speech act must satisfy in order to count as being an act of that type. For example, Queen Elizabeth's act of knighting Elton John was a felicitous act of knighting because she had the proper authority to knight Elton John, she performed the proper gesture of touching a sword on his shoulders, and this gesture was performed within the context of the proper ceremony. If someone else performed these same gestures at the same ceremony, or if Queen Elizabeth performed these gestures outside of the proper context, then the felicity conditions of knighting would not have been satisfied. In these incomplete cases, no act of knighting would have taken place; rather, the performative would have been "infelicitous" and there would have been a "misinvocation" of the concept of knighthood (Austin 1975, 51).

However, showing how the performative view avoids some of the problems facing alternative accounts provides only indirect support for the performative view. In this section, I will argue that there is also direct textual evidence in Kant's descriptions of the judgment of taste as a "declaration" or "postulation" (3.1), in the special logical status he assigns to the predicate of beauty (3.2), and in his claim that beautiful artworks are rules for aesthetic judgment (3.3).

3.1. Declaration and Postulation

Kant offers complementary descriptions of the judgment of taste and the feeling of the beautiful in terms of "postulation" and "declaration." In these cases, the judgment of taste is described as a judgment that declares/postulates the universal validity of one's pleasure, and the feeling of the beautiful is described as one's pleasure that is judged to be universally valid in the judgment of taste. These descriptions support the performative view, as the performative view maintains that the judgment of taste is a judgment that transforms one's mere pleasure into the feeling of the beautiful, and the feeling of the beautiful is just one's mere pleasure after having had universal validity conferred upon it.

First, consider Kant's description of the feeling of the beautiful as a pleasure whose universal communicability is "postulated" (*postuliert*) by the judgment of taste. In §8, Kant says that "in the judgment of taste nothing is postulated except such a universal voice with regard to satisfaction without the mediation of concepts" (5:216). By "universal voice" here, Kant means the universal communicability of one's pleasure: that is, that one's pleasure is universally valid and the subject can demand assent from all

other judging subjects. In §9, Kant defines the feeling of the beautiful in complementary terms, as “the sensation whose universal communicability is postulated (*postuliert*) by the judgment of taste” (5:219). What the judgment of taste adds to one’s pleasure is the postulation that this pleasure is universally valid. Since all that distinguishes the feeling of the beautiful from mere pleasure is that the former is universally communicable while the latter is not, the act of judgment itself must be what transforms one’s mere pleasure into the feeling of the beautiful.⁴⁷

Second, consider Kant’s description of the feeling of the beautiful as the pleasure that is “declared” (*erklärt*) to be universally valid by the judgment of taste. In the Third Moment, Kant describes the feeling of the beautiful as “the feeling of pleasure that is at the same time declared (*erklärt*) to be valid for everyone through the judgment of taste” (5:221). In complementary terms, in the final sentence of the Critique of Aesthetic Judgment, Kant glosses the feeling of the beautiful as “that pleasure which taste declares (*erklärt*) to be valid for mankind in general” (5:356). The judgment of taste is the declaration that the subject’s pleasure is universally valid, and the feeling of the beautiful is the subject’s pleasure once it has been declared universally valid through the judgment of taste.

Both Guyer’s two-judgment view and Sethi’s two-pleasure view have trouble explaining these passages. First, consider Sethi’s (2019) two-pleasure view. If the judgment of taste produces the feeling of the beautiful (as Sethi claims), but the feeling of

⁴⁷ This is also how Kant distinguishes the feeling of the beautiful from the agreeable in the First Introduction. He writes that the distinction between judgments of beauty (or “aesthetic judgments of reflection”) and judgments of the agreeable (or “aesthetic judgments of sense”) is that the former “consists in the claim of the judgment to universal validity and necessity” (20:225).

the beautiful *just is* a universally valid pleasure (as the passages above suggest), then we face a dilemma. Either the initial pleasure whose universality is postulated/declared is the feeling of the beautiful or it is not. If it is, then the judgment of taste is not responsible for producing the feeling of the beautiful, because the subject's pleasure was already the feeling of the beautiful prior to the act of judgment. If this pleasure is not the feeling of the beautiful, then the judgment is incorrect, since the pleasure declared as universally valid is not universally valid.

One might think that Guyer's (1997; 2017) strategy of distinguishing two acts of judgment might help here. Recall that on Guyer's view, aesthetic judgment is a complex of two judgments: a mere judging (*Beurteilung*), which causes the universally valid pleasure, and the judgment of taste (*Geschmacksurteil*), which confirms that this pleasure is universally valid. This distinction allows Guyer to accept the second horn of the dilemma above: the judgment of taste does not produce the feeling of the beautiful; rather, *Beurteilung* produces the feeling of the beautiful, and *Geschmacksurteil* only declares that one's pleasure was caused by *Beurteilung*.

However, this strategy also fails. If *Beurteilung* is what produces the feeling of the beautiful, and *Geschmacksurteil* only contributes the affirmation that one's pleasure is, in fact, the feeling of the beautiful, then Guyer's view allows that there can be undeclared feelings of the beautiful. But this is just what Kant denies in the above passages: the feeling of the beautiful is the pleasure whose universality validity is postulated/declared by a judgment of taste. On Guyer's view, however, the feeling of the beautiful is not the pleasure whose universal validity *is* declared by a judgment of taste;

rather, it is the pleasure whose universal validity *could be* declared by a judgment of taste.

In contrast, the performative view offers a clear way of understanding these passages while avoiding these problems. On the performative view, the productive relation between judgment of taste and the feeling of the beautiful is analogous to the productive relation between an act of naming and a named object. The judgment of taste confers a special status on the subject's pleasure, and having this special status is what distinguishes the feeling of the beautiful from mere pleasure. So, prior to judgment, the subject's pleasure is not yet the feeling of the beautiful, because it has not yet been declared universally valid. Rather, the pleasure must be recognized as disinterested in reflection (Step 3 in my scheme above) and then declared to be universally valid in order to transform one's pleasure into the feeling of the beautiful (Step 4). So, it is only through the judgment of taste that the subject's pleasure becomes the feeling of the beautiful, because the judgment confers universal validity on one's pleasure.

Contra Sethi's (2019) two-pleasure account, I do not think that the judgment of taste produces a new pleasure. Rather, when I judge that my pleasure in perceiving something is universally valid, I am combining, as Kant says, my empirical pleasure with an *a priori* rule (namely, the principle of common sense) through the judgment of taste (5:190; 5:296). It is this combination, if correctly performed, that transforms my mere pleasure into the feeling of the beautiful. Of course, I can also make a merely empirical judgment about my pleasure when perceiving something beautiful: that is, I can judge

simply that I am pleased.⁴⁸ But to judge my pleasure in this way is not to judge it *as* the feeling of the beautiful.

On the performative view, the feeling of the beautiful is a pleasure that was the target of a successfully performed judgment of taste. As Kant says in the passages above, what distinguishes the feeling of the beautiful from other pleasures is simply the fact that it was correctly declared/postulated as universally valid through a judgment of taste (5:219; 5:356). The performative view thus clarifies the sense in which the judgment of beauty produces the feeling of the beautiful, but without resorting to Guyer's causal interpretation. The judgment of taste does not causally produce the feeling of the beautiful, no more than an act of naming causally produces the object it names. Rather, the judgment of taste produces the feeling of the beautiful by conferring a special status on one's mere pleasure.

⁴⁸ In §37, the section titled "What is really asserted *a priori* of an object in a judgment of taste?", Kant claims that "it is an empirical judgment that I perceive and judge an object with pleasure. But it is an *a priori* judgment that I find it beautiful, i.e., that I may require this satisfaction of everyone as necessary" (5:289). In other words, the judgment that I am pleased, where I do not make a claim to the ground of my pleasure but instead merely observe that I have a feeling of pleasure, is an empirical judgment. The fact that I feel pleased is sufficient to empirically judge that I am pleased. However, it is an *a priori* judgment to take this pleasure as having universal validity. Kant writes: "[I]t is not the pleasure but the universal validity of this pleasure perceived in the mind as connected with the mere judging (*Beurteilung*) of an object that is represented in a judgment of taste as a universal rule for the power of judgment, valid for everyone" (5:289). If I remain agnostic about the ground and judge only that I am pleased, I am judging my pleasure *as* mere pleasure. This, Kant claims, is only an empirical judgment: "That the representation of an object is immediately combined with a pleasure can be perceived only internally, and would, if one wanted to indicate nothing more than this, yield a merely empirical judgment" (5:289). But it is not an empirical judgment to claim that I am having the feeling of the beautiful. This is an *a priori* judgment, because to have the feeling of the beautiful is to claim that the pleasure-inducing representation bears an *a priori* relation to pleasure in general, and this requires assuming that my pleasure has a universal ground.

3.2. The Predicate of Beauty

The second major source of textual support for the performative view is Kant's treatment of the predicate of beauty. Kant claims that when we judge that something is beautiful, we are not describing an objective property; rather, we are introducing a rule for how other subjects ought to judge their pleasure. The performative view makes good sense of this point: the product of the judgment of beauty is not a description of an object but, rather, a rule to legislate the judgments of other subjects. Just as Queen Elizabeth's knighting does not describe Elton John or produce a second person but instead confers a special status on Elton John that ought to be recognized by other speakers, when we use the predicate of beauty, we are not describing our pleasure or an object whose representation pleases us but are instead conferring a special status on our pleasure that ought to be recognized by other judging subjects.

In §7, Kant explains that when we make a judgment of taste, we judge "as if" beauty was a property of the object. In Kant's view, it makes no sense to humbly claim that something is "beautiful for me": a judgment with this sort of restricted claim would be a judgment of the agreeable (5:212). Rather, when I make a judgment of beauty, I demand that everyone ought to agree with my judgment, as though I were describing an objective feature of the beautiful thing:

[I]f he pronounces that something is beautiful, then he expects the very same satisfaction of others: he judges not merely for himself, but for everyone, and speaks of beauty **as if it were a property of things**. Hence he says that the thing is beautiful, and does not count on the agreement of others with his judgment of satisfaction because he has frequently found them to be agreeable with his own, but rather demands it from them. (5:212-213; my bold)

In §8, Kant goes on to clarify this point. The proper extension for the predicate of beauty is not the domain of empirical objects, but rather the territory of judging subjects themselves: “the predicate of beauty is not connected with the concept of the object considered in its entire logical sphere, and yet it extends it over the whole sphere of those who judge” (5:215). When I judge that something is beautiful, I am not describing the object; rather, I am claiming that the representation of the object pleases me, and that all other all judging subjects ought to respond in the same way.

The performative view makes clear sense of Kant’s point here. To see why, consider again the performative of naming. When someone names an object, the act of naming does not describe an objective feature of the object named; instead, it produces a rule for how other speakers ought to speak about the object. For example, if a dog owner names their dog ‘Fido’, the act of naming does not describe an objective property of the dog; rather, it introduces a rule for how all speakers ought to speak about the dog. If the owner’s act of naming is legitimate, then it is *as if* they have described a feature of the dog by naming it. The owner’s naming is not a description of the dog prior to naming, nor is it a prediction of what others will call the dog; rather, it is the institution of a rule that everyone ought to call his dog ‘Fido’.

Similarly, on the performative view, the judgment of beauty does not describe one’s pleasure or an objective feature of the pleasure-eliciting representation. Rather, it produces a rule for how all judging subjects ought to judge their pleasure with respect to that representation. When I judge that a sunset is beautiful, my judgment does not describe my pleasure or an objective feature of the sunset; rather, it produces a rule that

all others ought to be pleased by the sight of the sunset and to regard that pleasure as universal.

What Kant's remarks about the predicate of beauty reveal, and what the performative view brings into relief, is that the correctness of a judgment of beauty is not a matter of the object's properties but of the judging subject's authority. The legitimacy of a dog's name is not a matter of whether the name fits the dog, but of whether the owner who gave the dog that name has the authority to do so. A similar point applies to the judgment of beauty. The legitimacy of a judgment of beauty is not about whether the object exhibits certain features but, instead, about whether the judging subject has the authority to invoke the concept of beauty.

3.3. Artworks as Rules

Finally, we find further support for the performative reading in Kant's discussion of the evaluation and production of beautiful art. In his account of artistic genius, Kant remarks that beautiful works of art themselves serve as rules for judging art. He claims that the "products" of artistic genius "must at the same time be models, i.e., exemplary, hence while not themselves the result of imitation, they must yet serve others in that way, i.e., as a standard or a rule for judging" (5:308). Kant thinks that beautiful works of art not only serve as a standard for judging art, but that they are the only means for communicating aesthetic norms for beautiful art: "[t]he models of beautiful art are thus the only means for transmitting these [aesthetic norms] to posterity, which could not happen through mere descriptions" (5:310).

What makes something beautiful and what techniques produce beautiful art are not the sorts of things that we can describe or teach discursively. As Kant says in §60, there is no *methodus* (“way of teaching”), but only a *modus* (“a manner”) for beautiful art (5:355). When it comes to beautiful art, the most a teacher can do to cultivate her student’s abilities is show them the enduring, canonical works of a standard humanistic education: “The propaedeutic of all beautiful art ... seems to lie not in precepts, but in the culture of the mental powers that are called the *humaniora*” (5:355). However, the teacher must be careful to “prevent the examples that are set before him [the student] from being immediately taken by him as prototypes and models for imitation” (5:355). An overdependence on these great works as standards for judgment prevents the student from judging for himself, and without this ability, Kant thinks, “no beautiful art nor even a correct personal taste of judging it is possible” (5:355).

So, Kant thinks both (a) that there are no principles for judging that something is beautiful, and (b) that beautiful works of art themselves serve as rules for judgments of beauty. But if there are no principles for judgments of beauty, then in what sense are works of art themselves *rules* for judgment? And if beautiful works of art are rules for judgment, then why can’t we generalize from these exemplary works of art to empirical principles of beautiful art?

Causal interpretations of the judgment of taste, like Guyer’s, tempt us to ask these sorts of questions. For if there are causal relations between the perceptions of certain objects and the feeling of the beautiful, then we should be able to form empirical principles about beauty. On this view, generalizing on the basis of the shared features of

beautiful objects or studying the psychological processes underlying our experiences of them would seem like worthwhile projects for understanding the nature of beauty.

But Kant is clear that such projects are doomed to failure: “there cannot be any science of the beautiful and the judgment of taste is not determinable by principles” (5:355). I think Kant’s position here is well-motivated and insightful, and that the performative view helps to clarify his motivations and insights. If we consider an analogous pair of claims in the case of naming, we can more clearly see why there is no tension between (a) and (b), and why Kant’s resistance to the scientific study of beauty is reasonable given his theory of aesthetic judgment.

Consider the first analogous claim in the naming case: there are no principles for naming something correctly. No knowledge of names or named things is sufficient to give someone the authority to name, and there is no method for determining what name an object should have on the basis of a description of that object. This is because the correctness of a name is due to a speaker’s authority to name, not in the fittingness of the name to the object. As a consequence, determining what something should be named cannot be discovered by studying names or named things. For example, an intensive study of people named ‘John’ would not entitle you to claim whether a stranger should be named ‘John’, even though it may help to predict whether a stranger is named ‘John’. The project of deriving naming principles from named objects misunderstands what it is to name something, since it assumes that the basis for the connection between a name and an object is in the object rather than in the speaker who named it.

The rationale behind Kant’s first claim, (a), that there are no principles for judging beauty, is similar. Kant thinks that we misunderstand what a judgment of beauty

is if we think that we could learn from experience what the nature of beauty is (5:350).

No amount of experience in perceiving beautiful things grants one the authority to make a judgment of beauty, and there is no method for determining whether an object is beautiful on the basis of a description of that object (5:310; 5:355). This is because the predicate of beauty, according to Kant, is not an object-determining concept (5:207; 5:244; 5:339).

The correct use of the predicate of beauty is not based in the object's properties but, instead, in the subjective state from which the judgment is made (5:216). As a result, we cannot use the fact that something is beautiful to deductively infer further truths about that thing, and we cannot use the fact that certain works are beautiful to arrive inductively at empirical principles of beauty. No matter how many beautiful works of art a person sees, they are no nearer to principles for correctly judging that something beautiful. This is because the basis for the connection between a representation and the predicate of beauty, as in the naming case, is not in the object but in the judging subject.

Consider the second analogous claim in the naming case: named objects themselves serve as rules for naming. There are two senses in which this is true. In the first sense, named objects are rules for the correct use of names. Because a name only applies to an object if the object was the target of a legitimate act of naming, the only way to learn how to use a name correctly is by learning what things were given that name through legitimate acts of naming. For example, the only way to learn how to correctly use the name 'John' is to learn which people have been given the name 'John'. In this way, people named 'John' serve as rules for how to use the name 'John' correctly. In the second sense, named objects provide examples for how one can exercise their authority to name. If you have the authority to name, you may draw on past exercises as a guide for

exercising your own authority. For example, if you are a new parent deciding what to name your baby, you might use a book of baby names to help with your decision. What you learn from the book are different ways that the authority to name has been exercised by other parents, and so you learn different ways to exercise your own authority. But the book cannot tell you your own child's name, and your knowledge of the contents of the book does not make your naming any more or less authoritative. Whatever name you choose will be the child's name, since, being a parent, you have the authority to name your child.

I think that we should understand Kant's second claim, (b), that beautiful works of art are rules for judgment, in a similar way. Here as well there are two senses in which (b) is true. In the first sense, a beautiful work of art is an instance in which the predicate of beauty was correctly employed. If something is beautiful, then some judging subject legitimately judged their pleasure in perceiving it as the feeling of the beautiful. In this sense, a beautiful work of art is a record of a legitimate judgment of taste. In the second sense, beautiful works of art serve as ways in which the authority to make a judgment of beauty has been exercised in the past. When we study canonical works of art, we become acquainted with different ways in which the human capacity to judge and to make beautiful art has been exercised. While studying these works is important, Kant thinks that it is a mistake to think that one can acquire taste by parroting past judgments of beauty, or by deferring to the authority of those well-acquainted with these works (5:355). Instead, the student learns from studying the canonical works the different ways in which others have exercised their authority to judge, and by studying them, the student might find inspiration for exercises of her own authority.

So, on the performative view, Kantian aesthetic education is not about training the student to recognize objective features of beautiful art, but, rather, about training the student to judge in a disinterested way. To this end, exposure to exemplary works of art helps to cultivate taste by providing the student with promising candidates to practice disinterested judging. These candidates are promising, because we know that others, in different places and times, have taken themselves to have made legitimate judgments of beauty about these works. The student may disagree with these judgments, but by judging these works for herself, she learns something about what it was like for others who lived in circumstances very unlike her own to feel moved by these very same works. In doing so, she comes closer to judging on the basis of a feeling common to all human beings, the common sense (5:237; 5:293). In other words, enduring works of art, on Kant's account, provide occasions to practice exercising one's own authority to make judgments of taste by trying to recognize within oneself this universal feeling. This involves as much self-scrutiny in ruling out private sources of pleasure as it does perceptual and cognitive sensitivity. Through this practice, Kant thinks, we may cultivate a capacity to judge, in which the subject "takes account (*a priori*) of everyone else's way of representing in thought, in order as it were to hold its judgment up to human reason as a whole" (5:293).

4. Objections and Replies

In this final section, I will reply to two objections to the performative view: first, that it conflicts with Kant's "key" to the critique of taste (4.1); and second, that it illegitimately posits "mere pleasure" (4.2).

4.1. Kant's "Key" to the Critique of Taste

Objection: The performative view conflicts with Kant's "key" to the critique of taste in §9. There, Kant argues that in a judgment of taste, the pleasure in a given object cannot come before the judgment. Since the performative view maintains that the pleasure in the object does precede the judgment of taste, Kant's argument in §9 rules out the performative view:

If the pleasure in the given object came first, and only its universal communicability were to be attributed in the judgment of taste to the representation of the object, then such a procedure would be self-contradictory. For such a pleasure would be none other than mere agreeableness in sensation, and hence by its very nature could have only private validity, since it would immediately depend on the representation through which the object is given. (5:217)

In other words: if the subject feels *any* pleasure in the object before judging, the subject cannot make a judgment of taste about that object. This would be self-contradictory, because a pleasure that precedes the judgment of taste cannot be based on the conditions of cognition in general, which is Kant's strategy for securing the universality of a non-conceptual pleasure (5:218). Rather, this pleasure would have its basis in the sensible nature of the subject, which is particular, and hence incompatible with the universal demand of the judgment of taste. Because it is impossible for any pleasure in the object to precede the judgment of taste, the performative view is not a viable option.

Reply: This objection assumes that by "the pleasure in the given object," Kant means *any* pleasure in the given object. But there is another way to read this passage. On this alternative reading, Kant is making a point about *the* pleasure that is specific to the judgment of taste. On this reading, the argument is about the feeling of the beautiful, and

so the conclusion is that the feeling of the beautiful must follow the judgment of taste. This reading does not deny that some pleasure in the object can precede the judgment of taste, but only that this pleasure cannot be the feeling of the beautiful. So, it is self-contradictory to think that the pleasure that precedes the judgment is the feeling of the beautiful, but it is not self-contradictory to think that a non-beautiful pleasure, such as mere pleasure, precedes the judgment of taste.

Admittedly, this reading of §9 may seem *ad hoc*, but I think it is no more *ad hoc* than dividing the judgment of taste into two judgments (as in Guyer's view), identifying aesthetic judgment and pleasure (as in Ginsborg's view), or distinguishing two distinct pleasures in aesthetic experience (as in Sethi's view). But besides being equally *ad hoc*, I think we should prefer the performative view because it avoids the problems facing these three accounts that I described in section 1.

First, the performative view avoids Guyer's need to read philosophical significance into the distinction between *Beurteilung* and *Geschmacksurteil*. On the performative view, there is nothing philosophically significant about Kant's alternating use of these terms. Rather, there is only one judgment involved in making a judgment of taste. So, when Kant says in §9 that *Beurteilung* must precede aesthetic pleasure, he means that the judgment of taste must precede aesthetic pleasure. Moreover, the performative view does not interpret the productive relationship between the judgment of taste and the feeling of the beautiful as an empirical-causal one. Rather, as I argued in 3.1, the judgment of taste produces the feeling of the beautiful by rightfully declaring that one's mere pleasure is universally valid.

The performative view also avoids the two main problems facing Ginsborg's one-judgment reading. First, it does not identify the judgment of taste with the feeling of the beautiful. Rather, the feeling of the beautiful is a product of the judgment of taste, respecting Kant's claim that, in aesthetic judgment, "subjective purposiveness is thought before (*ehe*) it is felt in its effect" (20:225), and his claim that the feeling of the beautiful is a "consequence" of the judgment of taste (5:217). Moreover, the performative view does not ascribe to Kant the implausible view that the subject can tell immediately from her pleasure alone whether something is beautiful. Pleasure is one's consciousness of purposiveness, but whether that purposiveness has a universal ground (and is therefore beautiful) or only a particular ground (and is therefore merely agreeable) is not something one knows immediately from one's pleasure. Rather, on the performative view, it is the presence of pleasure in a given object once private grounds have been separated out that gives the subject authority to claim that her pleasure is the feeling of the beautiful (5:216).

Finally, the performative view avoids the major problem facing Sethi's two-pleasure account. The performative view, unlike the two-pleasure view, retains the identity of the pleasure judged by the judgment of taste with the pleasure produced by the judgment of taste. The judgment of taste does not produce a second pleasure, but, instead, confers a special status on one's pleasure. This status, if rightfully conferred, is all that distinguishes the feeling of the beautiful from the subject's mere pleasure. So, the judgment of taste does not produce a new pleasure any more than the act of naming an object produces a new object. Rather, in both cases, the subject's act produces a rule that dictates how others ought to judge.

4.2. Mere Pleasure

Objection: The performative view claims that prior to the judgment of taste the subject has a “mere pleasure” which is then transformed into the feeling of the beautiful through the judgment of taste. Kant discusses three kinds of pleasure in the *Analytic of the Beautiful*: the beautiful, the agreeable, and the good. But there is no mention of mere pleasure. So, it is unclear what the textual basis for positing mere pleasure is, or whether mere pleasure can be reconciled with what Kant actually says.

Reply 1: The need to posit mere pleasure is the result of two considerations. On the one hand, Kant says that aesthetic judgments are about the subject’s pleasure.

Consider again Kant’s statement of the problem of the judgment of taste:

How is a judgment possible which, **merely from one’s own feeling of pleasure in an object**, independent of its concept, **judges this pleasure**, as attached to the representation of the same object in every other subject, a priori, i.e., without having to wait for the assent of others? (5:288; my bold).

If we deny that the judgment of taste is about one’s pleasure, then this characterization of the judgment of taste does not make sense. First, the judgment of taste would not be “merely from one’s own feeling of pleasure.” If “to judge from x” means to take x as the basis for one’s judgment (as in phrases like “judging from the evidence” or “judging from the arguments made”), then for the judgment of taste to be *from* pleasure, pleasure must be taken as the basis of one’s judgment. Second, if we deny that the judgment of taste is about the subject’s pleasure, then there would be no sense in which the subject “judges this pleasure.” For if we accept the reasonable assumption that what is judged must

precede the act of judgment, then in order for the subject to judge their pleasure, this pleasure must precede the judgment.

On the other hand, Kant is insistent that neither the feeling of the agreeable nor the feeling of the beautiful can precede the judgment of taste. As I argued in 4.1, this is what I take to be the main lesson to draw from §9. If the feeling of the beautiful precedes the judgment, then the power of judgment has no authority: it merely reports the subject's affective response. If the feeling of the agreeable precedes the judgment, then this forecloses the possibility of making a judgment of taste, because to claim that one's pleasure in a given object is the feeling of the agreeable is to admit that the ground for one's pleasure is not universal.

So, if the judgment of taste is about one's pleasure, but this pleasure can be neither the agreeable nor the beautiful, then the pleasure judged must be one whose ground is not yet determined. This is what I call "mere pleasure."

Reply 2: The notion of mere pleasure is required to make sense of Kant's remarks concerning the grounds of the judgment of beauty. In numerous passages, Kant says that the judgment of beauty is grounded on both (A) the subject's pleasure, and (B) an *a priori* rule. The first ground, (A), is present in both judgments of beauty and judgments of the agreeable. It is the addition of the second ground, (B), through the judgment of beauty, that distinguishes the feeling of beautiful from the agreeable. These passages, I will argue, show that mere pleasure – that is, a pleasure whose ground is not yet determined – must precede and partially constitute the grounds for the judgment of taste.

I will consider two sets of passages to make this point. The first set of passages claim that in a judgment of beauty, the determining ground is "not merely" (*nicht bloß*)

the judging subject's pleasure, "but also" (*sondern*) or "at the same time" (*zugleich*) something universal, an *a priori* rule:

[T1] An aesthetic judgment of reflection "makes a claim that its determining ground must lie **not merely** (*nicht bloß*) in the feeling of pleasure and displeasure in itself alone, **but at the same time** (*sondern zugleich*) in a rule of the higher faculty of cognition" (20:225; my bold).

[T2] In a judgment of taste, "pleasure is **also** (*auch*) judged to be necessarily combined [with the representation of the object], consequently **not merely** (*nicht bloß*) for the subject who apprehends this form **but** (*sondern*) for everyone who judges at all" (5:190; my bold).

Where Kant uses 'nicht bloß' with 'sondern' or 'zugleich', I interpret the conjunction as 'but also' instead of 'but rather'. Logically, this means that these statements should be interpreted as a conjunction with both conjuncts affirmed (A & B), and not as a conjunction with one conjunct negated ($\sim A$ & B). In the case of [T1], this means that the determining ground of the judgment of taste is both the subject's feeling of pleasure and a rule of the higher faculty of cognition. In the case of [T2], this means that the representation is judged as combined with both the judging subject's pleasure and the pleasure of all judging subjects (which requires an *a priori* rule). In both cases, Kant is not ruling out a place for the subject's pleasure in the determining ground of the judgment of taste. Rather, he is claiming that one's mere pleasure is not a sufficient basis for a judgment of taste. The judgment of taste requires the conjunction of the subject's mere pleasure and the conformity of the representation to an *a priori* rule.

In the case of [T1], there is direct evidence that Kant thinks that there is a philosophically relevant difference between 'not merely' and 'not' in this passage. As Guyer & Matthews (2000) note, Kant added "merely" (*bloß*) to [T1] in the fair copy of the First Introduction. This suggests that Kant's more considered view is that the

determining ground of a judgment of beauty consists of both the subject's pleasure *and* an *a priori* rule. With this correction, Kant wants to avoid the misinterpretation that the subject's mere pleasure is not part of the determining ground of the judgment of taste. Rather, his point in this passage is that there is more to the determining ground of a judgment of taste than one's mere pleasure, namely, an *a priori* rule.

In the case of [T2], Kant claims that, in a judgment of taste, the pleasure is judged to be combined with the representation of the object "not merely" for the judging subject, but "also" for all judging subjects. If we interpret this as a conjunction, Kant's claim is that, in a judgment of taste, there is a combination of pleasure and the representation for the judging subject (mere pleasure), and there is a combination of pleasure and the representation for all judging subjects (the feeling of the beautiful). The addition of the second combination is what distinguishes the judgment of taste, which is *a priori*, from a judgment of the agreeable, which is merely empirical.

In the sentence immediately preceding [T2], Kant writes that "the form of [the object] (not the material aspect of its representation, as sensation) in mere reflection on it (without any intention of acquiring a concept from it) is **judged as the ground of a pleasure** in the representation of such an object" (5:190; my bold). This means that, in a judgment of taste, what the subject is judging is that their pleasure has a certain ground, namely, the object's form. In order for the object's form to be judged *as* the ground of pleasure, the subject's pleasure must precede the judgment.⁴⁹ But since the pleasure that

⁴⁹ This is further supported by Kant's claim that the judgment of taste "places" the ground of one's pleasure. In a judgment of taste, Kant claims that "the ground of the pleasure is placed (*wird gesetzt*) merely in the form of the object for reflection in general" (5:190). It is not that, in a judgment of taste, the

precedes the judgment cannot be the feeling of the beautiful, it must be something else, namely, a pleasure whose ground is not yet determined. So, when Kant says that the pleasure is “also judged” in [T2], he means that both combinations are required for a judgment of taste: I judge that a representation pleases me (an empirical judgment that I am merely pleased, based on my feeling of pleasure), and I also judge that this representation should please all others (an *a priori* judgment that my mere pleasure has a universal ground).⁵⁰ Only the latter judgment is the judgment of taste.

Now let’s consider a second set of passages. These passages characterize the pleasure involved in aesthetic judgment as the combination of the subject’s mere pleasure and the conformity of the pleasure-eliciting representation to an *a priori* rule:

[T3] “[T]his relation in the determination of an object as a beautiful one is combined with the feeling of pleasure that is **at the same time** (*zugleich*) declared to be valid for everyone through the judgment of taste” (5:221; my bold).

[T4] “[T]he pure judgment of taste, which, without depending on any sort of interest, allows a pleasure to be felt and **at the same time** (*zugleich*) to be represented *a priori* as proper for mankind in general” (5:301; my bold).

ground of pleasure is recognized as being in the form of object; rather, it is that the judgment of taste *puts* the ground of one’s pleasure in the form of the object.

⁵⁰ We find further support for this point in Kant’s discussion of the beautiful in the *Anthropology*. First, Kant repeats the “not merely... but also...” characterization of the judgment of taste, defining taste as “a sensible faculty, by which I choose not merely (*nicht bloß*) for myself, according to sensation, but also (*sondern*) according to a certain rule which is represented as valid for everyone” (7:240; my bold). The suggestion here, as in [T1] and [T2] above, is that in making a judgment of taste, I am choosing for myself, according to a sensation of mere pleasure, and I am also choosing for everyone (myself included), according to an *a priori* rule. This point is further supported by Kant’s suggestion that the subject’s sensation can contribute indirectly to the production of the feeling of the beautiful:

[I]n taste ..., that is, in the aesthetic power of judgment, it is not the sensation directly (the material of the representation of the object), but rather how the free (productive) power of imagination joins it together through invention, that is, the form, which produces the satisfaction in the object. (7:240)

Here again, Kant does not claim that pleasure cannot precede the judgment of taste. Rather, his claim is that pleasure without an act of judgment cannot produce the feeling of the beautiful. By specifying that the sensation does not “directly” produce the satisfaction, Kant allows that the subject’s mere pleasure can serve an indirect role, namely, as a necessary but not sufficient condition for the feeling of the beautiful.

In [T3] and [T4], I interpret ‘zugleich’ as a conjunction. The feeling of the beautiful consists in a conjunction of the subject’s mere pleasure and an *a priori* rule: one’s pleasure is the feeling of the beautiful only where these two components are combined. If the beautiful consists in this conjunction, (A & B), and one of the conjuncts is the subject’s pleasure, (A), then this pleasure cannot be identical to the feeling of the beautiful, (A & B). If it was, then the rule, (B), would be superfluous. However, if the pleasure, (A), is not the feeling of the beautiful, then the rule, (B), can play a role in producing the feeling of the beautiful. Together, these two conditions, (A & B), are necessary and sufficient for the feeling of the beautiful.

In [T3], Kant claims that in judging a beautiful object the representation of the object is related to the subject’s feeling of pleasure, (A), and to a declaration of universal validity of that pleasure, (B), which is supplied by the judgment of taste. This suggests that the relation of the representation to the subject’s pleasure can precede the judgment, but the judgment of taste declares that this pleasure is universally valid, thus making it the feeling of the beautiful. If there were no pleasure before this declaration, then it is hard to see what the target of this declaration could be. It could not be the feeling of the beautiful, nor the feeling of the agreeable, for the reasons given above. So, the pleasure whose universal validity is declared in the judgment of taste must be a pleasure whose ground is not yet determined, that is, a mere pleasure.

In [T4], Kant distinguishes the pleasure felt from its representation *a priori*. The subject feels pleasure, (A), and the pure judgment of taste represents this pleasure as having an *a priori* relation to all judging subjects, (B). Again, if the pleasure represented

a priori by the judgment of taste does not precede the judgment, then we have a judgment about a relation that precedes its own relata. But if the subject's pleasure comes before the judgment of taste, and the judgment of taste is about this pleasure's ground, then we can avoid this problem. Allowing that the pleasure judged precedes the judgment itself does not mean that the feeling of the beautiful precedes the judgment of taste. Rather, this solution only requires that the pleasure that is judged in the judgment of taste is distinct from the pleasure produced by the judgment of taste.

Chapter 3. Kant on Common Sense and Empirical Judgment

In this final chapter, I return to the relationship between empirical judgment and the faculty of feeling. Recall that in Chapter 1, I argued that one of Kant's central challenges in the third *Critique* is to account for the correct use of the power of judgment – otherwise known as “healthy understanding” – without appealing to either discursive explanation or deference. I suggested there that Kant responds to this challenge by appealing to the role of feeling in judgment. In Chapter 2, I showed how this sort of correctness works in the aesthetic domain. There I argued that the Kantian judgment of beauty functions like an explicit performative, where the judging subject transforms her mere pleasure into the feeling of the beautiful by performing a special act of judgment in which the subject declares that her pleasure is universally valid after having ruled out all interested grounds of pleasure.

Now I want to consider the role of feeling in empirical judgment. Kant's most explicit discussion of feeling in empirical judgment comes in §21 in the Analytic of the Beautiful. There, Kant argues that “common sense” (*Gemeinsinn*) is “the necessary condition of the universal communicability of our cognition, which is assumed in every logic and every principle of cognitions that is not skeptical” (5:239). In this chapter, I reconstruct Kant's argument for this claim and then offer an account of the relationship between feeling and empirical judgment. On my view, the common sense discussed in

§21 is best understood as the capacity to feel the agreement between imagination and the understanding in an empirical judgment.

In section 1, I reconstruct the argument of §21. In section 2, I defend the claim that the common sense in §21 is different from the common sense in aesthetic judgment. In section 3, I address the role of feeling in empirical judgment. Drawing on the work of Alix Cohen (2020; 2021), I argue that feeling can guide empirical judgment by providing the judging subject with an immediate awareness of the extent to which the subject's imagination and understanding are in agreement. I argue further that feeling can only serve as a guide to correct empirical judgment if the subject's sole aim in judging empirically is the attainment of empirical knowledge.

1. The Argument of §21

In §20, Kant claims that in order to account for the necessity of the judgment of taste, we must presuppose that there is a “common sense” (*Gemeinsinn*). In §21, Kant tries to motivate the idea of a common sense in general by arguing that cognitive judgment also requires the presupposition of a common sense.

In outline, the argument of §21 is as follows:

- (1) Cognitive judgments are universally communicable.
- (2) If cognitive judgments are universally communicable, then the relation between cognitive powers for a cognition in general is communicable.

(3) If the relation between cognitive powers for a cognition in general is communicable, then the optimal relation between cognitive powers for cognition is communicable.

(4) If this optimal relation between cognitive powers is communicable, then the feeling of this optimal relation is communicable.

(5) If the feeling of this optimal relation is communicable, then there is a common sense.

(6) Therefore, there is a common sense.

In the subsections below, I will reconstruct Kant's arguments for premises (1)-(4). In section 2, I will address premise (5) and argue that the common sense required for cognitive judgment is different from the common sense required for aesthetic judgment.

1.1. Universal Communicability

In the first premise, Kant claims that cognitions are universally communicable.

By this, Kant means that cognitive judgments make a claim that is meant to hold

universally on grounds that are, in principle, available to all.⁵¹ In other words, when I

⁵¹ For different accounts of universal communicability, see Ameriks (2003) and Guyer (1997). In this first step of the argument in §21, Ameriks (2003) takes Kant to be making the trivial point that we can only talk about x if x is an objective state of affairs (287). In other words, Ameriks thinks that a cognitive judgment is universally communicable if it has an objective ground. Guyer (1997), on the other hand, construes universal communicability in terms of its "subjective universal validity" (252). Both of these interpretations face difficulties that my neutral characterization avoids. Unlike Ameriks's interpretation, my interpretation allows us to recognize non-objective grounds that are available to all, which is what Kant means to introduce through the idea of a "common sense." This is important because if we accept Ameriks's reading in this first step, then we immediately rule out the possibility that non-objective grounds underlie the communicability of cognitive judgments. Unlike Guyer's construal, my gloss does not conflate universal communicability with subjective universal validity. A judgment may be universally communicable without having subjective universal validity. For example, if I make a claim about an external object (e.g., "This is

make a cognitive judgment, I make a claim about the objective world on the basis of publicly accessible grounds. For example, the cognitive judgment “This is a dog” is universally communicable, because the ground of my judgment, the fact that the object’s properties correspond to the concept DOG, is publicly accessible.

In addition to this explicit claim made about the world, cognitive judgments also make an implicit claim on all other judging subjects: namely, that everyone *ought* to agree with the judgment.⁵² For example, in the judgment “This is a dog,” I am not only making a claim about an object, but I am also implicitly demanding that all other judging subjects ought to agree with my judgment. As Kant explains in the *Prolegomena*, when we make an empirical judgment – what he calls there a “judgment of experience” – we also claim that “the judgment *should* also be valid at all times for us and everyone else” (4:298; my italics). Similarly, in the introduction to the third *Critique*, Kant writes that “the judgment of taste, like every other empirical judgment, also only makes a claim to be valid for everyone” (5:191; cf. 5:286).

Following the assertion that cognition is universally communicable, Kant gives us what can be reconstructed as a brief argument for (1):

a wolf,” when pointing at a husky), my claim is universally communicable, because it is made on the basis of publicly available grounds, but my judgment may lack subjective universal validity, because it is not a judgment that all other judging subjects ought to agree with. With respect to cognitive judgment, universal communicability is necessary but not sufficient condition for subjective universal validity. However, cognitive judgments, whether correct or incorrect, always involve an implicit demand for universal agreement.

⁵² On the universal demand of empirical judgment, see Ginsborg (2015), who argues that we should regard the subjective necessity of empirical judgment as being a species of exemplary necessity of aesthetic judgment. However, Ginsborg characterizes this exemplarity in different ways. Sometimes, she locates the exemplarity in the imagination’s activity: “the imagination is ‘exemplary’ of the rules or empirical concepts which govern it” (2015, 55). Other times, she locates the exemplarity in the object, as being exemplary of an empirical concept: “the thing exemplifies—or indeed constitutes—the standard for how it (and others of its kind) ought to be” (Ginsborg 2015, 80-81). In my view, the exemplary necessity of empirical judgment concerns the relation between the imagination and the understanding, and so it is misleading to ascribe exemplarity to either the imagination or to the understanding.

(1a) If cognition is not universally communicable, then cognition is not objective.

(1b) But cognition is objective.

(1c) So, cognition is universally communicable. (from 1a, 1b)

In support of (1a), Kant claims that the denial of the universal communicability of cognition would reduce cognition to a “mere subjective play.” By “mere subjective play,” Kant means a sequence of perceptions that has only private validity, that is, a series which is only accessible to the subject herself, as in a dream or a hallucination.⁵³ Since universal communicability is a necessary condition of objective validity, to deny cognition its universal communicability would be to deny cognition its ability to make objective claims about the external world.

The second premise, (1b), is an analytic claim about cognition. What distinguishes cognitive judgment from a non-cognitive judgment is that the cognitive judgment makes a claim about an object: it is an objective judgment. The skeptic is free to deny (1b). But in doing so, the skeptic makes the idea of cognitive judgment unintelligible.

⁵³ In the first *Critique*, Kant uses the expression “mere play” to describe a mental act or a series of representations that falls short of cognition due to its non-conformity to an objective rule. Cognition concerns an order of representation that is independent of the particular judging subject, while mere play concerns an order that is specific to that subject (A194-195/B239-240; cf. A101; A112). Kant often opposes mere play, on the hand, and cognition or experience, on the other, as when he describes a series of representation “without an object” as “nothing but a blind play of representations, i.e., less than a dream” (A112), or when he asks the skeptical question of “whether all so-called outer perceptions are not a mere play of our inner sense, or whether they are related to actual external objects as their cause” (A368).

1.2. The General Cognitive Relation (GCR)

The second premise, (2), states that the universal communicability of cognition implies the universal communicability of the mental disposition required for cognition in general. By “disposition of the cognitive powers for a cognition in general,” Kant is referring to the relationship between the cognitive powers that obtains in a cognitive judgment. Cognition involves a relationship between a receptive faculty and an intellectual faculty, that is, between a faculty through which objects are given (the imagination) and a faculty that makes what is given is made intelligible to us (the understanding). Kant claims that there is a certain “proportion” between imagination and the understanding “which is suitable for making cognition out of a representation (whereby an object is given to us)” (5:239). For ease of reference, I will call this proportion between cognitive powers “the general cognitive relation” (GCR).

Kant says that GCR is realized when two conditions are satisfied: (a) the given object prompts the imagination to synthesize the sensible manifold, and (b) the imagination’s activity prompts the understanding to unify the manifold according to concepts (5:239). The first condition, (a), refers to the “apprehension” of imagination: the act of synthesizing the sensible manifold into an image, i.e., a unity of manifold perceptions that can be subsumed under a concept (20:220; A120). The second condition, (b), refers to the “comprehension” of the understanding: the act of unifying the sensible manifold under a concept (20:220). So, GCR is realized when the understanding unifies the imagination’s product, an image, under a concept.

Kant's use of the term "proportion" (*Proportion*) here is somewhat obscure. The crucial point, I think, is that the imagination and the understanding are activities that essentially pull in opposite directions: the former, toward particularity; the latter, toward generality. In the *Dohna-Wundlacken Logic*, Kant explains this point through the following allegory:

Imagination and understanding are two friends who cannot do without one another but cannot stand one another either, for one always harms the other. The more universal the understanding is in its rules, the more perfect it is, but if it wants to consider things *in concreto* then [it] absolutely cannot do without the imagination. (24:710)

In Kant's allegory, the imagination and the understanding are two agents with conflicting goals whose satisfaction requires cooperation. In order to judge that x is an instance of F , I must judge x under a general aspect, its F -ness, suppressing the ways in which x differs from other instances of F .⁵⁴ Here, the imagination must present the object in such a way that it can be judged as being an instance of F . On the other hand, in order to judge that x is F , I must represent x as a particular instance. So, the understanding must allow that agreement between its concept and particular is imperfect, as no object can be identical to its empirical concept.

GCR obtains when a compromise between these two conflicting aims is achieved, when the imagination and understanding work together to exhibit the image as an instance of a concept. In the first *Critique*, Kant addresses the difficulty involved in accounting for the relationship between concept and image in a cognitive judgment in the Schematism chapter. Kant opens this chapter with the claim that in any application of a

⁵⁴ As Kant says in the *Jäsche Logic*, being able to neglect the irrelevant particular features of an object is a mark of good cognitive judgment: "Such abstraction from what does not belong to our purpose in the cognition of a thing is useful and praiseworthy" (9:45).

concept to an object, both representations must be “of the same kind” (*gleichartig*) (A137/B176; my translation). This is a problem for cognitive judgment, since cognitive judgment involves an intuition (or image), which is a particular, sensible representation, and a concept, which is a general, intellectual representation. Since we can make cognitive judgments, Kant infers that there must be “a third thing” (*ein Drittes*), a mediating representation between concept and intuition, which is “intellectual on the one hand and sensible on the other” (A138/B177). Kant calls these mediating representations “schemata” and the procedure by which the imagination produces them the “schematism” of the imagination.

In the context of the first *Critique*, the schematism doctrine is primarily intended as a means of explaining how the pure concepts of the understanding apply *a priori* to empirical intuitions. This is what Kant calls the “transcendental schematism” of the categories. However, this problem of a gap between concept and intuition seems to arise for any kind of cognitive judgment, because all cognitive judgments involve both intuition and concept (A50-51/B74-76). In particular, it would seem to be a problem for empirical judgment as well, since empirical judgment involves the application of empirical concepts to empirical intuitions, and an empirical concept is an intellectual representation while an empirical intuition is a sensible representation.

Kant scholars are divided as to whether empirical concepts require schemata in order to apply to empirical intuitions.⁵⁵ In my view, I do not think the text can decide this

⁵⁵ Some commentators deny that the application of empirical concepts is a problem for Kant. For example, Guyer (1987) claims that Kant sees no “real problem” in the application of empirical concepts to objects, since Kant’s view is that such concepts “*basically* are rules for applying predicates to particular objects or their images, and thus *virtually* identical to schemata” (159; my italics). However, Guyer leaves the sense

question.⁵⁶ For our purposes, the important point in mentioning Kant's schematism doctrine is to acknowledge that Kant recognized a challenge in explaining how the understanding and imagination interact in making an empirical judgment. In §21, I think Kant is once again facing this same challenge. But instead of positing a mediating representation – the empirical schema – to bridge the gap between empirical concept and image, Kant suggests that there is a certain proportion between imagination and the understanding's activities – the GCR – that allows for the subsumption of an image under an empirical concept.

in which empirical concepts are “basically” or “virtually” identical to their schemata unexplained. Similarly, Chipman (1972) argues that empirical concepts do not require schemata, because “such concepts possess elementary sensory components which correspond to sensible features of the data which fall under concepts” (39). But the sense in which empirical concepts “possess elementary sensory components” is unclear, and there is nothing in the text to unpack Chipman's suggestion.

⁵⁶ On the one hand, when speaking of geometrical concepts in their empirical use, Kant writes that “[n]o image of a triangle would ever be adequate to the concept of it” and goes on to say that “[e]ven less does an object of experience or image of it ever reach the empirical concept” (A141/B180). With respect to empirical concepts, Kant considers the example of the empirical concept DOG. In order to judge that a particular is an instance of the concept DOG, one must have a rule that specifies to the imagination the “shape of a four-footed animal in general,” which is supposed to mediate images of dogs and the empirical concept DOG. This mediating representation is required, because the image of an object (e.g., a particular dog) is never adequate to its concept (e.g., the empirical concept DOG), since the former is sensible and particular, while the latter is intellectual and general. So, empirical concepts seem to require schemata for their application for the same reason that the categories do: to bridge the gap between two representations that are not of the same kind. On the other hand, in the first paragraph of the Schematism chapter, Kant writes that “the empirical concept of a plate is of the same kind as the pure geometrical concept of a circle, for the roundness that is thought in the former can be intuited in the latter” (A137/B176; translation modified). At first glance, this passage seems to suggest that, in empirical judgment, the concept is “of the same kind” (*gleichartig*) as that to which it applies. So, it seems here that there is not a need for a mediating representation in the case of empirical judgment. In response to this, defenders of the view that there are empirical schemata argue that this passage does not concern a relation between an empirical concept and an empirical intuition (Kukla 2006, 11n12; Allison 2004, 212). Rather, it concerns a relation between two concepts: an empirical concept and a pure geometrical concept. If Kant wanted to make the point about the relation between empirical concepts and empirical intuitions in an empirical judgment, it is odd that he chose to compare two concepts (e.g., PLATE and CIRCLE) instead of an empirical concept and an empirical intuition (e.g., PLATE and a particular plate). Whether we can construct a coherent theory of empirical schemata on Kant's behalf remains an open question, but Kant himself never explicitly revisits empirical schemata after the Schematism chapter in the first *Critique*, and almost all subsequent discussions refer only the transcendental schemata of the categories (see 4:316; 4:495, 473; 5:68-70; 5:218, 253, 265, 269, 287, 351, 418).

To be clear, the fact that GCR obtains does not guarantee that one's judgment is correct. Rather, GCR is, as Kant says, the "subjective condition of cognition," without which "cognition ... could not arise" (5:238). By this, Kant means that GCR is the relation between cognitive powers when the subject, in judging, takes an image to be an instance of a concept, i.e., when she takes herself to be making an empirical judgment. But GCR does not guarantee that the image is subsumed under the right concept, or that the subject is entitled to the judgment's implicit demand for universal assent.⁵⁷ So, to claim that GCR is universally communicable is just to say that this proportion between cognitive powers is, in principle, available to all judging subjects. In other words, we can assume that all judging subjects are able to tell when they regard an image as being an instance of an empirical concept.

1.3. The Optimal Cognitive Relation (OCR)

Kant thinks that the relationship between imagination and the understanding varies according to the different sensible objects we cognize: "this disposition of the cognitive powers has a different proportion depending on the difference of the objects that are given" (5:238). In other words, the extent to which imagination and the understanding agree in cognition depends on the sensible object given. From the fact there are more and less fitting relations between the imagination and understanding in cognition, Kant argues that it follows that there must be an "optimal" relation between

⁵⁷ Kant also makes a similar point in the footnote to the Deduction of the Pure Judgment of Taste in §38. He writes that we must assume that in "all human beings, the subjective conditions of cognition," that is, the relation between imagination and the understanding for cognition in general, "are the same" (5:290n). This sameness of subjective conditions "must be true," because otherwise, "human beings could not communicate their representations and even cognition itself" (5:290n).

imagination and the understanding for cognition in general (5:239). An optimal relation would be one in which the activities of the imagination and understanding are maximally fitting, that is, where the imagination's apprehension and the understanding's comprehension agree to the fullest extent possible. Call this special proportion of cognitive powers "the optimal cognitive relation" (OCR).

So, GCR is the relation between imagination and understanding that must obtain in any cognitive judgment, and OCR is the optimal form of this relationship. GCR obtains whenever we make a cognitive judgment: it is the proportion of the cognitive faculties when the imagination's apprehension agrees with the understanding's comprehension, when an image *is exhibited as* an instance of an empirical concept. OCR is this agreement between these cognitive powers in the highest degree: when the imagination's apprehension optimally agrees with the understanding's comprehension, when the image *exemplifies* its concept.

The crucial interpretive question in this step of the argument is whether OCR is identical to the free play of the cognitive faculties involved in aesthetic judgment. Some commentators think that it is.⁵⁸ But I think that they are distinct, and that keeping them apart is essential to understanding what Kant aims to accomplish in §21.

The main support for the identification of OCR and free play is derived from the similarities in Kant's descriptions of these two relations of the cognitive faculties. In §9, Kant defines free play as "the state of mind that is encountered in the relation of the powers of representation to each other insofar as they relate a given representation to cognition in general" (5:217), and as the "animation of both faculties (the imagination

⁵⁸ E.g., Crawford (1974, 126), Guyer (1997, 263), and Ameriks (2003, 317).

and the understanding) to an activity that is indeterminate but yet, through the stimulus of the given representation, in unison” (5:219). In §21, Kant similarly describes OCR as “the inner relationship” of imagination and the understanding that is “optimal for the animation of both powers of the mind ... with respect to cognition (of given objects) in general” (5:238-239). Moreover, in §39, Kant seems to draw this connection explicitly, claiming that “the proportion of these cognitive faculties that is required for taste is also requisite for the common and healthy understanding that one may presuppose in everyone” (5:292-293). On the face of it, these passages suggest that the relation between cognitive powers in aesthetic judgment is the same relation as that involved in cognitive judgment.

However, I think these surface similarities are insufficient to establish the identity of OCR and free play. In §21, Kant is clear that OCR is a species of GCR. He writes that “this disposition,” speaking of GCR, has a “different proportion” depending on the objects given, and that OCR is the “optimal” form of this disposition (5:239). Kant is also clear that GCR is a relation between cognitive powers that is “suitable for making cognition out of a representation (whereby an object is given to us),” and that this relation involves the comprehension of the understanding, that is, “the unification of the manifold into concepts” (5:239). The free play of the cognitive faculties, in contrast, does not involve comprehension, because free play does not involve determinate concepts: it is “neither grounded on concepts nor aimed at them” (5:209).⁵⁹ So, if OCR is a species of GCR, then OCR cannot be identical to free play.

⁵⁹ In the aesthetic case, the relationship between imagination and the understanding exhibits a lawful agreement but this lawfulness is not provided by a determinate concept. In contrast, in cognitive judgment,

A defender of the view that OCR and free play are identical might respond that OCR is not a species of GCR. Instead, OCR and GCR are different kinds of relations between imagination and the understanding. GCR is the kind of agreement between cognitive powers in cognitive judgment, and OCR is a kind of agreement between cognitive powers in aesthetic judgment, but the latter is not a species of the former. So, OCR may be identical to free play.

But if this were the case, then the argument of §21 would be incomplete. The third premise of Kant's argument in §21, (3), is that if GCR is communicable, then OCR is communicable. If OCR is a species of GCR, then this follows logically. But if OCR is not a species of GCR, then we have no reason to assume that what is true of GCR is also true of OCR. Kant gives no argument for this step except the suggestion that OCR is the optimal form of GCR, that is, that OCR is a species of GCR. Denying that OCR is a species of GCR may be enough to lead to the sub-conclusion that OCR can only be felt, but it is not enough to link the original premise – that cognitive judgments are universally communicable – to §21's conclusion: that we must assume that there is a common sense, because the communicability of cognition depends on it. So, OCR is either a species of GCR, in which case, it is distinct from free play, or OCR is not a species of GCR, in which case the argument of §21 is incomplete.

the lawful agreement of imagination and understanding is due to a determinate concept: "The aptitude of human beings for communicating their thoughts also requires a relation between the imagination and the understanding in order to associate intuitions with concepts and concepts in turn with intuitions, which flow together into a cognition; but in that case the agreement of the two powers of the mind is lawful, under the constraint of determinate concepts" (5:295).

1.4. Feeling the Optimal Cognitive Relation (OCR)

In the fourth premise, Kant claims that the communicability of OCR implies the communicability of the feeling of OCR. Kant's argument here rests on the claim that OCR "cannot be determined except through the feeling (not by concepts)" (5:239). In other words, the optimal relation between imagination and understanding in cognition cannot be cognized, but instead must be felt.

Kant does not give us an argument here for why OCR must be felt, but I think we can reconstruct the following argument on his behalf:

(4a) GCR cannot be cognized.

(4b) If GCR cannot be cognized, it can only be felt.

(4c) If GCR can only be felt, then OCR can only be felt.

(4d) So, OCR can only be felt. (from 4a, 4b, 4c)

The first premise, (4a), relies on a point established earlier in the third *Critique*: that there can be no general determinate concept (what Kant calls an "objective rule") for how to correctly apply concepts to objects (5:169).⁶⁰ Recall that a cognitive judgment is a judgment in which one thinks an object under a determinate concept. So, if GCR itself could be cognized, then there must be a determinate concept of GCR, that is, a determinate concept of the proportion between imagination and the understanding required for making a cognitive judgment. Now, recall that it is the task of the power of

⁶⁰ Allison (2001, 154-155) makes a similar argument, drawing on the rule regress argument in the first *Critique* to motivate the claim that correct cognitive judgment involves appealing to a common feeling. However, Allison focuses mainly on the first *Critique* regress problem, without discussing the new version of the problem that appears in the Preface to the third *Critique*. In the first *Critique*, Kant's conclusion is that there is no general principle for correct judgment. In the third *Critique*, however, Kant's conclusion to the same argument is that the power of judgment must give itself the rule for correct judgment (5:169). For a fuller discussion of these two regress arguments, see Chapter 1.

judgment (in its determining use) to determine whether a determinate concept applies to an object (5:179). So, if there were a determinate concept for GCR, then it would also fall to the power of judgment to correctly apply this concept to itself. But determining whether this concept is correctly applied to the power of judgment would also be a task for the power of judgment. Thus, any attempt to supply a determinate concept for GCR would lead to an infinite regress. Thus, GCR cannot be cognized.

The second premise, (4b), relies on Kant's claim from §9: that there are only two ways that we can become conscious of something: intellectually, i.e., through concepts, or aesthetically, i.e., through inner sense and sensation (5:218). On the aesthetic side, Kant divides "sensation" into objective sensations (sensations proper) and subjective sensations (feelings). An objective sensation is a representation of a thing through sense (e.g., the greenness of a meadow).⁶¹ A subjective sensation is a determination of the feeling of pleasure and pain (e.g., the feeling of agreeableness that accompanies the representation of a green meadow) (5:206). Since, per (4a), GCR cannot be cognized, we can only have consciousness of GCR through sensation. Since GCR is not the representation of a thing but of the subject's mental activity, this awareness cannot be an objective sensation. Therefore, GCR can only be felt.

⁶¹ Kant's use of the phrase "objective sensation" in this context should not be taken to imply Kant thinks that color is an objective property of material bodies. As he says in the *Transcendental Aesthetic*, "[s]econdary qualities (e.g., color, taste, etc.) are not objective qualities of bodies, but belong instead to the particular constitution of the perceiver" (A28; B44-45). Objective sensations are objective in that they represent an object as being a certain way, but the manner of representation depends on the subject's perceptual apparatus. For an illuminating comparative discussion of color judgments and judgments of taste, see Ginsborg (2015, 21-28).

The third premise, (4c), states that if GCR can only be felt, then OCR can only be felt. This follows logically from the fact that OCR is a species of GCR. Thus, the conclusion: OCR can only be felt.

2. Cognitive Common Sense

In the main argument of §21, the fifth premise, (5), is that the communicability of the feeling of OCR entails that there is a common sense. Here, Kant seems to identify “common sense” with the universally communicable feeling associated with OCR. So, from the fact that there is such a feeling, it follows that there is a common sense.

However, what Kant means by “common sense” in this context is not clear. There are two prominent ways of reading him on this point. The first, which I call the “aesthetic reading”, takes the common sense in §21 as the same as the common sense involved in aesthetic judgment. The second strategy, which I call the “cognitive reading”, interprets the common sense in §21 as distinct from the common sense involved in aesthetic judgment. On this view, Kant is talking about a distinctively cognitive form of common sense. In this section, I will discuss both readings and argue that we should prefer the cognitive reading of §21.

2.1. The Aesthetic Reading

On the aesthetic reading, the common sense in §21 is identical to the common sense in aesthetic judgment.⁶² In §20, Kant gives a brief but straightforward argument for why the necessity of aesthetic judgment depends on the idea of a common sense (5:238). A judgment of beauty is a universal judgment that it is grounded “only on our feeling” (5:239). But if the feeling on which the judgment is grounded is merely private, then it would not have a claim to universality. Therefore, in order to make a judgment of taste, the subject must ground her judgment on a “common” feeling (5:239). Since the judgment of taste makes a universal demand that all other judging subjects ought to judge on the same grounds, it follows that one must assume that all other judging subjects have the capacity to judge on the basis of this common feeling. This capacity to make a judgment of taste on the basis of a common feeling is the aesthetic common sense. On the aesthetic reading, §21 is an argument for the existence of this aesthetic form of common sense.

The aesthetic reading hinges on the identification of OCR with the free play of the cognitive faculties. If §21 shows that we must presuppose the existence of the feeling of OCR, and OCR is identical to free play, and the feeling effected by free play is the aesthetic common sense, then it follows that §21 shows that we must presuppose the aesthetic common sense. In 1.3, I made the case that OCR is distinct from free play. But

⁶² Proponents of the aesthetic reading include Crawford (1974, 126), Bell (1987, 239), Makkreel (1990, 157), Gibbons (1994, 96), Hughes (2007, 199), and Friedlander (2017, 413ff). Guyer (1997) also seems to read §21 as concerning aesthetic common sense, because he regards it as Kant’s “first deduction” of the judgment of taste, although he acknowledges some of the ways in which this reading is unsatisfactory (Guyer 1997, 256-264).

if the aesthetic reading offers the most plausible interpretation of §21, then we might have reason to reconsider this.

There are a few main reasons why the aesthetic reading is attractive. First, the aesthetic reading makes straightforward sense of the overall argument of the Fourth Moment. On this interpretation, §§18-20 show that aesthetic judgment depends on the idea of a common sense, §21 argues that we have good reason to assume that the aesthetic common sense exists, and §22 concludes with some general remarks about aesthetic common sense.

Second, the aesthetic reading seems consistent with Kant's terminology in the Fourth Moment. Kant does not explicitly distinguish two different meanings of *Gemeinsinn*. However, in §20, Kant is careful to distinguish "common sense" (*Gemeinsinn*) from "common human understanding" (*gemein Menschenverstand*). In broad terms, the "common human understanding" or "healthy understanding" (*gesunder Verstand*) is the ability to correctly apply empirical concepts to objects, i.e., to make correct empirical judgments.⁶³ If Kant meant to talk about the ability to apply concepts correctly in §21, then it is odd that he does not use the term "common human understanding" and instead uses the term "common sense" (5:239). The aesthetic reading, however, does not accuse Kant of this apparent oversight. Instead, it maintains that the common sense in §21 is just what Kant says it is in §20, namely, "a subjective principle,

⁶³ In the *Prolegomena*, Kant defines the healthy understanding as the common understanding insofar as it judges correctly (4:369). Similarly, in the Preface to the third *Critique*, Kant refers to the "correct use" of the power of judgment as "healthy understanding" (*gesunder Verstand*) (5:169). However, Kant does not always respect this distinction. For example, in §40, he describes the "common human understanding" as one which is "merely healthy" (5:293). So, I use the terms "common human understanding" and "healthy understanding" interchangeably here. For a full overview of related terms, see Zhouhuang (2016, 13-37). See also McAndrew (2014) for a genealogical account of Kant's pre-critical notion of "healthy understanding" as a precursor to the power of judgment in the first *Critique*.

which determines what pleases or displeases only through feeling and not through concepts” (5:238).

Third, the aesthetic reading clearly accommodates Kant’s remarks that suggest that feeling has no role to play in cognitive judgment. Throughout the third *Critique*, Kant distinguishes aesthetic judgment from cognitive judgment by appealing to the role of feeling in the former. For example, in §1, Kant writes that the “judgment of taste is ... not a cognitive judgment, hence not a logical one, but is rather aesthetic,” because it relates a representation to “the subject and its feeling of pleasure” (5:203). Similarly, in §20, Kant distinguishes the common sense involved in aesthetic judgment from the “common understanding” or “*sensus communis*” in cognitive judgment by claiming “the latter judges not by feeling but always by concepts” (5:238). Since the aesthetic reading does not take Kant to be introducing a different kind of common sense that underlies our cognitive judgments, it has no trouble accommodating these passages. On the aesthetic reading, §21 is an attempt to argue from the conditions of cognitive judgment towards a conclusion about the role of feeling in aesthetic judgment.

However, there are two major problems with the aesthetic reading. The first major problem concerns the place of §21 in the *Critique of Aesthetic Judgment* as a whole. If §21 is an argument for the existence of the aesthetic common sense, and aesthetic common sense is “the principle of taste” (5:238), then either (a) §21 is a successful deduction of the principle of taste, or (b) §21 is an unsuccessful attempt at a deduction. Neither option is satisfactory.

The first option, (a), is unsatisfactory, because it conflicts with what Kant says in the next section. In §22, Kant claims that he has not yet provided a deduction, writing

that “[w]hether there is in fact such a common sense” is a question “we would not and cannot yet investigate here” (5:240). Instead, Kant postpones his official deduction for §38. So, if §21 is a successful deduction, then Kant is ignorant of what he accomplishes in §21, and §38 is redundant.

The second option, (b), is also unsatisfactory, because if §21 is an unsuccessful attempt at a deduction, then it is not clear why it is included. Some aesthetic readers have tried to explain §21’s place by regarding it as a first attempt at a deduction or as one stage in a multi-stage deduction.⁶⁴ But neither of these strategies are satisfactory, either. On the one hand, if §21 is a first attempt at a deduction, it still remains a failure. On the other hand, the view that §21 is one stage in a multi-stage deduction imposes an artificial structure on the Critique of Aesthetic Judgment. Although there is arguably a sense in which the sections that precede a deduction are “stages” leading up to the conclusion of the deduction, it is misleading to call those sections parts of the official deduction.

The second major problem for the aesthetic reading is that it implies that the communicability of cognition depends on aesthetic common sense.⁶⁵ Kant’s conclusion in §21 is that we should assume that there is a “common sense” (*Gemeinsinn*), and that this common sense is “the necessary condition of the universal communicability of cognition, which is assumed in every logic and every principle of cognitions that is not skeptical” (5:239). If the common sense in §21 is the aesthetic common sense, then every

⁶⁴ For example, Guyer (1997) refers to §21 as the “first attempt” at a deduction of taste (248). Crawford (1974), on the other hand, regards as the argument in §21 as the “fourth stage” in a five-stage deduction of taste that spans the whole of the Critique of the Aesthetic Judgment (125).

⁶⁵ A related problem threatens aesthetic readings that allow that OCR is species of GCR but do not allow that the proportion of cognitive powers varies among acts of cognition. If the proportion of cognitive powers does not vary in acts of cognition, then OCR is not really distinct from GCR. As a result, every act of cognition would involve OCR and would be accompanied by a feeling of the beautiful. For discussion of this problems see Guyer (1997, 256-264) and Ameriks (2003, 284).

non-skeptical logic assumes the common feeling effected by the free play of the cognitive powers. This is not an indefensible claim, but it is at least puzzling and is in need of explanation. More importantly, however, is the fact that this result conflicts with one of the apparent strengths of the aesthetic reading: namely, that it separates feeling from cognitive judgment. Instead, on this point, the aesthetic reading seems to do just the opposite, putting the feeling of the beautiful at the foundation of cognition.

2.2. The Cognitive Reading

A second interpretive strategy, the one that I prefer, is to regard the common sense in §21 as a distinctively cognitive form of common sense.⁶⁶ On this view, §21 concerns the capacity to feel the relation between imagination and understanding in a cognitive judgment, which is distinct from the relation of free play involved in an aesthetic judgment. To distinguish this capacity from aesthetic common sense, I will refer to this capacity as “cognitive common sense.”

By “cognitive common sense,” I do not mean “common human understanding” or “healthy understanding.” Keeping these two terms apart is important for interpreting §21.

⁶⁶ Allison (2001), Longuenesse (2005), Savile (1987), and Matherne (2019) argue along similar lines. However, my reading differs from theirs on the following points. On Allison’s (2001) reading, which draws heavily on Fricke (1990), the common sense in §21 is identical to the “talent” of correct judgment from the regress of rules argument in the first *Critique* (A133/B172), which Allison thinks is distinct from the common or healthy understanding (Allison 2001, 154-155). However, on my view, the talent of correct judgment is “healthy understanding” (*gesunder Verstand*), as I argued in greater detail in Chapter 1, whereas the common sense in §21 is a further assumption that makes healthy understanding possible. For Longuenesse (2005), the common sense in §21 is the pleasure in our awareness of what I’ve been calling the GCR (285-290). However, Longuenesse does not explain why we can only have such awareness through feeling. Savile (1987, 145-146) also distinguishes cognitive common sense from aesthetic common sense. However, he does not reach this conclusion on the basis of the regress arguments given in 1.4. Finally, Matherne (2019) also argues that the common sense in §21 concerns cognitive rather than aesthetic judgment, because §21 only mentions cognitive judgment, but she does not address in detail the role that feeling plays in empirical judgment.

First, as I explained above, Kant is careful to distinguish these two terms in §20. To identify the common sense in §21 with the common human understanding would be to neglect the distinction Kant made less than a page before. Second, the common human understanding does not capture the affective aspect of the idea of a common sense. The final step in Kant's argument in §21 is to infer from the fact that there is a universally communicable feeling to the existence of a common sense. But if "common sense" refers to common human understanding – that is, to the ability to correctly apply rules to cases – then it is unclear how this inference is supposed to work.

In 1.4, I argued that the agreement between imagination and understanding, between concept and image, in an empirical judgment cannot be cognized. Rather, the agreement between concept and image in an empirical judgment can only be felt.⁶⁷ If it is true that in order to judge correctly, one must be able to feel this fittingness, then in order to impute one's judgment to all judging subjects, we must assume that all other judging subjects have the ability to feel the fittingness of image and concept. This ability is what I take Kant to mean by "common sense" in §21.

The cognitive reading avoids both of the major problems facing the aesthetic reading. First, it avoids the need to read §21 as a deduction of the principle of taste. This

⁶⁷ It is important to distinguish what I take to be the "felt correctness" of empirical judgment in §21 from what other commentators regard as the role of feeling in empirical judgment. For example, Ginsborg (2015) describes the felt correctness in empirical judgment in terms of the relationship between the object and the imagination's activity, that is, as "an irreducible harmony or fit between the object and the imaginative activity it elicits" (90). However, as I have argued, the harmony at issue in §21 is between the understanding and imagination, not between the object and imagination. Bell (1987) conceives of the felt correctness of empirical judgment in terms of the "feeling that certain diverse elements of experience as such belong together, that they comprise an intrinsically satisfying whole in virtue of their seeming to have a point" (239). But this doesn't capture the sense of felt correctness in §21 either. In §21, Kant is talking about the relationship between the imagination's apprehension of the sensible manifold and the understanding's comprehension of the sensible manifold. The correctness concerns a relation between cognitive faculties, not a relation between "diverse elements of experience".

need is based on the aesthetic reading's mistaken identification of OCR with the free play of the cognitive faculties. As I argued in 1.3, it is wrong to make this identification, and if we can avoid making it, we do not need to treat §21 as a deduction of aesthetic common sense. Instead, we should see §21 as demonstrating the plausibility of the idea of a common sense in a different domain in order to support the plausibility of the aesthetic common sense, whose deduction comes later in §38. As the title of §21 suggests, Kant's aim in this section is to show that it is reasonable to assume that there is "*a* common sense" (*einen Gemeinsinn*) (5:238). This aim is in service of the larger goal of the Critique of Aesthetic Judgment, which aims to show how taste is possible, since judgments of taste depend on presupposing that there is an aesthetic common sense. So, on the cognitive reading, §21 is not redundant, and Kant is not ignorant of what it achieves.

Second, the cognitive reading avoids the suggestion that the communicability of cognitive judgments depends on presupposing the aesthetic common sense. Cognitive common sense is the capacity to feel the extent to which imagination and understanding agree in a cognitive judgment. This is distinct from the aesthetic common sense, which is the capacity to feel when the imagination and understanding are in free play. So, when Kant says that every logic assumes that there is a "common sense," he means that every logic assumes that judging subjects are able to feel the extent to which an image agrees with its concept.

3. Feeling and Empirical Judgment

Thus far, I've argued that cognitive judgment must presuppose a cognitive common sense, that is, a capacity to feel the degree to which the imagination and the understanding agree in an empirical judgment. In this section, I address the relationship between feeling and empirical judgment, and, drawing on the work of Alix Cohen (2020; 2021), explain the sense in which feeling can guide empirical judgment. First, I explain Cohen's view and the connection between pleasure and purposiveness (3.1); second, I consider Kant remarks on the purpose of empirical judgment (3.3); third, I offer textual evidence that purposive empirical judgment is pleasurable (3.3); and fourth, I explain how feeling can guide empirical judgment (3.4).

3.1. Pleasure and Purposiveness

Kant's account of pleasure has two main parts. The first concerns what pleasure represents to the subject; the second concerns the effect that pleasure has on the subject. Regarding the first part of Kant's account, Kant claims that pleasure is a representation of "subjective purposiveness" (20:228; 20:230).⁶⁸ For Kant, an object or action is subjectively purposive if it furthers the subject's aims. For example, if I am hungry and desire to eat, then the action of eating food is subjectively purposive. Kant thinks that "[t]he attainment of every aim is combined with the feeling of pleasure" (5:187). So, if an object or action furthers our aims, then it pleases us. If an object or action conflicts with

⁶⁸ Similarly, in the second *Critique*, Kant defines pleasure as "the representation of the agreement of an object or of an action with the subjective conditions of life" (5:9n).

our aims, then it pains us. In this way, pleasure represents to the subject whether an object or action furthers her ends.

Regarding the second part of Kant's account, Kant distinguishes pleasure from pain in terms of the different effect each has on the subject. In §10, Kant defines pleasure in general as the "consciousness of the causality of a representation with respect to the state of the subject, for maintaining it in that state" (5:220). By this, Kant means that pleasure is the subject's awareness that a representation is such that it urges the subject to remain in her current state. This is in contrast to pain, which, as Kant explains in the *Anthropology*, is the subject's awareness that a representation is such that it motivates the subject to leave her current state (7:231). So, when I am pained, I am motivated to leave my current state, while when I am pleased, I am motivated to remain in my current state.

For Cohen, the important connection between agency and Kant's account of feeling is the first component discussed above, that pleasure represents subjective purposiveness: "Kant's identification of pleasure and subjective purposiveness can be interpreted as follows: for a rational embodied subject, to feel pleasure is to be aware of something as 'purposive for her'." (Cohen 2021, 387; cf. 20:228; 20:230). The feeling of pleasure, on Cohen's account, provides the agent with immediate awareness that an activity is furthering her ends. To be in a state of pleasure is to be aware that one's activity is furthering one's ends.

Cohen thinks that the sort of awareness provided by feeling is different in kind from that provided by discursive introspection. While discursive introspection provides us with "awareness of what we are doing," feelings of pleasure and pain provide us with "the awareness of how it [the activity] is going" (Cohen 2020, 446-447). For example, if

I'm translating a difficult passage in Kant, it is through discursive introspection that I am aware of *what* I am doing, namely, translating a passage in Kant. But my feelings – of pleasure, when the translation is going smoothly, or of pain, when I get stuck on a difficult grammatical construction – tell me *how* my translation is going.

3.2. The Purpose of Empirical Judgment

I think we can extend Cohen's account of Kantian feeling and agency to empirical judgment. In order to do this, I want to consider Kant's remarks on the connection between the purpose and pleasure of empirical judgment.

In §40 of third *Critique*, Kant discusses three maxims for the higher cognitive faculties – reason, the understanding, and the power of judgment – in order to make a “purposive use” of the faculty of cognition. The maxim of the power of judgment is “To think in the position of everyone else” (5:294), which Kant explains as follows:

[T]he issue here is not the faculty of cognition, but the way of thinking needed to make a **purposive use** of it, which, however small the scope and degree of a person's natural endowment may be, nevertheless reveals a man of a broad-minded way of thinking if he sets himself apart from the subjective private conditions of the judgment, within which so many others are as if bracketed, and reflects on his own judgment from a universal standpoint (which he can only determine by putting himself into the standpoint of others). (5:295; my bold)

In order to make a “purposive use” of the faculty of cognition, one must “reflect” on one's own judgments – that is, judge one's own judgments – from a “universal standpoint.” This involves setting aside the “subjective private conditions of the judgment,” that is, conditions that pertain only to the subject, such as private interests or perceptual abnormalities. Instead, the subject should consider the grounds for her

judgment apart from these subjective conditions by thinking “in the position of everyone else.”

Kant thinks that reflecting on one’s judgment from this point of view is “needed” for achieving the final aim of the faculty of cognition. On Kant’s view, “the final aim of all cognition” is the attainment of systematic knowledge (5:168), which he regards as a “necessary aim (a need) of the understanding” (5:184).⁶⁹ To understand how judging from a universal standpoint furthers this aim, let me first explain what Kant means by “systematic knowledge”.

In the first *Critique*, Kant defines a system as “the unity of the manifold cognitions under one idea,” where this one idea is the “rational concept of the form of the whole” (A832/B860). For Kant, the form of such systematic unity is that of a logical hierarchy, in which cognitions are arranged in genus-species relations, the highest genus of which is the idea.⁷⁰ The idea of a particular system determines which cognitions should be included within that system as well as the relations between them. If a set of cognitions is not unified systematically, then it is a “mere aggregate.” Kant thinks that our ordinary, non-scientific empirical judgments constitute a mere aggregate, and that organizing these cognitions systematically under an idea is what “makes ordinary cognition into science” (A832/B860; cf. 9:72). So, on Kant’s view, the building materials

⁶⁹ Kant relocates this need from reason (in the first *Critique* and the Orientation essay) to a need of the understanding in the third *Critique*. In the context of the introduction to the third *Critique*, I take Kant’s attribution of this need to understanding as a byproduct of his effort to distinguish the domain of nature, which is legislated by the understanding, from the domain of freedom, which is legislated by reason (5:177). The language of the understanding’s needs continues in the *Jäsche Logic*, where Kant claims that “our understanding is so desirous of expanding itself and enriching itself with cognitions by judging” (9:74; cf. 9:11).

⁷⁰ For an in-depth study of Kant’s notion of logical hierarchy as it relates to his conception of systematicity in science, see Anderson (2015, 333-372).

for systematic knowledge are our ordinary empirical judgments, and it is by structuring them in the form of a logical hierarchy under an idea that we attain systematic knowledge.

Most readers tend to focus on the formal aspect of Kant's account of systematic knowledge: that our cognitions must be arranged in the form of a logical hierarchy.⁷¹ Indeed, Kant places greater emphasis on this point in the first and third *Critiques*. In the first *Critique*, Kant refers to systematic form as a “touchstone of truth” in empirical science (A647/B675). In the third *Critique*, Kant states the principle for reflective judgment, in the context of empirical law formation, in terms of the correspondence between the systematic form of human knowledge and nature's division into genera and species (5:180).

But it is equally important to attend to the material aspect of systematic knowledge: that our ordinary cognitions that constitute the matter of systematic knowledge are made from a universal standpoint. In the *Anthropology* and the *Jäsche Logic*, Kant claims that judging from a universal standpoint is also a “touchstone” of “correctness” and of “truth” (7:219; 9:57). In the *Anthropology*, Kant reiterates the maxim of the power of judgment we find in §40:

[I]t is a subjectively-necessary touchstone of the correctness of our judgments generally, and consequently also of the soundness of our understanding, that we also restrain our understanding by the *understanding of others*, instead of *isolating* ourselves with our own understanding and judging *publicly* with our private representations, so to speak. (7:219)

⁷¹ E.g., Kitcher (1986), Floyd (1998), Grier (2001), Guyer (2005), Zuckert (2007; 2017), and Anderson (2015).

Importantly for our purposes, Kant makes this point in the context of defining “madness” (*Wahnsinn*), which he characterizes as “the loss of common sense (*Gemeinsinnes*) (*sensus communis*) and its replacement with *logical private sense*” (7:219). When we fail to be responsive to the judgment of others, judging only from our own perspective and not reflecting on our judging from a universal standpoint, we risk mistaking the subjective “play” of our thoughts for the world:

He who pays no attention at all to this touchstone, but gets it into his head to recognize private sense as already valid apart from or even in opposition to common sense (*Gemeinsinn*), is abandoned to a play of thoughts in which he sees, acts, and judges, not in a common world, but rather in his own world (as in dreaming). (7:219)

In other words, if we do not think in the position of everyone else when judging, our judgments risk losing touch with the common world. If systematic empirical knowledge is *of* the world, and it consists in the systematic arrangement of our ordinary empirical judgments, then our ordinary empirical judgments must conform to the maxim of the power of judgment in order to achieve the final aim of cognition. Imposing systematic form on empirical judgments that pay no attention to this touchstone will not lead systematic knowledge but only more elaborate illusions. In this sense, thinking in the place of everyone else in one’s empirical judgments is “needed to make a purposive use” of the faculty of cognition (5:295).

3.3. The Pleasure of Empirical Judgment

Now, I want to provide some textual evidence to show that Kant thought that making universally communicable empirical judgments is pleasurable. First, Kant takes it

as an obvious empirical and psychological fact that being in a communicable state, whether aesthetic or cognitive, is pleasurable due to our natural interest in sociability:

That being able to communicate one's state of mind, even if only with regard to the faculties of cognition, carries a pleasure with it, could easily be established (empirically and psychologically) from the natural tendency of human beings to sociability. (5:218)

Communication is an important part of sociability, and, so, being in a communicable state is a means of furthering of this end. Since whatever furthers our ends is pleasurable, it follows that being in a communicable state “carries a pleasure with it” (5:218). Kant expands further on this point in §41, where he claims that the interest in sociability is “an inclination characteristic of human nature” (5:296), and that, in society, there is a general expectation to make universally communicable judgments: “[E]ach expects and requires of everyone else a regard to universal communication, as if from an original contract dictated by humanity itself” (5:297).

Second, Kant argues that since systematic empirical knowledge is an *a priori* need of the understanding, we are “delighted (strictly speaking, relieved of a need) when we encounter such a systematic unity among merely empirical laws” (5:184). In other words, we take pleasure in discoveries of systematicity in nature, because such discoveries further our *a priori* aim of systematic empirical knowledge. In his 1786 “Orientation” essay, Kant refers to the goal of systematic knowledge as a “*felt* need of reason,” which can be used to orient ourselves in theoretical investigations (8:139). Although reason itself “does not feel,” reason does have an “insight into its lack” of knowledge, and through its “*drive for cognition* it effects the feeling of a need” (8:139n). In other words, our need for knowledge produces a kind of pain in us, motivating us to

leave our current state of ignorance and seek knowledge, and when we further this aim by attaining new knowledge, we are pleased.

Furthermore, Kant thinks that this pleasure related to our cognitive aims is not only present in theoretical inquiry, but also in pre-theoretical recognition that nature is amenable to our pursuit of systematic knowledge:

To be sure, we no longer detect any noticeable pleasure in the comprehensibility of nature and the unity of its division into genera and species, by means of which alone empirical concepts are possible through which we cognize it in its particular laws; but it must certainly have been there in its time, and only because the most common experience would not be possible without it has it gradually become mixed up with mere cognition and is no longer specially noticed. (5:187)

Kant's suggestion in this passage is that pleasure we take in the awareness that nature can be classified into genera and species permeates our "most common experience," since nature's regularity is required for the formation of empirical concepts, and experience involves synthesis of empirical intuition by empirical concepts. Even though this pleasure may have faded over time as it became "mixed up with mere cognition and is no longer specially noticed," it is still faintly present in our ordinary empirical judgments.

3.4. How Feeling Guides Empirical Judgment

Now I want to return to the question of how feeling can guide empirical judgment. How can our pleasure in empirical judgment guide us toward our cognitive purpose of systematic knowledge? Following Cohen (2020; 2021), we can say that while discursive introspection provides the subject with an awareness that she is making an empirical judgment, feeling provides the subject with an awareness of how her empirical

judgment is going. For example, if I am judging that a particular object is a dog, then I have the discursive awareness that I am subsuming this particular under the empirical concept DOG. If I introspected further, considering the concept DOG's constituent concepts, then I might also have some discursive insight as to why this particular is an instance of the concept DOG (e.g., because it also instantiates the concepts ANIMAL and FOUR-LEGGED). Feeling, on the other hand, provides me with an immediate, non-discursive awareness of the extent to which the particular object agrees with the concept DOG. Before I have the discursive awareness of why a particular is or is not an instance of a concept, I can feel the extent to which my imagination and understanding are in agreement in applying the concept to that particular. For example, even though I may not be able to explain why the concept DOG agrees more obviously to a golden retriever than a husky, I have an immediate, affective awareness that the former agrees with my concept DOG more than the latter.

If we assume, as in the aesthetic case, that certain relations between imagination and understanding produce pleasure in all judging subjects, then by attending to our feeling in judging we can, as in the aesthetic case, judge from a universal standpoint. So, just as the idea of an aesthetic common sense – the universal capacity to feel when our cognitive faculties are in free play – enables us to make aesthetic judgments from a universal standpoint, the idea of a cognitive common sense – the universal capacity to feel the extent to which our cognitive faculties are in agreement in an empirical judgment – enables us to make empirical judgments from a universal standpoint.

In attributing to Kant the view that feeling can guide empirical judgment, I should make two further clarifications. First, although feeling can serve as a *guide* in making

empirical judgments, it cannot *ground* empirical judgment. Kant allows that feeling can guide empirical judgment, but he rejects the view that empirical judgments can be grounded on feeling. Only aesthetic judgments can be grounded on feeling, and it is essential to Kant's distinction between empirical and aesthetic judgments that we preserve this distinction.⁷²

To understand this difference between guiding and grounding, consider the following analogy. Suppose you go to a beach with the aim of finding jewelry or loose change buried in the sand. In order to accomplish this aim, you take a metal detector with you. You walk around the beach, sweeping the metal detector over the sand and listening for a loud beeping noise the device makes when it detects a metal object. If the device is functioning normally, it will beep louder the closer its sensor is to metal. When it beeps loudly, you stop, put the machine aside, and dig into the sand, hoping to find something metal.

In this example, the beeping serves as a guide for your aim of finding metal because the detector beeps when it detects metal. But objects under the sand are not metal because the machine beeps. Rather, the machine beeps because objects under the sand are metal. Even though the workings of the machine may be opaque to you, the loud beeping

⁷² As discussed in 2.1, Kant writes in §1 that the “judgment of taste is ... not a cognitive judgment, hence not a logical one, but is rather aesthetic,” because it relates a representation to “the subject and its feeling of pleasure” (5:203); and in §20, Kant distinguishes the common sense involved in aesthetic judgment from the “common understanding” or “*sensus communis*” in cognitive judgment by claiming “the latter judges not by feeling but always by concepts, although commonly only in the form of obscurely represented principles” (5:238). On my view, Kant's point in these passages is not that feeling cannot accompany or guide cognitive judgment, which is my claim, but that feeling cannot ground cognitive judgment. There is no conflict between the claim underlying these passages – that feeling tells us nothing about the objective world and, thus, cannot ground objective judgment – and the claim I am attributing to Kant – that feeling tells us something about our subjective state in judging.

tells you that a certain relation obtains between the machine's sensor and what is under the sand.

Feeling in empirical judgment plays a similar role to the metal detector's beeping. It can guide us toward our aim of empirical knowledge by telling us the extent to which given objects agree with our concepts. But the fact that making an empirical judgment is pleasurable or painful does not make the judgment true or false, any more than the detector's beeping does not make it the case that there is metal under the sand. Rather, feeling gives the subject an awareness of the extent to which an object, given through sensibility and the imagination, agrees with an empirical concept, supplied by the understanding.

Second, in order to use feeling as a guide in empirical judgment, the subject must have the proper aims in judging. In order to make a "purposive use" of the faculty of cognition, our ultimate aim in empirical judging must be the attainment of systematic empirical knowledge. We further this aim in empirical judgment by judging from a "universal standpoint," as judgments made from this perspective provide the right kind of materials from which to build a system of empirical knowledge (5:295).

But there are many other aims one might have in making empirical judgments. If we take any of these as our aim in judging, then feeling cannot serve as a guide to making correct empirical judgments, since our pleasures and pains in judging will be determined by whether our judging serves these other aims. For example, if I judge in order to satisfy my social needs, then I will be pleased or pained insofar as my judging satisfies my need. In his logic lectures, Kant explains how taking this aim in judging leads us to a certain kind of error: what he calls "prejudices of imitation" (9:78). A prejudice of imitation is a

provisional judgment in which the judging subject imitates the judgments of others instead of reflecting for herself on the grounds of her judgment. Examples of this include the prejudice of the “prestige of the person”, where we imitate the judgment of an authoritative figure instead of reflecting for ourselves, and the prejudice of the “prestige of the multitude”, where we imitate popular opinion in our judgments instead of reflecting for ourselves (9:78-79). If my aim in judging is the satisfaction of a social need, then the acceptability of my judgment to others will please me, while the rejection of my judgment by others will pain me. So, if this is my aim in judging, then feeling will not serve as a reliable guide to correct empirical judgment.

The way to avoid such errors, as in the aesthetic case, is to reflect on our aims in judging and separate out all irrelevant aims (5:216).⁷³ This involves asking ourselves and answering honestly about our motivations in judging: What are we really aiming to do when we judge? Are we judging in order to further the common project of attaining knowledge, or are we judging in order to satisfy some personal, private interest? If we ask these questions of ourselves and answer honestly, then we can use feeling as a way of coming together in judgment and achieving our common cognitive aims. But if we neglect them, then we forfeit this affective capacity to judge from a universal standpoint, losing touch with each other and the truth.

⁷³ See my Chapter 2, especially section 2.2.

Bibliography

Primary Sources

A/B	Critique of Pure Reason.
2:257-302	Essay on the Maladies of the Head.
4:253-384	Prolegomena to Any Future Metaphysics.
4:385-464	Groundwork for the Metaphysics of Morals.
5:1-164	Critique of Practical Reason.
5:165-485	Critique of the Power of Judgment.
7:119-333	Anthropology from a Pragmatic Point of View.
8:33-42	What is Enlightenment?
8:131-148	What Does It Mean to Orient Oneself in Thinking?
9:1-150	Jäsche Logic.
9:437-501	On Pedagogy.
16:3-875	Logic Nachlass.
20:193-251	First Introduction to the Critique of the Power of Judgment.
24:16-301	Blomberg Logic.
24:693-784	Dohna-Wundlacken Logic.

References to Kant's works follow the Akademie pagination, citing volume and page number from *Kants gesammelte Schriften*, ed. Königlichen Preußischen (later Deutschen) Akademie der Wissenschaften (1900–). Georg Reimer (later Walter De Gruyter). Except in the case of the *Critique of Pure Reason*, where I follow the standard A/B pagination. All English translations are taken from *The Cambridge Edition of the Works of Immanuel Kant*, eds. P. Guyer & A. Wood (1992–). Cambridge University Press.

Secondary Sources

- Abela, P. (2006). "The Demands of Systematicity: Rational Judgment and the Structure of Nature." *A Companion to Kant*. Ed. G. Bird. Wiley. 408-422.
- Allison, H. (2001). *Kant's Theory of Taste: A Reading of the Critique of Aesthetic Judgment*. Cambridge University Press.
- Allison, H. (2004). *Kant's Transcendental Idealism*. 2nd Edition. Yale University Press.
- Ameriks, K. (2003). *Interpreting Kant's Critiques*. Oxford University Press.
- Anderson, R. L. (2015). *The Poverty of Conceptual Truth: Kant's Analytic/Synthetic Distinction and the Limits of Metaphysics*. Oxford University Press.
- Austin, J. L. (1979). "Performative Utterances." *Philosophical Papers*. Eds. J. L. Austin, J. O. Urmson, & G. J. Warnock. Oxford University Press.
- Austin, J. L. (1975). *How To Do Things with Words*. 2nd Edition. Ed. J. O. Urmson & M. Sbisà. Harvard University Press.
- Bell, D. (1987). "The Art of Judgement." *Mind* 96.382: 221-244.
- Bennett, J. (1966). *Kant's Analytic*. Cambridge University Press.
- Brandom, R. (1994). *Making It Explicit*. Harvard University Press.
- Brandt, R. (1998). "Zur Logik des ästhetischen Urteils." *Kants Ästhetik / Kant's Aesthetics / L'esthétique de Kant*. Ed. H. Parret. 229-245.
- Cohen, A. (2020). "A Kantian Account of Emotions as Feelings." *Mind* 129.514: 429-460.
- Cohen, A. (2021). "Feeling, Orientation and Agency in Kant: A Response to Merritt and Eran." *Kantian Review* 26: 379-391.
- Cohen, T. (2002). "Three Problems in Kant's Aesthetics." *British Journal of Aesthetics* 42.1: 1-12.
- Cavell, S. (1976). *Must We Mean What We Say?* Cambridge University Press.
- Chipman, L. (1972) "Kant's Categories and their Schematism." *Kant-Studien* 63: 36-50.
- Crawford, D. (1974). *Kant's Aesthetic Theory*. The University of Wisconsin Press.

- De Boer, K. (2016). "Categories versus Schemata: Kant's Two-Aspect Theory of Pure Concepts and his Critique of Wolffian Metaphysics." *Journal of the History of Philosophy* 54.3: 441-468.
- Floyd, J. (1998). "Heautonomy: Kant on Reflective Judgment and Systematicity." *Kants Ästhetik / Kant's Aesthetics / L'esthétique de Kant*. Ed. H. Parret. De Gruyter. 192-218.
- Fricke, C. (1990). *Kants Theorie des reinen Geschmacksurteil*. De Gruyter.
- Friedlander, E. (2015). *Expressions of Judgment*. Harvard University Press.
- Friedlander, E. (2017). "On Common Sense, Communicability, and Community." *The Palgrave Kant Handbook*. Ed. M. C. Altman. Palgrave. 407-424.
- Friedman, M. (1991). "Regulative and Constitutive." *The Southern Journal of Philosophy* 30, Supplement: 73-102.
- Frierson, P. (2017). "A New Sort of A Priori Principle: Psychological Taxonomies and the Origin of the Third Critique." Sorenson, K. & Williamson, D. (2017). *Kant and the Faculty of Feeling*. Eds. K. Sorenson & D. Williamson. Cambridge University Press. 107-127.
- Gibbons, S. (1994). *Kant's Theory of Imagination*. Oxford University Press.
- Ginsborg, H. (1990). *The Role of Taste in Kant's Theory of Cognition*. Routledge.
- Ginsborg, H. (2011). "Primitive Normativity and Skepticism About Rules." *Journal of Philosophy* 108: 227-254.
- Ginsborg, H. (2015). *The Normativity of Nature: Essays on the Critique of Judgment*. Oxford University Press.
- Ginsborg, H. (2017). "In Defense of the One-judgment View: A Reply to Guyer." *British Journal of Aesthetics* 57.4: 421-435.
- Grier, M. (2001). *Kant's Doctrine of Transcendental Illusion*. Cambridge University Press.
- Guyer, P. (1987). *Kant and the Claims of Knowledge*. Cambridge University Press.
- Guyer, P. (1997). *Kant and the Claims of Taste*. 2nd Edition. Cambridge University Press.

- Guyer, P. (2003). "Kant on the Systematicity of Nature: Two Puzzles." *History of Philosophy Quarterly* 20.3: 277-295.
- Guyer, P. (2005). *Kant's System of Nature and Freedom*. Oxford University Press.
- Guyer, P. (2009). "The Harmony of the Faculties in Recent Books on the *Critique of the Power of Judgment*." *The Journal of Aesthetics and Art Criticism* 67.2: 201-221.
- Guyer, P. (2017). "One Act or Two? Hannah Ginsborg on Aesthetic Judgment." *British Journal of Aesthetics*. 57.4: 407-419.
- Guyer, P. (1987). *Kant and the Claims of Knowledge*. Cambridge: Cambridge University Press.
- Hughes, F. (2007). *Kant's Aesthetic Epistemology: Form and World*. Edinburgh University Press.
- Hughes, F. (2017) "Feeling the Life of the Mind: Mere Judging, Feeling, and Judgment." *The Palgrave Kant Handbook*. Ed. M. C. Altman. Palgrave. 381-405.
- Kemp Smith, N. (2003). *A Commentary to Kant's Critique of Pure Reason*. Palgrave-Macmillan.
- Kitcher, P. (1986). "Projecting the Order of Nature." *Kant's Philosophy of Physical Science*. D. Reidel. 201-235.
- Kneller, J. (2007). *Kant and the Power of the Imagination*. Cambridge University Press.
- Kukla, R. (2006). "Introduction: Placing the Aesthetic in Kant's Critical Epistemology." *Aesthetics and Cognition in Kant's Critical Philosophy*. Cambridge University Press. 1-34.
- Longuenesse, B. (1998). *Kant and the Capacity to Judge: Sensibility and Discursivity in the Transcendental Analytic of the Critique of Pure Reason*. Tr. C. T. Wolfe. Princeton University Press.
- Longuenesse, B. (2005). *Kant on the Human Standpoint*. Cambridge University Press.
- Longuenesse, B. (2006). "Kant's Theory of Judgment, and Judgments of Taste." *Inquiry* 46: 143-163.
- Louden, R. B. (1992). "Go-carts of Judgement: Exemplars in Kantian Moral Education." *Archiv für Geschichte der Philosophie*. 303-332.

- Lu-Adler, H. (2017). "Kant and the Normativity of Logic." *European Journal of Philosophy* 25.2: 207-230.
- Makkreel, R. (1990). *Imagination and Interpretation in Kant*. University of Chicago Press.
- Margolis, J. (2013). "The Regress Argument in Kant, Wittgenstein, and the Pittsburgh 'Pragmatists'." *Washington University Jurisprudence Review* 6.1: 121-146.
- Matherne, S. (2014). "Kant and the Art of Schematism." *Kantian Review* 19.2: 181-205.
- Matherne, S. (2019). "Kant on Aesthetic Autonomy." *Philosophers' Imprint* 19.24: 1-22.
- McAndrew, M. (2014). "Healthy Understanding and *Urtheilskraft*: The Development of the Power of Judgment in Kant's Early Faculty Psychology." *Kant-Studien* 105.3: 394-405.
- McAndrew, M. (2021). "Three Kantian Accounts of Concept Formation." *Kant-Studien* 112.2: 159-194.
- McFarland, J. (1970). *Kant's Concept of Teleology*. University of Edinburgh Press.
- Nehring, R. (2010). *Kritik des Common Sense: Gesunder Menschenverstand, reflektierende Urteilskraft und Gemeinsinn – der Sensus communis bei Kant*. Duncker & Humboldt.
- Nuzzo, A. (2005). *Kant and the Unity of Reason*. Purdue University Press.
- Ostarcic, L. (2017). "The Free Harmony of the Faculties and the Primacy of Imagination in Kant's Aesthetic Judgment." *European Journal of Philosophy* 25.4: 1376-1410.
- Pasternack, R. (2014). "Kant on Opinion: Assent, Hypothesis, and the Norms of General Applied Logic." *Kant-Studien* 105.1: 41-82.
- Pollok, K. (2017). *Kant's Theory of Normativity*. Cambridge University Press.
- Rajiva, S. (2006). "Is Hypothetical Reason a Precursor to Reflective Judgment?" *Kant-Studien* 91: 114-126.
- Rind, M. (2000). "What is Claimed in a Kantian Judgment of Taste?" *Journal of the History of Philosophy* 38.1: 63-65.
- Rind, M. (2003). "Kant's Beautiful Roses: A Response to Cohen's 'Second Problem.'" *British Journal of Aesthetics* 43.1: 65-75.

- Savile, A. (1987). *Aesthetic Reconstructions*. Blackwell.
- Sethi, J. (2019). "Two Feelings in the Beautiful: Kant on the Structure of Judgments of Beauty." *Philosopher's Imprint* 19.34: 1-17.
- Strawson, P. F. (1966). *The Bounds of Sense*. Routledge.
- Tolley, C. (2006). "Kant on the Nature of Logical Laws." *Philosophical Topics* 34: 371-407.
- Tolley, C. (2012). "The Generality of Kant's Transcendental Logic." *Journal of the History of Philosophy* 50.3: 417-446.
- Wicks, R. (2007). *Kant on Judgment*. Routledge.
- Wittgenstein, L. (1953/2009). *Philosophical Investigations [PI]*. 4th Edition. Trs. G. E. M. Anscombe, P. M. S. Hacker, & J. Schulte. Ed. P. M. S. Hacker & J. Schulte. Wiley-Blackwell.
- Wittgenstein, L. (1960). *The Blue and Brown Books*. 2nd Edition. Harper Perennial.
- Zammito, J. (1992). *The Genesis of Kant's Critique of Judgment*. University of Chicago Press.
- Zhouhuang, Z. (2016). *Der sensus communis bei Kant*. De Gruyter.
- Zuckert, R. (2007). *Kant on Beauty and Biology*. Cambridge University Press.
- Zuckert, R. (2017). "Empirical Scientific Investigation and the Ideas of Reason." *Kant and the Laws of Nature*. Eds. M. Massimi & A. Breitenbach. Cambridge University Press. 89-107.