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Location, Location, Location: An Alternative View Concerning the Location of the Deduction in Kant's Third Critique

by

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Abstract

The project of the *Critique of the Aesthetic Power of Judgment* consists in providing a ground for judgments of taste so that we are justified in claiming that everybody else *can* agree with our judgment ('subjective universality') and that all others *ought* to agree with us ('subjective necessity,' normativity). This justification is supposed to be accomplished in the "Deduction of judgments of taste." The section that carries this title (§38) is surprisingly short and for this and various other reasons (some of them textual) commentators have often wondered about the precise location where Kant provides the deduction, whether it is really contained in that short paragraph or whether the argument might actually extend beyond §38. In my thesis, I want to reinvigorate the discussion about the location of the deduction and its interpretation by arguing that it takes place between §30-42.

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Introduction

In the *Critique of the Aesthetic Power of Judgment* (CJA), Kant tackles the question of taste in a way that does not render judgments of taste to be merely private and subjective matters. The project consists in providing a 'ground' for such judgments so that we are justified in claiming that everybody else *can* agree with our judgment ('subjective universality') and that all others *ought* to agree with us ('subjective necessity,' normativity).[1] This justification is supposed to be accomplished in the "Deduction of judgments of taste." The section that carries this title (§38) is surprisingly short and for this and various other reasons (some of them textual) commentators have often wondered about the precise location where Kant provides the deduction, whether it is really contained in that short paragraph or whether the argument might actually extend beyond §38.[2] Without

[1] I shall use the phrase 'judgment of taste' to refer only to pure judgments of taste regarding the beautiful in nature. This usage excludes reference to impure judgments of taste, which are mixed with charm and emotion, and pure judgments of taste regarding the beautiful in art. The reason why I confine the discussion to judgments of natural beauty is that in §30 (5: 279) Kant limits the scope of the deduction with them.

[2] The 'standard' interpretation, which asserts that the deduction is located between §30-38, has been argued most notably by Paul Guyer, *Kant and the Claims of Taste* (Cambridge: Cambridge University Press, 1997), and by Henry E. Allison, *Kant's Theory of Taste* (Cambridge: Cambridge University Press, 2001). Even more recent work by Rachel Zuckert, *Kant on Beauty and Biology* (Cambridge: Cambridge University Press, 2007), and Alexander Rueger, "The Power of Symbols: An Interpretation of Kant's Deduction of Judgments of Taste" (forthcoming) seems to agree with the 'standard' interpretation although they give different interpretations of the argument of the deduction. Even though it has been marginalized by the dominance of the 'standard' view, the 'alternative' view, which suggests that the deduction continues beyond §38, has been argued earlier on by Howard Press, "Aesthetic Obligation," *The Journal of Philosophy* 66.16 (Aug. 1969): 522-530, R. K. Elliot, "The Unity of Kant's 'Critique of Aesthetic Judgement'," *British Journal of Aesthetics* 8.3 (1968): 244-59, and Donald Crawford, *Kant's Aesthetic Theory* (Madison: University of Wisconsin Press, 1974), and later on by Reinhard Brandt, "Analytic/Dialectic," in *Reading Kant: New Perspectives on Transcendental Arguments and Critical Philosophy*, ed. Eva Schaper and Wilhelm Vossenkuhl (Oxford, UK; New York, NY, USA: Blackwell, 1989), 179-195, and Eckhart Förster, "Strawson on Aesthetic Judgment in Kant," in *Strawson and Kant*, ed.

locating accurately where the deduction takes place it does not seem possible to understand, let alone assess and evaluate the arguments which lie at the core of the project of the CJA. In my thesis, I want to reinvigorate the discussion about the location of the deduction and its interpretation by arguing that it takes place between §30-42.

In §31, Kant characterizes the method of the deduction by appealing to the two 'logical peculiarities' of judgments of taste. The deduction is supposed to provide the justification of how it is possible for judgments of taste to carry these peculiarities. These judgments are peculiar because they are distinguished, on the one hand, from other aesthetic judgments, namely judgments of the agreeable and of the sublime, and, on the other hand, from judgments of the understanding and of reason. The peculiarities are nothing less than the judgment of taste's claim to (subjective) universality and necessity. This claim distinguishes it from other aesthetic judgments, which are merely subjective. However, from the previous *Critiques* it is known that judgments of the understanding and judgments of reason are also universal and necessary. Therefore, the question is what differentiates judgments of taste from these. The difference between them stems from the way in which their claim to universal and necessary validity has been grounded. Each kind of judgment is grounded on a different principle. In the case of judgments of taste the grounding principle is the principle of 'purposiveness without a purpose.' Due to this principle, the universality and necessity of the judgments of taste are of a special kind and different from that of judgments of the

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Hans-Johann Glock (Oxford: Clarendon Press; New York: Oxford University Press, 2003), 185-204.

understanding and reason ('logical judgments'). Because judgments of taste are governed by this special principle, their determining ground lies not only in the feeling of pleasure or displeasure but also in a rule of the higher faculty of cognition, namely, in the rule of the power of judgment (20:225).[3] This means that the power of judgment has its own place in the system of the faculties of cognition (besides the understanding and reason) and requires its own critique with respect to its own special transcendental principle (20:244). The power of judgment is qualified to be included in the system of the faculties of cognition if it can be shown that the claim of judgments of taste to universality and necessity is justified. This shows why the deduction of judgments of taste is central to the concerns of the CJA.

In order to understand how the deduction proceeds we need to understand in what ways the universality and the necessity claims of judgments of taste are special. Therefore, the first two chapters of the thesis are devoted to showing not only what makes these claims unique but also how they are distinct from each other. My thesis that the deduction takes place between §30-42, is based on the recognition that the claim to universality differs from the claim to necessity. I argue that the interpretation of the deduction has to be based on the distinctness of the two claims.

In the first two chapters we will see that what is unique about the universality and necessity of judgments of taste, by comparison with logical judgments, is that they are not based on determinate concepts. We will see that the

[3] All the quotes from the CJ are from Immanuel Kant, *Critique of the Power of Judgment,* trans. Paul Guyer and Eric Matthews (Cambridge: Cambridge University Press, 2000) unless otherwise indicated.

first peculiarity concerns the claim of judgments of taste to "universal validity *a priori*, yet not a logical universality in accordance with concepts, but the universality of a singular judgment" (5:281). The second peculiarity is related to the claim of judgments of taste to "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). We will see that according to each peculiarity, when we make a judgment of taste we develop different kinds of expectations. I will show that, according to the first peculiarity, when we make a judgment of taste we expect that everyone *can* agree with our judgment of taste in a similar way that we expect that everyone *can* agree with our logical judgment. The judgment of taste demands a universal agreement *as if* it were a logical judgment. It demands it *as if* it had objective universal validity. This 'as if' objectivity of judgments of taste constitutes a constraint on the deduction of judgments of taste: the deduction has to show how it is possible for a judgment of taste to be 'as if' objective.

According to the second peculiarity, when we make a judgment of taste we expect that everyone *ought* agree with us although we cannot provide either empirical or a priori grounds of proof for the normativity of our claim. The 'ought' that is contained in a judgment of taste implies that its necessity is not just about expecting everyone to agree with our judgment but about expecting everyone to do so "*as if it were a duty"* (5:296). In this sense, the claim to necessity is distinguished from the claim to universality insofar as, while the latter

concerns what others *can* do the former concerns what others *ought* to do. Kant points out that the necessity that we are seeking can be neither theoretical nor practical necessity; instead it is an 'exemplary' necessity, "a necessity of the assent of **all** to a judgment that is regarded as an example of a universal rule that one cannot produce" (5:237). Like the first peculiarity, the second peculiarity also imposes a constraint on the deduction of judgments of taste: neither empirical nor a priori grounds of proof can be provided to show that one can legitimately claim that everyone ought to share the same pleasure that she has in the object deemed beautiful, that is, it is *as if* the judgment of taste were merely subjective. Therefore, while the universality of judgments of taste implies their 'as if objectivity,' the necessity of judgments of taste implies their 'as if mere subjectivity.' This distinctness between the two peculiarities is going to be our 'guiding thread' for understanding the method of the deduction. In §31, Kant states that the method of the deduction comprises the resolution of the tension between the two seemingly inconsistent constraints that the peculiarities impose on judgments of taste. The deduction will have to show how judgments with those strange features, being 'as if merely subjective' and 'as if objective' at the same time, are possible and justified.

I will argue that the deduction accomplishes its task in two steps. The first step is to provide the justification of the claim to universality and this is shown in §30-38 through postulating that the subjective conditions of judgments of taste are universally shared as requisite for all possible cognition. I will explicate the first step of the deduction in chapter III. By discussing Henry Allison's reconstruction

of this part of the text, I aim at demonstrating that whatever line of interpretation you take, if you secure the deduction on the grounds of an articulation of shared cognitive equipment or subjective conditions on which judgments of taste are based, you cannot escape from the conclusion that §38 can provide only the deduction of the universality claim but not that of the necessity claim. My interpretation of the deduction thus differs from the 'standard' interpretations which locate the argument for the justification of *both* universality *and* necessity between §30-38. According to my view, the deduction extends beyond §38 because in that section the necessity claim has not yet been justified. My interpretation also differs from an 'alternative' (and minority) view which argues that the deduction continues beyond §38 and is completed only in §59, that is, when Kant displays beauty as the symbol of morality. But, in contrast to my interpretation, these 'alternative' views claim that the deduction of the claims to universality *and* necessity can only be completed in §59. Conversely, I admit that §38 provides the deduction of the universality but maintain that it has to continue beyond that section because Kant has not yet provided the justification of the claim of judgments of taste to necessity.

In chapter IV, I propose that the justification of the necessity claim constitutes the second step of the deduction and is provided in §41-42. I argue that this second step of the argument is established through the introduction of an intellectual interest that arises immediately when the mind reflects on the beauty of nature. My view that the deduction is completed at the end of §42 implies that

§59 does not give additional arguments concerning the justification of universality or necessity of judgments of taste.

Overall I'll attempt a more literal reading of the CJA; that is, I'll try to reconcile the textual evidence that the standard interpretation has to ignore with an interpretation of the deduction in two steps. In doing so, I will also differentiate my interpretation from the 'alternative view.' I thereby hope to stimulate again the recently somewhat neglected discussion about the location of the deduction.

Chapter I

The universality of judgments of taste

In explicating the universality of judgments of taste, I first discuss what kind of a universality they have. In doing so, I explain Kant's claim that the judgments of taste are universal insofar as their *quantity* is concerned. This will show us that the universality in question is a subjective universality. Second, I investigate whether this notion of subjective universality is oxymoronic or not. I do this in three steps: The first step consists of showing why it is possible to interpret this peculiar universality as oxymoronic through outlining the similarities between the judgments of taste and the judgments of the agreeable. The second step consists of the discussion of the differences between these two kinds of aesthetic judgments. On the basis of this discussion, I show why judgments of taste can lay claim to universal validity while judgments of the agreeable are merely subjective. Though this discussion will clarify some important points concerning the universality of judgments of taste, the third step will show why subjective universality is not oxymoronic. This last step is an extended discussion of one of the differences that set judgments of taste apart from judgments of the agreeable, namely the relationship between the feeling of pleasure and the 'free play of the two cognitive faculties,' namely, the imagination and the understanding. On the basis of this peculiar relationship between the feeling of pleasure and the 'free play,' I not only show why the

subjective universality is not oxymoronic but also introduce the idea that the universality in question imposes a constraint on judgments of taste and their deduction.

I.1. The 'aesthetic quantity' and universality of judgments of taste

The Second Moment of the Analytic of the Beautiful is dedicated to the exposition of the special kind of universal validity of judgments of taste. Kant states that judgments of taste are universal in terms of their 'quantity.' The quantity in question can most readily be interpreted, with respect to the division of the table of logical functions in the first *Critique*, as referring to how many objects a judgment covers. However, this cannot be the case given the form of judgments of taste. The standard form of judgments of taste is: "this/that object is beautiful." Therefore, the quantity does not pertain to the sphere of the objects that the judgment of taste covers, since it is obvious from the form that the judgment of taste is *singular*, it is about a singular object, not a multitude of objects. Thus, we need a clarification of what kind of quantity is in question.

Kant distinguishes two senses of quantity, namely, 'logical quantity' and 'aesthetic quantity.' The logical quantity concerns the extension of the sphere of the objects that the judgment holds for. We have already seen that, in terms of logical quantity, the judgment of taste is singular. The other type of quantity, namely the aesthetic quantity, is what we are concerned with here. The aesthetic quantity does *not* count the *objects*, unlike the logical quantity does, but counts

the *subjects* for whom the judgment is valid. Therefore, when Kant states that the judgment of taste is universal, he means that the judgment is valid for all subjects.

However, it should be kept in mind that this aesthetic universality "does not designate the validity for every subject of the relation of a representation to the faculty of cognition but rather to the feeling of pleasure and displeasure" (20: 222, 5: 214). This means that the universality of judgments of taste is not objective but rather subjective (5: 214-215). If one took aesthetic universality as designating the validity for every subject of the relation of a representation to the faculty of cognition then the universality in question would be an objective universal validity. If a judgment of taste contained a relation between a representation and the faculty of cognition, it would have done so by determining its object for the sake of cognition. The object would be determined under the guidance of a determinate concept that the object falls under. Furthermore, the predicate of the judgment would be the predicate of the object, which can be represented under a determinate concept (20: 224). Therefore, the universality claim concerning the subject of such a judgment would be this: "if the judgment is valid for everything that is contained under a given concept then it is also valid for everyone who represents an object through this concept" (5: 215). However, aesthetic universality cannot be inferred from logical universal validity because, first of all, it does not pertain to the object and, second of all, it is not based on determinate concepts (5: 215).

I.2. Is subjective universality an oxymoron?

Since aesthetic universality is not objective, Kant states that it is a subjective universality. At first glance, the phrase 'subjective universality' sounds like an oxymoron. If a judgment of taste is 'merely subjective' it should be grounded in private conditions pertaining to the subject alone. Since it is grounded in private feeling it cannot lay claim to universality at all. This is the case for one kind of aesthetic judgments, namely, for judgments of the agreeable, or as they are sometimes labeled, 'aesthetic judgments of sense.' An example of judgments of the agreeable is "this wine is pleasant" (20: 224). Their peculiar feature is that they do not lay claim to universality and in their case "the principle **Everyone has his own** taste (of the senses) is valid" (5: 212). However, the judgments of the agreeable are not our concern here. The discussion of subjective universal validity concerns only the pure judgments of taste regarding the beautiful, namely, the 'aesthetic judgments of reflection.' However, discussing judgments of the agreeable is useful for showing why the notion of subjective universality is not oxymoronic. Thus, first I outline similarities between the judgments of the agreeable and the judgments of beauty, which cast doubts on the claim of the judgments of beauty to subjective universal validity.[4] Second, I examine the differences between the judgments of the agreeable and the judgments of beauty and show, on the basis of these differences, why while the former is merely subjective, the latter can lay claim to universal validity.

I.2.1. The similarities between judgments of the agreeable and judgments of beauty

[4] I use 'judgment of beauty' interchangably with 'judgment of taste.'

There are some common features that the judgments of the agreeable and the judgments of beauty share. First of all, they are aesthetic judgments. In other words, they contain merely a relation of the representation of the object to the feeling of pleasure and displeasure or to the subject (5: 211, 5: 214). This feature is what I have used in order to point out that the universality of judgments of taste cannot be objective or be inferred from objective universality. However, now the problem is that this same feature is casting doubts on the claim to universality since it is a feature shared with the judgments of the agreeable which are merely subjective and thereby do not lay claim to universality. In addition to this, the other feature that the judgments of the agreeable and the judgments of beauty share is that they are not based on concepts. Therefore, the question is this: Since the judgments of beauty share these important characteristics with the judgments of agreeable, what makes the latter merely subjective and the former subjectively universal?

Kant claims that judgments of the agreeable are grounded in private feelings of the person who judges, whereas judgments of beauty are grounded in the conditions that can be presupposed in everyone else. However, how could this be possible if both of them contain merely a relation of the representation of the object to the feeling of pleasure or displeasure? The claim that all the kinds of aesthetic judgments merely contain a relation of the representation of the object to the feeling of pleasure and displeasure means that, because they are not based on determinate concepts, predicates of aesthetic judgments express “the relation of

the representation immediately to the feeling of pleasure" (20: 224). Kant asserts that the determining ground of such judgments is sensation (20: 224).

At this point, it is important to clarify what Kant means by sensation. Sensation can be "the representation of a thing (through sense, as a receptivity belonging to the faculty of cognition)" (5: 206). However, this is not what Kant means by sensation here. The sensation in question is "a determination of the feeling of pleasure or displeasure" (5: 206). In the first case "the representation is related to the object," but in the second case "it is related solely to the subject, and does not serve for any cognition at all, not even that by which the subject **cognizes** itself" (5: 206). Therefore, the sensation in question is a certain kind of sensation which is merely subjective and not used for cognition (20: 224). It is the feeling of pleasure and displeasure (20: 224).

Therefore, the problem can be framed as follows: if the determining ground of the judgments of the agreeable and the judgments of beauty is sensation, how could it be possible that, while one of them is merely subjective, the other can lay claim to subjective universality? The solution to the problem can be arrived at through an investigation into the way in which the sensation is produced in these aesthetic judgments. This would demonstrate the differences between them. Furthermore, the way that the sensation produced in the judgments of taste shows why the subjective universality is not an oxymoron.

I.2.2. The differences between judgments of the agreeable and judgments of beauty

The sensation in the judgments of the agreeable is "immediately produced by the empirical intuition of the object" (20: 224). Therefore, in these judgments the determining ground lies *merely* in the feeling of pleasure and displeasure alone. In this sense, the sensation is the determination of the feeling of pleasure or displeasure (5: 206). In the judgments of beauty the sensation is produced by the harmonious play of the two faculties of cognition, namely, the imagination and the understanding, in the power of judgment (20: 224). However, there is a condition for this production of sensation. The condition is this: the harmonious play produces the sensation

> insofar as in the given representation the faculty of the apprehension of the one and the faculty of presentation of the other are reciprocally expeditious, which relation in such a case produces through this mere form a sensation that is the determining ground of a judgment which for that reason is called aesthetic and as subjective purposiveness (without a concept) is combined with the feeling of pleasure (20: 224).

Therefore, judgments of beauty are not related immediately to the feeling of pleasure *alone* but also to the faculty of cognition due to the way the sensation is produced by the free play (20: 224). However, what is this harmonious or free play? The free play can be explained by means of the exposition of judgments of taste as reflecting judgments.

Kant defines reflecting judgments in contrast to determining judgments. The determining judgments are the ones which place particulars under given universals or concepts (5: 179). By contrast, in a reflecting judgment the universal or concept is not given, only the particular (5: 179). "**To reflect** (to consider)... is

to compare and to hold together given representations either with others or with one's faculty of cognition, in relation to a concept thereby made possible" (20: 210). Since a judgment of beauty or taste is not based on a determinate concept and is a singular judgment, when one reflects on an aesthetic representation she does not compare it with other representations or concepts but rather with her cognitive faculties.

Kant describes how this comparison works in a judgment of taste as follows: In mere reflection on a representation of an object,

> the power of judgment, which has no concept ready for the given intuition, holds the imagination (merely in the apprehension of the object) together with the understanding (in the presentation of a concept in general) and perceives a relation of the two faculties of cognition which constitutes the subjective, merely sensitive condition of the objective use of the power of judgment in general (namely the agreement of those two faculties with each other) (20: 223-224).

Furthermore, "since no determinate concept restricts them to a particular rule of cognition" the relation between the imagination and the understanding is characterized as free (5: 217). In other words, in mere reflection on a representation, the understanding and the imagination are considered to be in free play.

Consequently, when Kant claims that the sensation in an aesthetic judgment of reflection is produced by means of the free play, he means that the power of judgment *relates reflection* on a representation of an object *to sensation*. Conversely, the aesthetic judgment of sense, "which presupposes no comparison of the representation with the faculties of cognition that operate in unity... *relates*

a given *representation* (but not by means of the power of judgment and its principle) *to the feeling of pleasure*" (20: 225).[5] Therefore, in judgments of taste it is the reflection, whereas in judgments of the agreeable it is the representation, which is related to sensation. This reveals something important about the judgments of taste or beauty.

Since judgments of beauty are related through reflection or free play to the feeling of pleasure, the judgments of beauty "belong to the higher faculty of cognition and indeed to the power of judgment" (20: 225). As such, judgments of beauty are grounded in the special principle of the power of judgment while judgments of the agreeable are not. The special principle that governs the power of reflecting judgment is the 'formal principle of purposiveness without a purpose.'

The characteristic of the principle of formal purposiveness is that it "attributes nothing at all to the object" (5: 184). Therefore, when Kant claims that, through reflection on the free play of her cognitive faculties, the subject perceives that the object is purposive for the power of judgment, he does not mean that this purposiveness is a property of the object (5: 189). Though purposiveness is not about material (the real) aspects of the object, it is about the *form* of the object. If it was "the material purposiveness (the end)" which is at stake here it would have been perceived even without reflection and the judgment would be a judgment of the agreeable (5: 311). The sensation would have expressed "the merely subjective aspect of our representations of things outside us" and in this sense our judgments would not have laid claim to universal validity and would be merely

[5] My italics.

subjective (5: 189). However, the purposiveness in question here is formal (merely subjective) purposiveness and is about the representation of the form of the object by the subject. Therefore, in reflection on a representation of the form of the object, the apprehension of the form by the imagination and the presentation of it by the understanding agree without a mediation of a determinate concept. Through this reflection "a feeling of pleasure [is] thereby aroused [and]... the object must be regarded as purposive for the reflecting power of judgment" (5: 190). Accordingly, the object is called beautiful.

This characterization of the judgments of beauty reveals an important feature belonging to them, which differentiates them from the judgments of the agreeable and makes their claim to universal validity possible. The feature is this: in the judgments of beauty "the reflection on a given representation precedes the feeling of pleasure" (20: 224). In other words, in the judgments of beauty the "merely subjective (aesthetic) judging of the object, or of the representation through which the object is given, precedes the pleasure in it" (5: 218). If the feeling of pleasure would have preceded the judging of the object, the pleasure would have depended only on the representation of the object, not on the reflection on it and this pleasure would be "mere agreeableness in sensation" (5: 217). Thus, in the judgments of the agreeable the feeling of pleasure comes first because they are related immediately through the senses to the feeling of pleasure.

In this framework of the precedence of the judging of, or reflection on, the object over the feeling of pleasure, "since a merely subjective condition of a judgment does not permit a determinate concept of that judgment's determining

ground, this (the subjective purposiveness) can only be given in the feeling of pleasure" (20: 225). This means that, even though (unlike the judgments of agreeable) in the judgments of beauty the pleasure is related to reflection not representation, the subjective purposiveness or the awareness of the free play can only be given in the feeling of pleasure *as if* the representation were immediately related through sense to the feeling of pleasure. Therefore, in a judgment of taste, even though the judging precedes the feeling of pleasure the subject feels *as if* the pleasure were directly caused by the object.

However, we are still a long way from properly determining the relationship between the free play and the feeling of pleasure. We know that the awareness of the free play can only be given in the feeling of pleasure but we don't know the intricacies of the relationship between them. Furthermore, this topic of the relationship between free play and pleasure is debated in Kant scholarship and thus requires a separate treatment in the next section.

To recap, in this section we have seen some basic differences between the judgments of the agreeable and the judgments of beauty. The differences that I have outlined so far concern the way the sensation is produced in them, what kind of judgments they are, the principles that governs them, and the sequence of the judging and the pleasure in them. On the one hand, we have seen concerning the judgments of the agreeable that (1) the sensation in them is produced by the empirical intuition of the object; (2) they are judgments of sense insofar as they relate the representation of the object to the sensation; (3) they do not have a distinct transcendental principle governing them; (4) in them the feeling of

pleasure is prior. On the other hand, we arrived at certain characteristics of judgments of beauty that (1) the sensation in them is produced by the free play of the imagination and the understanding; (2) they are reflecting judgments insofar as they relate the reflection on a representation of a form of an object to the sensation; (3) they are governed by a transcendental principle, namely, the subjective principle of formal purposiveness without a purpose; (4) in them the judging of the object precedes the feeling of the pleasure. These differences map out the reasons why, on the one hand, the judgments of the agreeable are merely subjective, and on the other hand, the judgments of beauty can make a claim to universal validity. However, though these differences give us some idea of why the subjective universality of the judgments of beauty is not oxymoronic it does not give us the whole picture. The puzzle of subjective universality can be solved only by looking at the relation between the feeling of pleasure and the free play in more depth.

I.2.3. The pleasure and the free play in judgments of taste

At the end of the previous section, I stated that due to the special relationship between the feeling of pleasure and the free play of the understanding and imagination the subject regards the object as purposive, that is, *as if* it had been designed for her pleasure. The subject thinks of the pleasure *as if* it is directly caused by the object, and "of the beautiful as if beauty were a property of the object" (5: 211). These 'as if' clauses tell us something. They tell us that the subject feels in this way *even though it is not the case*. They also tell us something

about the universality of judgments of taste. What is expressed in all these 'as if' clauses is that the subject thinks that everyone can share her judgment *as if* her judgment is objective. Therefore, the universality of judgments of taste looks *as if* it is objective though this is not the case. In this section, I examine what is really the case according to Kant and then explicate why the subject is feeling differently. This is tantamount to looking at the relationship between the feeling of pleasure and the free play of faculties in its details. Therefore, the guiding question of this section will be what kind of a relationship there is between the pleasure and the free play.

Kant states in §9 that the "merely subjective judging of the object, or of the representation through which the object is given... is the ground of this pleasure in the harmony of the faculties of cognition" (5: 218). This statement has engendered serious debate in Kantian scholarship. Some commentators, including Paul Guyer, have interpreted the word 'ground' as cause. Therefore, Guyer, for instance, argued that the relationship between the feeling of pleasure and the free play is causal.[6]

He regards

> the harmony and the pleasure... as related by a psychological process or mechanism, in virtue of which the harmony of the faculties causes a feeling of pleasure; and... there is no absolute requirement that such processes be manifest to consciousness except by their results (1997, 92).

[6] Guyer provides his discussion of the causal relationship between the feeling of pleasure and the free play in the section titled "Pleasure and the Consciousness of Harmony" in *Kant and the Claims of Taste* (Cambridge: Cambridge University Press, 1997), 88-97.

He states that "only the feeling of pleasure can actually make the harmony of faculties manifest to consciousness" (91). In other words, in Guyer's interpretation the subject can be aware of the free play not directly but indirectly, through its effect, namely, the feeling of pleasure. He bases this interpretation on his twofold understanding of the reflecting judgment. According to him,

> … the declaration that an object is beautiful rests on two conceptually distinct acts of the faculty of reflective judgment: one, the "unintentional" reflection which produces the pleasure of aesthetic response; the other, that further and quite possibly intentional exercise of reflective judgment which leads to an actual judgment of taste, or determines that the feeling of pleasure occasioned by a given object *is* such a pleasure, and thus is validly attributed to anyone perceiving that object (97).

In this framework, while the first reflecting judgment leads to the pleasure the second leads to the determination of the status of this pleasure as universally valid (97). Therefore, "on Guyer's view, we are aware of a feeling of pleasure, and then we make a judgment that the feeling is caused by the harmony" (Palmer 2008, 3).

This causal account of the relationship between the pleasure and the free play has been criticized by some of the commentators who attempt to understand this relationship in terms of intentionality. Henry E. Allison, Richard Aquila, and Hannah Ginsborg characterize the relationship as intentional, meaning that the feeling of pleasure is about the free play and is the indicator of the free play as well.[7] However, it should be kept in mind that even though their conclusions seem

[7] See Henry E. Allison, *Kant's Theory of Taste* (Cambridge: Cambridge University Press, 2001), Richard E. Aquila, "A New Look at Kant's Aesthetic Judgments," in *Essays in Kant's Aesthetics*, ed. Ted Cohen and Paul Guyer (Chicago: University of Chicago Press, 1982), 87-114 for their criticism of the causal account and explanation of the intentional reading. Hannah Ginsborg, argues for a similar kind of view to Aquila in *The Role of Taste in Kant's Theory of Cognition* (New York and London: Garland Publishing Company, 1990), "On the Key to Kant's Critique of Taste," *Pacific Philosophical Quarterly* 72.44 (1991): 290-313, and "Lawfulness without a Law:

similar, the reasoning behind their arguments differs. Here I am not going to explicate the way they see the relationship. Rather I outline the way in which I see the relationship, building on their arguments.

First, I want to show that it is impossible to consider the relationship as causal. Even though Kant's use of language in explicating this relationship makes it seem that the relationship is causal, he rules out this possibility in §12 where he states that

> To establish *a priori* the connection of the feeling of a pleasure or displeasure as an effect with some representation (sensation or concept) as its cause is absolutely impossible, for that would be a causal relation, which (among objects of experience) can only ever be cognized *a posteriori* and by means of experience itself (5: 221-222).

Therefore, a representation or a reflection on a representation cannot be the cause of the feeling of pleasure. Since in reflection on a representation the faculties are in free play, the free play cannot be considered as a cause of the feeling of pleasure that is aroused in reflection. Thus, the relationship between the feeling of pleasure and the free play is not causal.

In order to show that the relationship is not causal, Kant compares the case of the a priori derivation of the feeling of respect from universal moral concepts

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Kant on the Free Play of Imagination and Understanding," *Philosophical Topics* 25.1 (Spring 1997): 37-81. Also Ginsborg criticizes Allison's account of intentional relationship in her more recent work, "Aesthetic Judging and the Intentionality of Pleasure," *Inquiry* 46.2 (June 2003): 164-181. Allison replies back to Ginsborg in "Reply to the Comments of Longuenesse and Ginsborg," *Inquiry* 46.2 (June 2003): 182-194. Other articles discuss the same topic and offer alternative reading of the intentional relationship and at the same time criticize Ginsborg's interpretation: Fred Rush, "The Harmony of the Faculties," *Kant-Studien* 92.1 (2001): 38-61, and Linda Palmer, "A Universality Not Based on Concepts: Kant's Key to the Critique of Taste," *Kantian Review* 13.1 (2008): 1-49. Another view on the intentionality of the relationship has been argued by Rachel Zuckert, *Kant on Beauty and Biology* (Cambridge: Cambridge University Press, 2007).

with the derivation of feeling of pleasure in judgments of taste. In this comparison, Kant asserts that the two cases are similar. In the first case, Kant states that the feeling of respect is actually not derived from or caused by universal moral concepts. He maintains that

> we did not actually derive this **feeling** from the idea of the moral as a cause, rather it was merely the determination of the will that was derived from the latter. The state of mind of a will determined by something, however, is in itself already a feeling of pleasure and is identical with it, thus it does not follow from it as an effect (5: 222).

Therefore, from the "idea of the moral," the determination of the will is derived, not the feeling of pleasure. However, the feeling of pleasure is identical with the state of mind that accompanies the determination of the will. Kant argues that "it is similar with the pleasure in the aesthetic judgment" (5: 222).

In the case of aesthetic judgments, the free play of the faculties does not cause the feeling of pleasure. He explains the non-causal relationship as follows:

> the consciousness of 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*, because it contains a determining ground of the activity of the subject with regard to the animation of its cognitive powers (5: 222).[8]

In this framework, the feeling of pleasure is identical with the consciousness of the mere formal purposiveness in the free play. Since the consciousness of the formal purposiveness contains the determining ground of the mental state

[8] My italics.

characterized as free play, so does the pleasure. In other words, we can be aware of the free play or we can determine the free play only through the pleasure.[9]

In §9, Kant discusses at length in what way we could become aware of the free play, "aesthetically, through mere inner sense and sensation, or intellectually, through the consciousness of our intentional activity through which we set them in play" (5: 218). He states that if a determinate concept were giving the rule to the free play, then it would have been possible to be aware of the free play intellectually. However, this is not the case because the judgment of taste does not require a determinate concept. "Thus that subjective unity of the relation can make itself known only through sensation" (5: 219). Here the sensation refers to the feeling of pleasure. Therefore, we can become conscious of the free play only through feeling of pleasure. In other words, the feeling of pleasure is the determining ground of the free play.

This relationship between the feeling of pleasure and the free play might also be understood as an intentional relation. Linda Palmer, who also supports the intentionality thesis in her article, "A Universality Not Based on Concepts: Kant's Key to the Critique of Taste," argues that the relationship is not only causal but also intentional. In line with Henry Allison, she argues that the relationship is intentional in a non-cognitive sense. According to her, "the feeling of pleasure in the judgment of beauty is not simply caused by the harmony of the faculties, but is the means through which we become directly *aware of* the harmony" (2008, 3). As I have mentioned above I do not think that the relationship between the free

[9] In this context, I interpret the word 'determine' not as 'to cause something to occur in a particular way' but rather as 'to ascertain or establish something exactly.' In this sense, I take being aware of the free play to be equivalent to determining the free play.

play and the feeling of pleasure can be described as either causal or intentional. My interpretation of the relationship is initiated by a remark of Palmer's in that article. She claims there that the free play and the feeling of pleasure represent two different aspects of the same mental state (2008, 4). Then she continues to build up arguments for supporting her thesis that the relationship is both causal and intentional. However, this is a mistake. Claiming that the free play and the feeling of pleasure are two aspects of the same state suffices for establishing their relationship in a way that obviates the need for either a causal or intentional interpretation. Therefore, I argue that the free play and the feeling of pleasure are different aspects of the same state of mind and that they differ only insofar as the latter is a conscious mode of the state of the mind while the former is an unconscious mode of the same state.

This relationship between the feeling of pleasure and the free play is important for understanding the subjective universality of judgments of taste. Kant says that the

> state of a **free play** of the faculties of cognition with a representation through which an object is given must be able to be universally communicated, because cognition, as a determination of the object with which given representations (in whatever subject it may be) should agree, is the only kind of representation that is valid for everyone (5: 217).

In other words, the state of mind in a free play must be universally communicable, namely, must be universally valid. However, there is a problem concerning the universal communicability of the state of mind in free play. Kant says that

"nothing, however, can be universally communicated except cognition and representation so far as it belongs to cognition" (5: 217).

> Now if the determining ground of the judgment on this universal communicability of the representation is to be conceived of merely subjectively, namely without a concept of the object, it can be nothing other than 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).

This universally communicable state of mind is the free play of the faculties. However, as we have seen we cannot be aware of the free play intellectually. Thus, how could it be possible to universally communicate something which we are not conscious of intellectually? Because the feeling of pleasure is the conscious aspect of the state of mind in the free play, what is universally communicable is the feeling of pleasure. Therefore, when a subject judges an object beautiful, she does not claim that the free play of the faculties is universal but rather because she can only be aware of the free play through the feeling of pleasure, she claims that the pleasure she feels is universal.

This reveals an important aspect of the universality of judgments of taste. The universality claim is grounded in the free play of the faculties. However, because this is an unconscious state of mind, the universality claim must concern the feeling of pleasure. Thus, when we make a judgment of taste we expect everyone to share the same pleasure we have in the object. This also shows that the subjective universality is not oxymoronic. If the pleasure that we expect everyone to share was grounded in mere sensation, then we wouldn't be able to talk about its universality. However, because the pleasure is equivalent to the free

play it is related to a higher faculty of cognition, and thereby the subjective universality is not a contradiction in terms.

This finding we have now, namely, that the universality claim must concern the feeling of pleasure, is important in the sense that it tells us the way the deduction will proceed. The deduction of the universal validity of judgments of taste must show how we are justified in our expectation that everyone share the same pleasure we have in the object. Because now we have shown that the universality claim is grounded in the free play this clears up some of the obscurities over the universality claim. When Kant is talking about the intricacies of the free play in §9, he tells us that

> …this subjective relation (of the imagination and understanding, that is, the free play) suited to cognition in general must be valid for everyone and consequently universally communicable, just as any determinate cognition is, which still always rests on that relation as its subjective condition (5: 218).

He makes similar statements at the end of §9 as well:

> A representation which, though singular and without comparison to others, nevertheless is in agreement with the conditions of universality, an agreement that constitutes the business of the understanding in general, brings the faculties of cognition into the well-proportioned disposition that we require for all cognition and hence also regard as valid for everyone (for every human being) who is determined to judge by means of understanding and sense in combination (5: 219).

All these statements point to the same thing: given that the universality claim is grounded in the free play and the free play is required for all cognition, we can deduce the universality claim on the basis of the claim that free play is required for all cognition and thereby valid for everyone. This is what the deduction is

going to show us. But this also tells us something important about the universality claim. Since apparently Kant wants to deduce the universal validity of the judgments of taste from the shared cognitive equipment or subjective conditions of cognition, it seems plausible to say that the universality claim amounts to a claim about what other people *are able to / can* do because they all have the required equipment. Therefore, according to the first peculiarity of judgment of taste, when we make a judgment of taste we expect that everyone *can* share the same pleasure we have. Thus, the deduction of the universal validity of judgments of taste needs to provide a justification of the claim that everyone *can* share the same pleasure we have.

There is just one point left to explain before moving on. I have mentioned that the subject who makes a judgment of taste is in a peculiar psychological state. She regards the object *as if* it has been designed for her. The subject thinks of the pleasure *as if* it is directly caused by the object, and of the beautiful *as if* beauty were a property of the object (5: 211). In other words, she thinks *as if* she is making a judgment which has objective universal validity. The reason for this deception is that we can be conscious of the free play only through the feeling of pleasure, and so we tend to think that the pleasure and the purposiveness we feel is caused by the object. Since we think that these are properties of the object, we think that the judgment is about the object and objective even though it is not. Therefore, according to the first peculiarity of judgments of taste, namely, subjective universality, when we make a judgment of taste we expect that everyone can agree with our judgment of taste in a similar way that we expect that

everyone can agree with our logical judgment. In other words, "the 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). This 'as if' objectivity that is imposed by the first peculiarity of judgments of taste constitutes the first constraint on judgments of taste and on their deduction. It is a constraint in the sense that the deduction needs to show how this 'as if' objectivity is possible.

What we have seen so far are just clues about the subjective universality of judgments of taste. We have seen what is peculiar about the claim to universal validity but we haven't seen yet how it is possible to expect this kind of universal agreement. The demonstration of this possibility requires the justification of the claim to universality and it is going to be provided in the deduction of judgments of taste. However, before moving on to discuss the deduction, we should see the exposition of the second peculiarity of judgments of taste, namely, necessity, because "the obligation to provide a deduction, i.e., the guarantee of the legitimacy, of a kind of judgment arises only if the judgment makes a claim to necessity, which is the case even if it demands subjective universality…" (5: 280).

Chapter II

The necessity of judgments of taste

In chapter I we have seen that the claim of judgments of taste to universal validity concerns the subjects who judge. Furthermore, we have seen that according to the universality of judgments of taste when we make a judgment of taste we expect that everyone *can* share the pleasure that we have in the object. Also we have seen that we expect a universal agreement *as if* our judgment has objective universal validity. This 'as if' objectivity imposed by the first peculiarity constitutes the first constraint on judgments of taste and on their deduction. In this section, we are going to look at the second peculiarity of the judgments of taste, namely their subjective necessity.

In my analysis of the second peculiarity, I first investigate what kind of necessity is in question. This will be tantamount to explicating two things: first Kant's claim that judgments of taste concerning their modality are necessary and second his claim that the necessity in question is an 'exemplary necessity.' My exposition of the necessity of judgments of taste as exemplary necessity comprises two main analyses. First I will analyze the condition of the necessity of judgments of taste and discuss its implications for the necessity and its deduction. Second, I will analyze what kind of necessity the exemplary necessity is, namely, whether it is normative or epistemological. Then, I will examine the ground of the necessity in its intricacies. Lastly, in the light of the outcomes of my examination

of the necessity and the universality of judgments of taste I will outline the differences between them.

II.1. The modality of judgments of taste

At the beginning of the Fourth Moment of the Analytic of the Beautiful, Kant states that judgments of taste are necessary insofar as their modality is concerned. In order to proceed in a similar fashion to my explanation of the universality of judgments of taste, first I want to ask what Kant means by 'modality' in the Fourth Moment. One way of understanding modality in the Fourth Moment can be with reference to modality as a logical form, as it is characterized in the Critique of Pure Reason (CPR). In CPR, with respect to the division of the table of logical functions, Kant asserts that

> the modality of judgments is a quite special function of them, which is distinctive in that it contributes nothing to the content of the judgment (for besides quantity, quality, and relation there is nothing more that constitutes the content of a judgment), but rather concerns only the value of the copula in relation to thinking in general (A 74 / B 99-100).

In this sense, the modality refers to a logical form. Furthermore, "modality, as a logical 'form,' depends on the relation of a judgment to 'thinking in general'" (Longuenesse 2003, 159). Given this definition of modality, it is hard to see that the modality in CJ corresponds to the modality, as a logical form, in CPR.

Allison is one of the commentators who identifies the notion of modality in the CJ with a conception of it as a logical form in the division of the table of

logical functions in CPR.[10] Conversely, Longuenesse in her critical assessment of Allison's account rightly criticizes Allison's interpretation. She maintains that modality, as a logical form, depends on the relation of a judgment to thinking in general "because a discursive, objective judgment always belongs to a concatenation of judgments and derives its modality ('the value of its copula,' according to Kant) from its place in this concatenation" (2003, 159). Then she shows to what concatenation problematic, assertoric, and apodeictic judgments belong and how they derive their modality from their place in the concatenation.[11] Given this, she concludes that "nothing of the sort can be said of an aesthetic judgment, which is absolutely singular and rests on feeling; its modality can certainly not depend on its place in a concatenation of such judgments" (159-160). Thus, if the modality in question is not modality as a logical form, what is it?

At the beginning of the §18 Kant distinguishes three different ways to characterize the relationship between the feeling of pleasure and the form of an object concerning their modality. He says that

> Of every representation I can say that it is at least **possible** that it (as a cognition) be combined with a pleasure. Of that which I call **agreeable** I say that it **actually** produces a pleasure in me. Of the **beautiful**, however, one thinks that it has a necessary relation to satisfaction (5: 236).

[10] See Henry E. Allison, *Kant's Theory of Taste* (Cambridge: Cambridge University Press, 2001), 144-159.

[11] She states that "a judgment is merely problematic if it is a component in a hypothetical or a disjunctive judgement. It is assertoric if it is asserted on the authority of experience without being derived from other judgments providing a ground for the necessity of its assertion. It is apodeictic if it is derived from other judgments functioning as premises in a syllogistic inference, for if it is itself analytic or synthetic a priori, and thus functions as a principle of inference" (2003, 159).

Therefore, Kant does not distinguish judgments of taste in terms of being problematic, assertoric, and apodeictic but rather in terms of the possibility, actuality, or necessity of the relationship between the form of an object and the feeling of pleasure.[12] That is why it looks as if the modality in question is not analogous to modality of the logical form of judgments but rather to the categories of modality in CPR.

In CPR, Kant ponders upon the peculiarity that the categories of modality possess. He maintains that

> the categories of modality have this peculiarity: as a determination of the object they do not augment the concept to which they are ascribed in the least, but rather express only the relation to the faculty of cognition. If the concept of a thing is already entirely complete, I can still ask about this object whether it is merely possible, or also actual, or, if it is the latter, whether it is also necessary? No further determinations in the object itself are hereby thought; rather, it is only asked: how is the object itself (together with all its determinations) related to the understanding and its empirical use, to the empirical power of judgment, and to reason (in its application to experience) (A 219 / B266)?

Therefore the modality in the aesthetic case does not determine the object, or the form of the object, or enlarge the conception to which it is annexed as predicate, but only expresses the relation of the form of the object to the feeling pleasure and displeasure. We know that the judgment of taste is not about the object but the form of an object. Accordingly, the modality in question expresses that the

[12] The relation is not of feeling pleasure to the object but to the form of the object because, as we have seen in chapter I, judgments of taste do not pertain to objects but rather they are about their form.

relation of the form of an object to the feeling of pleasure is subjectively necessary.

However, we should be careful in determining the extent to which the analogy between the modality of judgments of taste and the categorial modality in CPR holds because necessity as a categorial modality in CPR is a theoretical objective necessity, whereas, the necessity of judgments of taste that is in question is an 'exemplary necessity.'

II.2. Exemplary necessity

Similar to his exposition of subjective universality as a special kind of universality, Kant states that the necessity in question is also of a special kind. He distinguishes it from theoretical objective necessity and practical necessity. If it were a theoretical necessity, it could "be cognized *a priori* that everyone **will feel** this satisfaction in the object called beautiful by me" (5: 237). However, even though the judgment of taste is empirical, because it is not an objective judgment which pertains to the object alone, the necessity in question cannot be inferred from the universality of experience and cannot be objective theoretical necessity. If it were "a practical necessity, where by means of concepts of pure will, serving as rules for freely acting beings," the satisfaction would be "a necessary consequence of an objective law and signifies nothing other than that one absolutely (without a further aim) ought to act in a certain way" (5: 237). Since the judgment of taste determines its object without a determinate concept the necessity in question cannot be derived from determinate concepts and cannot be

practical necessity either. The necessity in question is subjective, and "can only be called **exemplary**, i.e., a necessity of the assent of **all** to a judgment that is regarded as an example of a universal rule that one cannot produce" (5: 237).

In the following sections I want to analyze what this exemplary necessity is. First, I will examine the condition of this necessity, namely, common sense. This will help us to understand what makes the necessity *exemplary* and what the necessity is about. Second, I will ask whether the necessity is of an epistemological or of a normative kind.

II.2.1. The condition of necessity: Common sense

Kant tells us that this "subjective necessity that we ascribe to the judgments of taste is conditioned" (5: 237). If the necessity of judgments of taste were either theoretical or practical necessity it would have been unconditional and proved a priori because it would have a determinate objective principle (5: 237-238). Since we know that it is neither of them, does that mean that the judgments of taste are merely subjective? Kant rules out this possibility by saying that if judgments of taste "had no principle at all, like those of mere sensory taste, then one would never ever have thought of their necessity" (5: 238). However, since it is certainly the case that they lay claim to necessity, they are not merely subjective. Kant claims that even though it is not objective, the condition of the necessity that is claimed in a judgment of taste is "common to all" (5: 237). At this point Kant introduces the idea of common sense as the condition of necessity. In this section I will begin with examining what common sense means. Then I

will analyze what thinking of common sense as the condition for exemplary necessity entails.

II.2.1.1. What is common sense?

Common sense has been a debatable topic in Kantian scholarship and dismissed by most of the scholars on the grounds that it is too mystical and does not fit with the rest of the arguments in the CAJ. I think that the idea of common sense is far from mystical. As Allison suggests and I do agree, "the emphasis in the conception of common sense to which Kant here appeals is on the fact that it is a *sense*" (2001, 149). "More specifically, it is a sense (or feeling) for what is universally communicable, which can also be assumed to be universally shared" (Allison 2001, 149). Therefore, common sense is just a term that Kant uses to designate the universally shared feeling of pleasure. In other words, Kant dubs "a shared capacity to feel what may be universally shareable" common sense (149).

If we interpret common sense in this way then Kant's claims concerning it start to make more sense. Thus, I will now review some of the claims and possible ways to interpret them. This will constitute support for our interpretation of common sense as universally shared feeling of pleasure. One of the first claims Kant makes concerning common sense is that it "determines what pleases or displeases only through feeling and not through concepts" (5: 238). If we interpret common sense as universally shared pleasure, we can read this claim as follows: You can determine what pleases or not with respect to the feeling of pleasure that is shared universally and since what makes the determination is universally shared

feeling of pleasure the determination would be clearly through feeling not concepts.

Another claim Kant makes about common sense is that it is "the effect of free play of our cognitive faculties" (5: 238). If common sense is the universally shared feeling of pleasure, it is an effect of the free play. The idea of the free play is what gives the feeling of pleasure its universal status. As we have seen in section I.2.2, in a judgment of taste the sensation is produced by the free play. More specifically, the power of judgment relates reflection on a representation of an object to the feeling of pleasure. This constitutes the reason why the judgments of taste are related to the higher faculty of cognition and governed by a principle. Therefore, because judgments of taste are related immediately through reflection or free play to the feeling of pleasure, we can talk about the universality of the feeling of pleasure. Otherwise expressed, the universality of the feeling of pleasure is an effect of the free play.[13] Therefore, Kant's claim, which is that common sense is an effect of the free play, encourages our interpretation that common sense is the universally shared feeling of pleasure. This claim also indicates that the word 'sense' in the phrase 'common sense' refers not to a feeling of pleasure in general but a certain kind of pleasure, namely, the aesthetic

[13] However, we should be rather cautious in understanding this claim. Previously in chapter I, I have argued that the relationship between the free play and the feeling of pleasure is not causal. I have claimed that they are different aspects of the same state of mind. At the outset, the later claim, which is that the universally shared feeling of pleasure is an effect of free play, seems to be inconsistent with this previous claim that I have made in chapter I. However, it is not. The claim in chapter I concerns the relationship between the free play and the feeling of pleasure, whereas the later claim concerns the relation between the free play and the universally shared feeling of pleasure. The free play does not cause the feeling of pleasure. Rather, on the grounds that this feeling of pleasure accompanies the state of mind in the free play, the universality of the feeling of pleasure is secured. Only in this sense, the universality of the feeling of pleasure can be regarded as an effect of the free play, which is accompanied by this feeling of pleasure.

pleasure. This means that when Kant talks about common sense in the Fourth Moment he is not talking about common sense in general, namely, that which comprises both *sensus communis aestheticus* and *sensus communis logicus*. Sensus communis logicus is a term that Kant uses to designate common human understanding (5: 295). That is why even in §20 Kant feels the urge to remind us that the common sense he talks about in the Fourth Moment is "essentially different from the common understanding…, since the latter judges not by feeling but always by concepts" (5: 238). Therefore, in the Fourth Moment common sense is *sensus communis aestheticus*. Put otherwise, common sense is the universally shared aesthetic feeling of pleasure.

Kant makes common sense, namely, this universally shared aesthetic feeling of pleasure, the condition of aesthetic necessity but the problem is that he has not yet justified it. The justification of it constitutes the deduction of the universality of judgments of taste and it has not been done yet. Therefore, for the sake of the argument in the Fourth Moment, in §21 Kant attempts to show that at least prior to this deduction we can find good reasons to assume common sense. The argument in §21 also supports our interpretation of common sense as the universally shared aesthetic feeling of pleasure.

II.2.1.1.1. A good reason to assume common sense

In §21, Kant investigates whether we have a good reason to presuppose common sense and reaches an affirmative answer. The argument that he proposes there is taken by some to be an attempt at a deduction of the universality of

judgments of taste, which will be replaced later by the actual deduction in §38.[14] Allison does not think that it is an attempt for a deduction and suggests that it should be understood in "strictly epistemological terms" (2001, 145). He claims that "the argument attempts to establish the necessity of presupposing a common sense on the basis of epistemological premises that do not make implicit reference to the nature of taste (151).[15] He claims that "by 'common sense' in §21, we must understand not taste *per se*, but rather the faculty for immediately seeing (without appeal to rules, and therefore through 'feeling') whether, and how fully, a given intuited manifold accords with a particular concept, that is, judgment" (154-155). Alternatively, I suggest that the argument is about *sensus communis aestheticus*, and the reason why Kant launches this argument is because he has not provided the deduction of the universality of the feeling of pleasure and for the sake of the argument in the Fourth Moment he probably assumes that he should show at least that we have good reasons to assume this universality.[16] I will analyze the argument in this way and show how it also supports my interpretation of common sense.

Kant begins his argument by stating that because cognitions and judgments have correspondence with the object and are not merely subjective –

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[14] The assumption behind their reasoning is that common sense is the principle of judgments of taste and the ground their universality is based on. To the extent that this is the case, Kant, in §21, through providing a transcendental grounding for common sense, is actually trying to provide the justification of the universality of judgments of taste. For this line of reading of the argument of §21 see Karl Ameriks, "How to Save Kant's Deduction of Taste," *Journal of Value Inquiry* 16.4 (1982): 295-302, and Paul Guyer, *Kant and the Claims of Taste*, second edition (Cambridge: Cambridge University Press, 1997), 279-302.

[15] See Henry E. Allison, *Kant's Theory of Taste* (Cambridge: Cambridge University Press, 2001), 149-159, for the details of his interpretation of the argument of §21.

[16] Therefore, it is not an attempt at a deduction.

given that skepticism is not a route that one wants to take – they must be universally communicated (5: 238). Second, he asserts that if we accept that cognitions are universally communicable, then we need to accept that the mental state, "i.e. the relation [Stimmung] of the cognitive powers for a cognition in general," is universally communicable as well (5: 238).[17] He says that the mental state must be universally communicable because otherwise "the cognition, as an effect (of it), could not arise" (5: 238). Here the mental state refers to the relation of the cognitive powers, namely, the relation of the understanding and the imagination, which occurs "every time when, by means of the senses, a given object brings the imagination into activity for the synthesis of the manifold, while the imagination brings the understanding into activity for the unification of the manifold into concepts" (5: 238).

This relation of the cognitive powers can be understood in reference to Kant's characterization of the relation of the cognitive powers in the application of empirical concepts in the First Introduction. The application of empirical concepts requires three steps, which respectively require the imagination, the understanding, and the power of judgment. They are

> 1. the **apprehension** (*apprehensio*) of the manifold of intuition; 2. the **comprehension**, i.e., the synthetic unity of the consciousness of this manifold in the concept of an object (*apperceptio comprehensiva*); 3. the **presentation** (*exhibitio*) of the object corresponding to this concept in intuition (20: 220).

[17] In Guyer and Matthews translation, the word 'Stimmung' is translated as 'disposition.' I do not think that this translation is not really capturing the rather general meaning of 'Stimmung,' and because of this it can be misleading. I think that 'relation' is a better translation of the word. Thus, I will replace the word 'disposition' whereever it occurs in the text with the word 'relation.'

These three actions characterized by Kant correspond to the relation of the cognitive powers. "This relation [Stimmung] of the cognitive powers has a different proportion depending on the difference of the objects that are given" (5: 238). The three actions that I outlined constitute just one kind of relation of the faculties in terms of the proportion of the faculties it has. Kant, in §21, mentions another kind of relation of the faculties

> in which this inner relationship is optimal for the animation of both powers of the mind (the one through the other) with respect to cognition (of given objects) in general; and this relation [Stimmung] cannot be determined except through the feeling (not by concepts) (5: 238-239).

Given Kant's characterization, this optimal proportion of the faculties in their relation is the relation of the cognitive powers in making a pure judgment of taste.[18] Since the relation of the cognitive powers in a judgment of taste is called the free play and the free play cannot be determined except through feeling as we have seen in section I.2.3, this optimal proportion of the faculties cannot consist in any relation other than the free play. Some supportive textual evidence for my claim concerning the optimal relation to which Kant refers in §21 can be found in the First Introduction. After giving his characterization of the relation of the cognitive powers in the application of empirical concepts, Kant looks at the case of the relation of the cognitive powers in merely reflecting judgments. As I mention in section I.2.2, since the pure judgment of taste is a reflecting judgment,

[18] Also in §9 Kant describes the disposition of the cognitive powers in a judgment of taste as optimal or well-proportioned: "A representation which, though singular and without comparison to others, nevertheless is in agreement with the conditions of universality, an agreement that constitutes the business of the understanding in general, brings the faculties of cognition into the well-proportioned disposition that we require for all cognition and hence also regard as valid for everyone (for every human being) who is determined to judge by means of understanding and sense in combination" (5: 219).

this characterization concerns the judgments of taste. Because in a judgment of taste a determinate concept is neither employed nor generated it does not involve the second of the steps required for empirical concept formation. Kant describes the relation of the cognitive powers in a judgment of taste as follows:

> If, then, the form of a given object in empirical intuition is so constituted that the **apprehension** of its manifold in the imagination agrees with the **presentation** of a concept of the understanding (though which concept be undetermined), then in the mere reflection understanding and imagination mutually agree for the advancement of their business, and the object will be perceived as purposive merely for the power of judgment, hence the purposiveness itself will be considered as merely subjective; for which, further, no determinate concept of the object at all is required nor is one thereby generated, and the judgment itself is not a cognitive judgment. – Such a judgment is called an **aesthetic judgment of reflection** (20: 220-221).

The beginning of the quote reminds us of Kant's claim that the proportion of the relation of the cognitive powers differs in relation to the given object. Thus, the form of the given object is so constituted in a judgment that the relation of the cognitive powers has a respective proportion. This proportion is optimal in the sense that the apprehension and the presentation mutually agree without involvement of a determinate concept. It is optimal in the sense that they immediately match. As I have mentioned before, Kant claims that the relation that has optimal proportion can be determined only through feeling. This is one of the reasons why the free play should be the relation which has optimal proportion. Because the judgment of taste does not involve determinate concept deployment or generation, the relation – namely, the free play – which has optimal proportion,

can be determined only through feeling. Therefore, the relation with the optimal proportion that Kant refers to in §21 cannot be anything other than the free play.

The argument concerning whether we have a good reason to presuppose common sense in §21 continues with the assertion that if the relation of the cognitive powers is universally communicable, the feeling, through which a kind of relation of the cognitive powers with an optimal proportion is determined, must be universally communicable. I think that we should be rather careful in understanding this step of the argument. I think that the best way to interpret this step of the argument would be in terms of the discussion I outlined in section I.2.3. In section I.2.3, I argued that the feeling of pleasure and the free play should be understood as different aspects of the same mental state. They differ insofar as the former is a conscious mode of the state of mind while the latter is an unconscious mode of the same state. Since we are not conscious of the free play "intellectually, through the consciousness of our intellectual activity through which we set them in play," we can be conscious of it only through the feeling of pleasure (5: 218). Kant claims that

> the subjective universal communicability of the kind of representation in a judgment of taste, since it is supposed to occur without presupposing a determinate concept, can be nothing other than the state of mind in the free play of the imagination and the understanding (5: 217-218).

The problem is that if we cannot be conscious of the free play intellectually, how could it be universally communicable? The answer is simple. It is universally communicable in the sense that the feeling through which we become aware of the free play is universally communicable. This does not mean that the universal

communicability of the free play is grounded in the universal communicability of pleasure. Rather it means that the free play must be universally communicable insofar as it is a mental state or a relation of the cognitive powers, and hence since we can be conscious of it only through feeling, the universal communicability of the free play is occasioned by the universal communicability of the feeling of pleasure. Furthermore, this should be the way to understand the step concerning the universal communicability of the feeling in the argument in §21.

From this last step of the argument, namely after the postulation of the universal communicability of the feeling, Kant concludes that we have a good reason to presuppose common sense:

> Since the universal communicability of a feeling presupposes a common sense, the latter must be able to be assumed with good reason, and indeed without appeal to psychological observations, but rather as 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).

To recapitulate, the argument in §21 is simply this: (1) our cognitions must be universally communicable otherwise skepticism will arise; (2) our mental states, namely the relation of the cognitive powers, must be universally communicable otherwise cognition could not arise; (3) the mental state of mind in free play, insofar as it is a relation of the cognitive powers, must be universally communicable as well; (4) however, there is something peculiar about the free play, namely, it is not based on concepts; (5) in light of (4) we cannot be conscious of the free play intellectually but only through feeling; (6) therefore, the universal communicability of the free play is transmitted to the universal

communicability of feeling; (7) universal communicability of feeling requires common sense; (8) therefore, we have a good reason to assume common sense.

This argument supports my claim that common sense is the universally shared aesthetic feeling of pleasure. If we consider the seventh step of the argument, we can interpret this step as saying that the universal communicability of the feeling of pleasure requires this feeling to be universally shared. The feeling must be universal in the first place for us to be able to universally communicate it. Therefore, common sense must be a term that Kant uses to designate the universally shared aesthetic feeling of pleasure.

Allison argues that to consider the argument, as referring to *sensus communis aestheticus*, is problematic in two aspects. First, it is problematic because it requires an instant move from the cognitive to the aesthetic (152-153).[19] He argues that construing the argument in this way,

> one might question why the common sense that argument claims must be presupposed as a condition of the universal communicability of *cognition* should have anything to do with the one that supposedly must be presupposed as a condition of *taste* (153).

Second, he claims that if we interpret the common sense as the condition of the universal communicability of our cognition – and this is what Kant explicitly asks us to do – then "it follows that the aesthetic common sense or taste must itself be presupposed as a condition of cognition" (153).

Even though I admit that the move from cognitive to aesthetic is problematic, I do not think that it is possible to derive from the argument the assertion that common sense is the condition of cognition *in general*. As I have

[19] Antony Savile, *Aesthetic Reconstructions: The Seminal Writings of Lessing, Kant, and Schiller* (Oxford: Basil Blackwell, 1987), 145-146, makes a similar criticism.

tried to show in my construction of the argument, common sense is the condition for the universal communicability of a specific kind of cognition, namely, – if we can call it this way – aesthetic cognition. It is not even the condition of aesthetic cognition but it is the condition of its universal communicability. Therefore, I do not think that Allison's criticism can be applied to my construction of the argument of §21.

However, as I said, he is right about Kant's abrupt move from the cognitive to the aesthetic. He is right about stating that it is questionable to claim that the universal communicability of the relation of the cognitive powers, which is suitable for cognition in general, entails the universal communicability of the relation of the cognitive powers, which is suitable for aesthetic cognition. However, I do not think that this problem is vital. As I have mentioned, the argument of §21 is constructed for the sake of the general argument in the Fourth Moment concerning the necessity of judgments of taste. It tells us that we can have good reasons to assume common sense, namely, the universally shared aesthetic feeling of pleasure, even though we have not yet justified it. The problem is not vital because Kant later provides a deduction.

II.2.1.2. What does the condition imply?

After all this preliminary explanation of common sense, we are now in a position to analyze what thinking of common sense – which is now interpreted as the universally shared feeling of pleasure – as the condition for exemplary

necessity entails. In this section, I will answer the question of what the condition implies concerning the necessity of judgments of taste and its deduction.

First of all, I argue that the condition of the necessity implies that the necessity in question is "the necessity of the universal assent that is thought in a judgment of taste" (5: 239). We have seen that common sense is the universally shared aesthetic feeling of pleasure. Furthermore, Kant asserts that

> in all judgments by which we declare something to be beautiful, we allow no one to be of a different opinion, without, however, grounding our judgment on concepts, but only on our feeling, which we therefore make our ground not as a private feeling, but as a common one (5: 239).

In this sense, our judgment is grounded in this common feeling. It is grounded in it insofar as we regard it to be an example of a judgment of common sense (5: 239). This means that my judgment has an exemplary validity. What does this imply concerning the necessity of judgments of taste? In order to answer this question it would be useful to remember Kant's definition of exemplary necessity in §18: "A necessity of the assent of **all** to a judgment that is regarded as an example of a universal rule that one cannot produce" (5: 237). In the light of our explanation of common sense we can reformulate the definition of necessity as follows: a necessity of the assent of all to a judgment that has exemplary validity. Due to this reformulation we can see that on the basis of the idea of common sense the adjective 'exemplary' is attached to the necessity of judgments of taste. Since the necessity is the necessity of the assent of all to the judgment which has exemplary validity, the exemplary character of the validity of the judgment is transferred to its necessity and thereby the necessity is called exemplary.

The reformulation of the definition of necessity reveals something more than just how the adjective 'exemplary' is attached to the necessity. The reformulation shows that the exemplary necessity concerns the universal assent that is thought in a judgment of taste: the necessity of judgments of taste is the necessity of the assent of all to a universal judgment. As we have seen in the previous chapter, the universality of judgments of taste implies that everybody can or has the ability to share my pleasure. In light of our examination we can conclude that the necessity of judgments of taste implies that this universal agreement is necessary: everybody ought to share this pleasure. This way of understanding the necessity of judgments of taste takes us back to where we started. In the section concerning the modality of judgments of taste, I stated that the necessity at issue is the necessity of the relationship between the form of the object and the feeling of pleasure. The condition on the necessity takes us a step further and implies that the exemplary necessity pertains to the relationship between the form of the object and the universally shared feeling of pleasure.

In the light of this analysis of the condition of the necessity we can derive an implication for the deduction of the necessity as well. Even though we do not have strong reasons to believe it so we can still suspect that the deduction of the necessity is going to be provided after the justification of the claim of judgments of taste to universality. Since the necessity is about the universality, it is rational to think that we need to justify first the claim to universality and then attempt for a justification of the claim to necessity.

We have seen the implications of the condition for the necessity on

judgments of taste and their deduction. However, we still do not know whether the exemplary necessity is epistemological or normative. Let's turn to this question.

II.2.2. The normativity of exemplary necessity

We know from Kant's exposition of the universality of judgments of taste that when one makes a judgment of taste, she expects that everyone *can* agree with her judgment. In terms of the second peculiarity of judgments of taste, namely, exemplary necessity, she expects that everyone *ought* to agree with her. In other words, "the judgment of taste requires the agreement of everyone, and he who describes anything as beautiful claims that everyone ought to give his approval to the object in question and also describe it as beautiful" (5: 237; 74).[20] This formulation helps us to make more sense of the phrase 'the necessity of the assent of all.' However, we face another difficulty: how should we understand this ought claim?

Longuenesse asks a similar question:

> Is the necessity of the connection between 'all judging subjects' and 'ought to agree with my judgment' to be understood on the model of the subjective necessity of judgments of experience (because I claim objective validity for my judgment, I claim that all judging subjects ought to agree with my judgment)? Or is it to be understood on the model of moral imperative: "All rational beings ought to act in

[20] Immanuel Kant, *Critique Judgment*, trans. J.H. Bernard (New York: Hafner Press, 1951), 74. I use the Bernard translation of the sentence "das Geschmacksurteil sinnet jedermann Beistimmung an; und, wer etwas für schön erklärt, will, daß jedermann dem vorliegenden Gegenstande Beifall geben und ihn gleichfalls für schön erklären *solle*" because Guyer and Matthews translate the word 'sollen' in this sentence as 'should' whereas Bernard uses the word 'ought,' which I find more appropriate.

such and such a way' (under the categorical imperative of morality)? Similarly 'all judging subjects ought to judge as I do' (2006, 214)?

I argue that since the judgment does not pertain to the object and thereby is not objectively valid, the first option, the epistemological one, is out of question.[21] Furthermore, if you can claim objective validity for your judgment and derive the necessity from it, you are supposed to claim that everybody *will* feel the same satisfaction in the object called beautiful by you. In this sense, 'ought' will be equivalent to 'will' and this necessity would be nothing other than a theoretical objective necessity which cannot be ascribed to judgments of taste. Even when we consider the second option, it does not seem that we can understand the ought claim in that way either.[22] If the ought claim can be understood on the model of moral imperative then it means that we can derive it from an objective moral law. Since Kant rules out this possibility, it cannot be the case. Furthermore, if we go for the second option, the necessity would be a practical necessity, which cannot be ascribed to judgments of taste either. However, it is important to recognize that the exemplary necessity of judgments of taste is more similar to the practical necessity than the theoretical necessity.

If it were practical necessity which is attached to judgments of taste, when one makes a judgment she would be able to claim that everyone *absolutely ought*

[21] Most notably, Paul Guyer, *Kant and the Claims of Taste* (Cambridge: Cambridge University Press, 1997) argues that we should understand the necessity claim strictly in terms of the first option. Also recently Bart Vandenabeele, "The Subjective Universality of Aesthetic Judgments Revisited," *British Journal of Aesthetics* 48.4 (Oct. 2008): 410-425, has argued that the exemplary necessity is "strictly epistemological."

[22] See Reinhard Brandt, "Analytic/Dialectic," in *Reading Kant: New Perspectives on Transcendental Arguments and Critical Philosophy*, ed. Eva Schaper and Wilhelm Vossenkuhl (Oxford, UK; New York, NY, USA: Blackwell, 1989), 179-195, for his argument that the exemplary necessity can be understood in terms of this second option and that exemplary necessity is nothing but practical necessity.

to agree with her. She would claim that everyone *absolutely ought* to agree with her *out of* duty. However, with respect to exemplary necessity, when one claims that everyone *ought* to agree with her judgment of taste, she claims that everyone ought to do so "*as if* it were a duty" (5: 296). Even though practical necessity and exemplary necessity are different, the way I illustrate the claim to necessity with its connotations to duty demonstrates that the exemplary necessity is of a normative kind.

Showing that the exemplary necessity concerns the normativity of the expectation of the universal agreement in a judgment of taste is important to understand the implications of the condition of necessity, common sense. "The **ought** in aesthetic judgments of taste is…pronounced only conditionally," says Kant, and the condition is that "one has a ground for [making the 'ought' claim]… that is common to all…" (5: 237) This common ground is "the presupposition that there is a common sense" (5: 238), that is, the assumption that everybody is able to share the feeling of pleasure.

There is something important to notice in Kant's way of framing the ought claim, and more specifically in his use of the 'as if' clause. The 'as if' clause implies that even though one cannot ground the claim of the judgment of taste to necessity in the objective moral law, and thereby one cannot claim that everyone absolutely ought to agree with her judgment out of duty, still she expects everyone ought to agree with her *as if* it were a duty, though it is not the case. How could it be possible for a judgment of taste to lay claim to necessity if there is no objective principle or grounding legitimating its claim? Kant tells us that the

necessity of judgments of taste "must always rest on a priori grounds" (5: 281). Since exemplary necessity is normative this means that these grounds that it rests on are normative. Therefore, if we can show that the relationship between the form of an object and the universally shared feeling of pleasure is resting on a priori normative grounds then we can justify the claim of judgments of taste to necessity and thereby show how it is possible for the person, who makes a judgment of taste, to expect that everyone ought to agree with her as if it were a duty. In this sense, determining this ground would be tantamount to the deduction of the necessity. Hence, in the next section I will analyze one of Kant's claims concerning the ground of necessity of judgments of taste.

II.3. The ground of the necessity of judgments of taste

Kant claims that judgments of taste have

> 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).

This means that "the judgment of taste is not determinable by grounds of proof at all, just as if it were merely **subjective**" (5: 284). It is not only the case that it is not determinable by a priori grounds of proof but also no empirical proof can be provided to show either that there is a necessary connection between the form of an object and the universally shared feeling of pleasure or that one can legitimately claim that everyone ought to share the same pleasure that she has in the object that is called beautiful by her.

An empirical ground of proof can be the judgments of others. If one allowed judgments of others to be the determining ground of her judgment, then the judgments of others could serve as an empirical ground of proof for her judgment. However, Kant claims that the judgments of others do not really affect our judgment and grounds his claim in the peculiar psychological state of the person who makes a judgment of taste. He says that the person who makes a judgment of taste is in such a psychological state that even when the judgments of others contradicts his own, this cannot force him to change his judgment. He can look as though he changed his mind but it would be only in order not to make it seem as if he is lacking taste. Deep inside he can start questioning himself but he does not change his judgment on the basis of the judgment of others. This psychological state of the person who makes a judgment of taste is crucial to show that the judgment of taste is not determinable on empirical grounds of proof because there is at least one thing that this person is certain about. He is certain about this:

> that the approval of others provides no valid proof for the judging of beauty, that others may perhaps see and observe for him, and that what many have seen in one way what he believes himself to have seen otherwise, may serve him as a sufficient ground of proof for a theoretical, hence a logical judgment, but that what has pleased others can never serve as the ground of an aesthetic judgment (5: 284).

Therefore, even though Kant admits that "the judgment of others, when it is unfavorable to our own, can of course rightly give us reservations about our own," he claims that it "can never convince us of its [our judgment's] incorrectness" (5:

284). This means that "there is no empirical **ground of proof** for forcing the judgment on anyone" (5: 284).

Kant does not only claim that there is no empirical ground of proof for determining a judgment of taste but also he asserts that "an *a priori* proof in accordance with determinate rules can determine the judgment on beauty even less" (5: 284). He uses rules of critics of taste as an example of determinate rules in accordance with which a priori proof can be provided. Kant says that someone can cite all the rules, which for instance Batteux or Lessing take to be the proofs, as an evidence to prove that his poem is beautiful (5: 284). If I didn't like the poem, all the evidence he provides will fail to persuade me of the beauty of his poem. I will be in such a psychological state that

> I will stop my ears, listen to no reasons and arguments, and would rather believe that those rules of the critics are false or at least that this is not a case for their application than allow that my judgment should be determined by means of *a priori* grounds of proof, since it is supposed to be a judgment of taste and not of the understanding or of reason (5: 284-285).

Therefore, there are no a priori grounds of proof for forcing the judgment on anyone.

This lack of a priori or empirical grounds of proof for determining a judgment of taste reveals something important about this kind of judgment. Because we cannot provide any proof it looks *as if* the judgments of taste were merely subjective. However, we have seen in the previous sections that they are not merely subjective and they lay claim to necessity (5: 238). Furthermore, since Kant states that the necessity of judgments of taste must always rest on a priori

grounds, this means that they cannot be grounded on merely private feeling and be merely subjective. Consequently, the outcome looks rather puzzling. The puzzle is this: How could it be possible both that the judgment of taste is *as if* merely subjective and that its necessity rests on a priori common grounds? The puzzle can be solved by acknowledging the 'as if' phrase. As I have discussed before, judgments of taste are not merely subjective but it seems *as if* they were. This not only solves the apparent puzzle about the necessity of judgments of taste but also tells us what kind of a ground we need to seek for providing the deduction of the necessity.

II.4. The difference between subjective universality and normative necessity

As an outcome of my explanation of the two peculiarities of judgments of taste, namely, universality and necessity, we face another ostensible puzzle concerning judgments of taste and their deduction. We have seen in chapter I that the person who makes a judgment of taste expects that everyone *can* agree with her judgment *as if* it were objective. However, later on in previous sections of this chapter we have seen that she also expects that everyone *ought* to agree with her judgment even though she cannot provide any ground of proof for determining her judgment *as if* it were merely subjective. Therefore, the puzzle is this: how can a judgment of taste be both 'as if' objective and 'as if' merely subjective?

I take 'as if' objectivity and 'as if' mere subjectivity as two constraints imposed on judgments of taste and their deduction by the two peculiarities. The two peculiarities impose two different constraints insofar as they define the status

of judgments of taste in different ways. It is important to show not just that the two peculiarities differ but also that they give rise to different constraints because, in doing so, we can demonstrate that the justification of the claim to universality and to necessity have different requirements. Furthermore, this is going to be crucial for the development of the later stages of my main argument that the deduction in §38 can at most provide the deduction of the universal validity of judgments of taste and that only by §42 the claim of judgments of taste to necessity is justified.

I believe that I have already shown how these two peculiarities and their constraints differ through my analysis of the universality and necessity of judgments of taste respectively in chapter I and the previous sections of chapter II. In order to have a quick recapitulation and make things more clear, I want to present my account of the difference between the peculiarities and their constraints through an analysis and a criticism of an account which argues for the contrary position. This account is developed by Paul Guyer. He argues that the two peculiarities are not different but one and the same.

Guyer argues that

> Kant's exposition in the opening sections of the fourth moment suggests that... (the universality and necessity impose same condition on our reflection on feeling of pleasure), for his description of the requirements of necessity is almost indistinguishable from his exposition of the demand for universality (1997, 142).

He states that even though §8 and §18 both start differently, they reach the same conclusion (1997, 142). He argues that the conclusion of §18, i.e. the necessity of the assent of all allows us to regard the judgment as an example of a universal rule

that one cannot produce, is similar to that of §8, i.e. that the judgment of taste "only **ascribes** this agreement to everyone, as a case of the rule with regard to which it expects confirmation not from concepts but only from the consent of others" (5: 216). Guyer maintains that "both are clumsy ways of stating that in aesthetic judgment certain of the ordinary consequences of knowledge obtain without the actual application of a concept, because certain of cognition's usual conditions are fulfilled" (143). However, there is an important difference between the conclusions of these two sections that Guyer fails to notice. As I have discussed in the earlier sections, the conclusion that Guyer derives can be at most the conclusion of the Second Moment, which concerns the ascription of agreement to all, due to the shared cognitive equipment. Therefore, the demand to universality is about the cognitive capacity of the subjects. In other words, the universality claim amounts to a claim about what other people *are able to / can* do because they all have the required equipment. However, the Fourth Moment concerns the necessity of the judgments of taste. It says that everyone *ought* to share the pleasure that I have in the object *as if it were a duty* because there is a necessary connection between the form of an object and the universally shared feeling of pleasure. Therefore, the necessity of judgments of taste does not concern what *can* be the case but what *ought* to be the case.

Guyer fails to see the difference between these two peculiarities because he resists to admit the normative aspect of the judgments of taste in spite of the textual evidence.[23] Even though mostly he thinks that universality comprises

[23] Here I am not going to provide textual evidence again because I have already extensively quoted Kant concerning these issues in section II.2.2.

necessity, still he acknowledges that Kant's discussion of the necessity of judgments of taste adds a new feature to his analysis of taste (144). However, this new feature is not the normative aspect that I take to be added to his analysis. Guyer states that this new feature is to identify the ground of judgments of taste as "a necessary constituent of human nature" (144). He thinks that the demand of necessary universal agreement can be met only if the feeling of pleasure is attributed to a ground which is a necessary constituent of human nature. Since he identifies this ground with the free play of the imagination and understanding, he states that the Moment on necessity establishes that the free play is necessary. However, this is not supported by the textual evidence either. As I have discussed in the previous sections, Kant states that the claim of judgments of taste to necessity depends on a priori grounds. However, nowhere in the text does he identify this ground with the free play. Furthermore, I also claimed that the ground of necessity should be normative but the free play is not normative. Therefore, Guyer's interpretation does not match with Kant's text.

In his analysis of §31-32, Guyer reiterates his claim that the second peculiarity is already comprised in the first peculiarity by arguing that "both make the same point: to call an object beautiful is to claim a universal assent ordinarily justifiable only when it can be enforced by the subsumption of an object under determinate theoretical or practical concepts" (239). Furthermore, he maintains that though they are not linked to the two peculiarities there exist two constraints which are established in §32-33. According to him,

> … [T]he first constraint on the deduction of aesthetic judgment is that it shows we may make an assumption about other persons which is as strong as any we ever make in

> claiming intersubjective validity for a belief. The second constraint, which emerges in §33, is that this deduction show we can assume intersubjective validity for aesthetic judgment even though the very nature of this judgment deprives us of the means by which intersubjective acceptance of beliefs is ordinarily obtained (242).

However, I argue that these constraints, which he characterizes as unrelated to the two peculiarities, are actually derivative from the constraints of the two peculiarities that are 'as if' objectivity and 'as if' mere subjectivity. Before showing how Guyer's constraints are derivative I will shortly summarize the 'as if' objectivity and 'as if' mere subjectivity constraints.

According to the first peculiarity when we make a judgment of taste we expect that everyone can agree with our judgment of taste in a similar way that we expect everyone to agree with our logical judgments. We speak of the beautiful *as if* beauty were a property of the object and of the judgment *as if* it has objective universal validity (5: 211). The reason why it is a pseudo-objectivity is that the judgment of taste "contains merely a relation of the representation of the object to the subject," and therefore does not "constitute a cognition of the object through concepts of it" – unlike the cognitive judgment (5: 211). This 'as if' objectivity that is imposed by the first peculiarity of judgments of taste constitutes the first constraint on the judgments of taste and on their deduction.

According to the second peculiarity when we make a judgment of taste we expect that everyone *ought* to agree with us although we cannot provide either empirical or a priori grounds of proof for the normativity of our claim. The 'ought' that is contained in a judgment of taste implies that its necessity is not about expecting that everyone can agree with our judgment but expecting that

everyone ought to do so *as if it were a duty* (5: 296). Kant distinguishes this kind of necessity from theoretical and practical necessity and defines it as an 'exemplary' necessity, which concerns the necessity of the universal agreement. It is based on a priori grounds, which are not demonstrable by means of any grounds of proof, *as if* it were merely subjective. This 'as if' (mere) subjectivity is the second constraint imposed upon judgments of taste and their deduction.

When it comes to Guyer's constraints, first of all I think that his first constraint states that we expect everyone to agree with our judgment of taste analogous to the way we expect everyone to agree with our logical judgment. It demands an agreement *as if* it is a logical judgment, *as if* it has objective universal validity. Therefore, Guyer's first constraint is nothing other than the 'as if' objectivity of judgments of taste, which originated from the peculiarity of universality. Likewise, Guyer's second constraint expresses another formulation of 'as if' mere subjectivity of judgments of taste, which is obtained from the peculiarity of necessity. His constraint says that we expect everyone to agree with our judgment of taste though we cannot provide the grounds for our expectation as we can in the case of logical judgments. In other words, the judgment of taste makes a claim to necessity but cannot provide either empirical or a priori grounds for its claim. Therefore, it makes a claim to necessity even though it looks *as if* it were merely subjective. Though Guyer's second constraint is derivative from the constraint imposed by the second peculiarity, namely, necessity, the latter is more limiting than the former. The latter constraint is that the deduction is supposed to show how a judgment of taste makes a *normative* claim even though it cannot

pertain to any grounds of proof. However, Guyer's constraint is concerned only with how a judgment of taste makes a 'universal' claim, not a 'universal and normative' claim. This is again a consequence of his disloyalty to the text.

I have shown that there are two constraints on judgments of taste and on their deduction which are imposed directly by the two peculiarities. Establishing the distinctness of the peculiarities and their constraints provides us with a better understanding of the method of the deduction. In §31, Kant states that the method of the deduction comprises the resolution of the two peculiarities of the judgment of taste (5: 281). The idea of resolution implies that there is a tension between peculiarities to resolve. The tension is between two seemingly inconsistent constraints that the peculiarities impose on judgments of taste and on their deduction, namely, between 'as if' objectivity and 'as if' mere subjectivity. Therefore, the deduction will have to show how judgments with those strange features, being 'as if merely subjective' and 'as if objective' at the same time, are possible and justified.

Chapter III

The First Step of the Deduction:

The Justification of the Claim to Universality

After establishing the relation between the resolution of the peculiarities and the justification of the judgments of taste through the deduction, Kant sets out the first step of the deduction in §38. The first step consists of the justification of the claim of judgments of taste to universality through postulating that the subjective conditions of judgments of taste are universally shared as requisite for all possible cognition. In this chapter, I will discuss an interpretation of §38 that is offered by one of the most prominent commentators, namely, by Henry Allison. The reason I want to discuss his account of the deduction rather than other interpreters' views is that he acknowledges the distinctness of the two peculiarities as I do but maintains that §38 is able to provide the justification of the claim of the judgment of taste to universality *and* necessity while I claim that it provides only the justification of the universality claim.

Although Allison accepts the distinctness of the two peculiarities, the differences between them that he outlines does not match one to one with the differences as I see them. As I have discussed in section II.1, Allison's interpretation of the necessity of judgments of taste differs from mine in some respects. Most important of all, he argues that the modality of judgments of taste is analogous to the modality of the logical form of judgments in CPR. In

contradistinction, I argue that the modality in question is analogous to the categories of modality in CPR. Also, as I have mentioned in section II.2.1.1.1, he interprets some of Kant's arguments concerning the condition of the necessity of judgments of taste, namely, common sense, in a different way than I do.

Even though there are these differences in our reading of the peculiarities, still I find it important to discuss his account for two reasons. First of all, similar to me, he thinks that the necessity of judgments of taste entails the normative nature of the judgments. Second, through explicating Allison's reconstruction of the deduction I want to demonstrate that he can only show the deduction of the universal validity of judgments of taste but not that of their necessity. This will provide support for my main thesis, namely that §38 comprises only the deduction of the claim to universality.

Therefore, in this chapter, I begin by summarizing Allison's reconstruction of the deduction. Secondly, I discuss two of the problems with his account. The first problem is that he can only deduce the claim to universality, but not necessity. As a second problem, I argue that even if we accept that Allison deduces some kind of necessity in §38 it would be not the exemplary necessity of judgments of taste but rather theoretical necessity.

III.1. Allison's deduction

The reconstruction of the deduction suggested by Allison attempts to answer the question that I asked at the beginning of this thesis, namely, whether the deduction offered in §38 justifies the claim of judgments of taste to both

universality and necessity. His reading claims that this twofold justification is given through the justification of the principle grounding them. In other words, the justification of the principle of subjective purposiveness, which is provided in §38, is taken to account for both the justification of the claim to universality *and* the claim of necessity. Therefore, on this account there is no need for a separate deduction of universality or necessity. At first glance Allison's reconstruction seems to give a loyal interpretation of Kant's deduction and to successfully address the problem of justifying the claim to universality and necessity. However, closer inspection of his reconstruction reveals that his version of the deduction, though it provides the justification of the claim to universality, can present at most a justification of theoretical necessity, "where it can be cognized *a priori* that everyone **will feel** this satisfaction in the object called beautiful by me" (5: 237). This is problematic because in §18 Kant explicitly denies the attribution of either theoretical or practical necessity to judgments of taste and argues that "as a necessity that is thought in an aesthetic judgment, it can only be called **exemplary**, i.e., a necessity of the assent of **all** to a judgment that is regarded as an example of a universal rule that one cannot produce" (5: 237). In order to see the problems in Allison's account, I will summarize his reconstruction and explain how, on the one hand, it answers to the problem of justification of universality claim but, on the other, it fails to address the problem of the justification of the necessity claim.

III.1.1. Allison's reconstruction of the deduction

Allison begins his reconstruction of the deduction by pointing out what the deduction aims to accomplish. According to his reading, Kant's deduction has a modest aim, namely, to ground the right to demand agreement regarding pure judgments of taste by showing that it is derived from the principle of subjective purposiveness that is itself transcendentally grounded (2001, 160). What makes this aim modest is that though such a grounding is established in the deduction, we still cannot with certainty determine whether a judgment of taste is pure or not. In other words, it is a modest aim in the sense that it provides the justification only of the principle but not of any particular judgment of taste. The deduction fulfills this modest aim in two main steps: First, it identifies the principle of subjective purposiveness as the principle of taste, which underlies the claim of judgments of taste to universal necessary validity. Second, it provides a transcendental grounding for this principle and, thereby, for the claim to universal necessary validity.

III.1.1.1. Allison's first step of the deduction

The first step is accomplished between §31-35. §31 states the goal of the deduction. Allison quotes Kant in order to explicate that the deduction aims to demonstrate "merely the universal validity, for the faculty of judgment as such, of a singular judgment that expresses the subjective purposiveness of an empirical representation of the form of an object" (5: 280-1; as cited in Allison 2001, 164-5). He interprets this goal of the deduction by referring to §32-33. In these sections, Kant claims that there are two peculiarities of judgments of taste, which

distinguish them from other judgments. These peculiarities are, as we have seen before, subjective universality and subjective necessity. Therefore, the deduction comprises the resolution of these two peculiarities. Allison offers a comprehensive interpretation of §31, §32, and §33 by asserting that the resolution of these two peculiarities cannot be equivalent to "merely uncovering necessary conditions of the possibility of judgments possessing the peculiarities in question" but rather to the demonstration of how these judgments are possible in the first place (Allison 2001, 165). Furthermore, the way to show how judgments which carry these peculiarities are possible is by showing both that they rest on an *a priori* principle capable of warranting them and that this principle is transcendentally grounded (165). Therefore, what the deduction does is not only to unfold the conditions underlying the judgment of taste but also to ground these conditions in the transcendental principle of taste. The establishment of the connection between the judgment and the principle through the conditions that are both underlying the judgments and grounded in the principle of taste constitutes the first step of the deduction.

According to Allison, this connection is ascertained in §35. The formulation of the problem of the possibility of pure judgments of taste in terms of the language of subsumption establishes the connection between judgments of taste and their principle (170). On Allison's view, in §35 the question of the possibility of judgments with the logical peculiarities that have been shown to belong to judgments of taste turns out to be the question of the possibility of a purely aesthetic (nonconceptual) subsumption (169). This aesthetic subsumption

is possible under the subjective formal condition of judgments of taste, which is the harmonious play of the imagination and the understanding (169). According to Allison, this connection between the aesthetic subsumption and the harmony is the key to the normativity of this harmony for taste. The harmony in judgments of taste, which is the subjective condition for the possibility of judgments of taste, is expressed in terms of the subsumption language, namely, as "the subsumption of the very imagination under the condition [which must be met] for the understanding to proceed in general from intuition to concepts" (5: 287; as cited in Allison 2001, 170). The activity of the imagination in the subsumption is "schematizing without a concept" (5: 287; as cited in Allison 2001, 170). On Allison's view, this activity can be best interpreted in light of the conditions of empirical concept formation.[24]

According to Kant, empirical concepts are ones which are derived from experience, such as the concept of tree, house, etc. Furthermore, for their generation, as with judgments of taste, reflecting judgment is required. Allison asks what kind of reflection is required for the generation of empirical concepts (2001, 21). In order to get some clues Allison turns back to Kant's *Jäsche Logic* where Kant writes that

> To make concepts out of representations one must be able to compare, to reflect, and to abstract, for these three logical operations of the understanding are the essential and universal conditions for generation of every concept whatsoever. I see, e.g., a

[24] Allison, in drawing the connections between the idea of "schematizing without a concept" and the conditions of empirical concept formation, is referring to the account of Béatrice Longuenesse, *Kant and Capacity to Judge: Sensibility and Discursivity in the Transcendental Analytic of the Critique of Pure Reason* (Princeton, N.J.: Princeton University Press, 1998), concerning schematizing in reflective judgments.

> spruce, a willow, and a linden. By first comparing these objects with one another I note that they are different from one another in regard to the trunk, the branches, the leaves, etc.; but next I reflect on what they have in common among themselves, trunk, branches, and leaves themselves, and I abstract from the quantity, the figure, etc., of these; thus I acquire a concept of a tree (Kant, 9:94-95; as cited in Allison 2001, 21-22).

First, Allison concludes that the acts of comparing, reflecting, and abstracting "must be seen as aspects of a single, unified activity, not as temporally successive operations" (22). Second, he claims that the process of formation of the concept of a tree as it stands seems circular (22). It is circular in the sense that if we arrive at a concept of a tree by reflecting on the features of the tree (trunk, branches, leaves, etc.) due to which we identify it to be a tree and by abstracting from the features that are not germane, the problem is how it could be possible to identify and select the 'tree-constituting' features if we do not have the concept of tree in the first place (22). After identifying the circularity problem Allison comes up with a solution to it, adopted from Longuenesse. Here I am not going to discuss all of the steps of his solution, but only state the conclusion he arrives at, since this is sufficient for understanding his interpretation of the activity of imagination in subsumption, namely, schematizing without a concept.

Allison suggests that identification or selection of the tree-constituting features for the sake of forming a concept of tree is not based on comparing impressions or images but rather on comparing "the patterns or rules governing the apprehension of these items, that is, their schemata" (25). Accordingly the concept of a tree is being formed by reflecting on what is common to schemata

and by abstracting from what is different in them (25). However, this merely makes the circularity problem take on a different form. While we first had the problem of explaining how it is possible to have a concept before acquiring it, now we seem to have the problem of explaining how it is possible to have a schema before acquiring it. However, "contrary to what initially seemed to be the case, one does not need already to have a schema in order to acquire it in the first place" (27). According to Allison, the person who has not seen a tree before does not have a basis for comparison which will result in the formation of the concept 'tree.' However, what she has is "the capacity to judge" (27). After seeing several similar objects, she begins to perceive similarities and differences between the objects, and this entails the formation of a schema of a tree as a rule governing apprehension (27). Therefore, having a schema or a concept is not required for acquiring a schema. However, this schema is a necessary condition for the comparison which results in the formation of empirical concepts (171). Thus, schematization is possible without a concept and this kind of schematization is necessary for empirical concept formation. In other words, "if the imagination could not 'schematize without a concept,' it could not schematize at all" (171). What is important for us is that Allison suggests that we understand the activity of the imagination in the aesthetic subsumption in a way similar to the activity of the imagination in empirical concept formation, namely, as schematizing without a concept.

After discussing the activity of the imagination as schematizing without a concept, Allison wants to emphasize the difference between the schematization

involved in taste and that involved in cognition in order to clarify what is taking place in aesthetic subsumption.[25] Allison claims that the kind of schematization required for taste differs from the schematization required for cognition since the former yields an "exhibition of the form of a concept in general (but not any concept in particular)" whereas the latter issues in the exhibition of a determinate concept (171). Allison interprets these two different kinds of schematization as a proof for the claim that "taste requires something more than the mere subsumability that suffices for cognition" (171). In the case of cognition the imagination only provides the understanding with the exhibition of a determinate concept. In the case of taste the imagination stimulates the understanding without yielding an exhibition of a determinate concept. Therefore, what happens in aesthetic subsumption is this: while the imagination stimulates the understanding "by occasioning it to entertain fresh conceptual possibilities... the imagination, under the general direction of the understanding, strives to conceive new patterns

[25] One of the other reasons for Allison's emphasis on the difference between these two kinds of schematization is that he wants to avoid the problem of reducing the judgment of taste to cognitive judgments and thereby the problem of 'everything is beautiful.' The problem is this: If Kant's deduction of taste "proves anything at all, it proves too much, namely, that every object must be judged beautiful" (Allison 2001, 184). In other words, if the deduction is carried out through identification of the free play with the subjective necessary condition of cognition and if this condition is sufficient enough to make a judgment of taste, then all cognitive judgments can be judgments of beauty. Therefore, all objects of cognition can be called beautiful. This is a serious problem since it constitutes a threat against the autonomy of the judgment of taste by reducing it to cognitive judgments. Allison wants to avoid the problem by arguing that taste requires something more than what is required in cognition due to the difference of the required schematization. For a detailed discussion of the problem and his solution to it, see Henry E. Allison, *Kant's Theory of Taste* (Cambridge: Cambridge University Press, 2001), 184-192.
The problem is also discussed, in particular, by Paul Guyer, *Kant and the Claims of Taste* (Cambridge: Cambridge University Press, 1997), Ralf Meerbote, "Reflection on Beauty," in *Essays in Kant's Aesthetics*, ed. Ted Cohen and Paul Guyer (Chicago: University of Chicago Press, 1980), 55–86, Donald Crawford, *Kant's Aesthetic Theory* (Madison: University of Wisconsin Press, 1974), and R. K. Elliot, "The Unity of Kant's 'Critique of Aesthetic Judgement'," *British Journal of Aesthetics* 8.3 (1968): 244-59. For a recent formulation of the problem, see Miles Rind, "Can Kant's Deduction of Judgments of Taste be Saved?," *Archiv für Geschichte der Philosophie* 84 (2002): 20-45.

of order" (171). According to Allison, this mutual activity of the understanding and the imagination is immediately felt as pleasure and, on the basis of this pleasure, the object occasioning the mutual activity is called beautiful. In accordance with the articulation of the mutual activity of the faculties in subsumption language, the a priori principle of taste is characterized as "the principle of subsumption, not of intuitions under concepts (which would make it objective), 'but, rather, one of the faculty of intuitions or exhibitions (i.e., the imagination) under the faculty of concepts (i.e., the understanding) insofar as the imagination in its freedom harmonizes with the understanding in its lawfulness'" (5: 287; as cited in Allison 2001, 171).

On the basis of this articulation, the first step of the deduction is completed. The first step was to distinguish the principle of subjective purposiveness as the principle of taste and doing it through connecting the judgment of taste and the principle through the condition which is both underlying the former and grounded in the latter. Therefore, by identifying the mutual activity of the faculties in the free play as the subjective condition for the possibility of judgments of taste and regarding it as being grounded in the principle of subsumption, Allison completes the first step of the deduction.

III.1.1.2. Allison's second step of the deduction

After explicating the first step of the deduction, Allison moves on to the second step, namely, providing the principle of taste with a transcendental grounding. §38 consists of three sentences. Allison interprets these three

sentences as corresponding to three distinct steps of the argument concerning the justification of the principle of taste, which he interprets to be the second step of the deduction.

The first sentence of §38 claims:

> If it is granted in a pure judgment of taste our liking for the object is connected with the mere judging of its form, then this liking is nothing but its subjective purposiveness for judgment, which we sense as connected in the mind with the representation of the object (5: 289-290; as cited in Allison 2001, 175).

This first sentence which is taken to be the first step of the argument in §38 is interpreted by Allison to be a repetition of the result of the Third Moment of the Analytic of the Beautiful. "[I]t provides the bridge linking the liking (or disliking) demanded of others in a pure judgment of taste to the subjective conditions of judgment" (175).

The second step consists of two substeps. Allison argues that the first substep is the articulation of the statement that what is going to be legitimated in the deduction is the principle of taste itself. He interprets the first part of the second sentence of §38, which is

> the power of judgment in regard to the formal rules of judging, without any matter (neither sensation nor concept), can be directed only to the subjective conditions of the use of the power of judgment in general (which is restricted neither to the particular kind of sense nor to a particular concept of understanding) (5: 290),

as "we must look to the 'subjective conditions of the employment of the faculty of judgment as such' in order to locate this principle" required for the judgment of aesthetic form (175-176). Furthermore, since Allison has interpreted §35 as establishing the connection between judgments of taste and the principle of taste

through the mediation of the subjective condition of taste, he thinks that he can legitimately substitute 'the subjective conditions of the use of the power of judgment in general' with 'the principle of taste.' From this, he concludes that "what the first substep really does is to make it explicit that it is this very principle that is to be legitimated" (176).

As we have seen, according to Allison, the first part of the sentence corresponds to the first substep, namely, the assertion that the deduction will legitimate the principle of taste. Likewise, he argues that the second part of the sentence, which is

> … and hence to that subjective factor [*dasjenige Subjective*] that can be presupposed in all men (as is required for possible cognition in general), so it must be allowable to assume that the agreement of a representation with these conditions of judgment is valid for everyone *a priori* (5: 290; as cited in Allison 2001, 175),

constitutes the second substep. This substep comprises the legitimation or deduction of the principle of taste (176). The deduction is this: We can legitimately presuppose that 'the subjective conditions of the use of the power of judgment in general' are shared by everyone because they are also required for cognition in general. This implies that we can safely presuppose that the correspondence of a representation with these subjective conditions, namely, the subjective purposiveness of the representation for judgment, is valid for everyone (176).

However, how can this deduction be the deduction of the principle of judgment? As we have seen in the previous section, Allison has shown in his interpretation of §35 that "the faculty of judgment itself (in the form of the

conditions of its successful operation) provides the sought-for subjective principle" (177). In other words, he has shown that the principle of taste is equivalent to the subjective conditions. On the basis of this, Allison concludes that since the subjective conditions are shown to be universally valid on the grounds that they are also conditions of cognition, and that they are equivalent to the principle of taste, "the 'deduction' of §38 then affirms the universal validity of this *principle* of taste on the grounds that it is also a condition of cognition" (177).

The third and last step of the deduction corresponds to the last sentence of §38 which claims "that is to say, the pleasure or subjective purposiveness of a representation for the relation of the cognitive faculties engaged in the judgment of a sensible object in general can with right be required of everyone" (5: 290; as cited in Allison 2001, 175). What the last step does is to extend the claim to universal validity from the correspondence between the representation with the subjective conditions of judgment to the pleasure through which this correspondence is felt (176). However, as Allison mentions at the beginning it is not possible to determine whether a judgment is pure or not with exactitude, the deduction does not concern any particular judgment of taste, and in the same way, any particular aesthetic pleasure. Rather, the pleasure corresponds to "a feeling directed to the conformity of given representations with these same conditions" required for both aesthetic judgment and cognition (177). Allison regards this third step as "necessary to ground the right to demand agreement, which is what has been at issue all along" (176). However, it is hard to see why this last step is that crucial. At the beginning, Allison tells us that to show both that judgments of

taste rest on an a priori principle capable of warranting them and that this principle is transcendentally grounded, is sufficient to justify their claim to universal necessary validity. Since he equated the subjective conditions with the principle of taste and showed the universality of the latter on the basis of the necessary role of the former in cognition, he should already have shown that the principle is transcendentally grounded, and thereby that the justification of judgments of taste is secured. Thus, the question is whether the third step is necessary for the deduction or not.

Later in a response directed to Guyer, Allison summarizes his reconstruction of the deduction in his book. This summary helps us to appreciate the importance of the third step for the deduction. He says that the deduction shows that "the principle of judging aesthetically on the basis of conformity to the subjective conditions of judgment is valid for everyone" (2006, 133). He adds that this deduction "requires little more than the reminder that these conditions, as conditions of cognition, can be presupposed in all human beings" (2006, 133). What is required more is what I call 'universally valid liking.' In other words, "the felt free conformity of the representation of an object to the subjective conditions of cognition constitutes a compelling, universally valid 'reason' to like an object apart from any interest" (2006, 134). What makes this 'reason' compelling and universally valid is the fact that "the subjective conditions of cognition hold for the entire universe of cognizers" (2006, 134). Accordingly, what one asks from others when she makes a judgment of taste is the agreement with "the normative principle that *if* my liking for an object is, in fact, based on

these grounds, you *ought* to like it also, and that your failure to do so must be ascribed to a deficiency of taste" (2006, 134). This constitutes the conclusion of the deduction. These later reflections of Allison about how the deduction is constructed and concluded are insightful because in light of them we can make sense of the necessity of the third step of the deduction for the general argument.

Since, by showing the relevance of the third step of the deduction I have concluded my summary of Allison's reconstruction of the deduction, we can now move on to discuss the problems with his account, namely, the problem that Allison only provides the deduction of the universality of judgments of taste but not of their necessity and the problem that even if he deduces some kind of necessity it can only be theoretical necessity not exemplary necessity.

III.1.2. The problem with Allison's reconstruction of the deduction

In order to see how this problem manifests itself in Allison's account I think it would be useful to recapitulate his reconstruction of the deduction in the first place. As we have seen Allison's reconstruction of the deduction can be summarized as follows: (1) the deduction comprises the justification of the two peculiarities of judgments of taste, namely, the justification of subjective universality and subjective necessity; (2) this justification is equivalent to the demonstration of how these judgments which carry these peculiarities are possible (Allison 2001, 165); (3) the way to show how judgments which carry these peculiarities are possible is to show that they rest on an a priori principle capable of warranting them and that this principle is transcendentally grounded (165); (4)

they rest on an a priori principle: (4a) the question of the possibility of judgments of taste is equivalent to the question of the possibility of a purely aesthetic (nonconceptual) subsumption (169); (4b) this aesthetic subsumption is possible under the subjective formal condition of judgments of taste (169; (4c) the subjective formal condition is another formulation of the principle of taste (177); (4d) the judgments of taste which carry the two peculiarities rest on an a priori principle of taste; (5) the principle of taste is transcendentally grounded: (5a) the subjective condition is shared by everyone since it is also required for cognition; (5b) this implies that we can safely presuppose that the correspondence of a representation with these subjective conditions is valid for everyone (176); (5c) (from 4c and 5a) the universal validity of the principle of taste is affirmed on the grounds that it is also a condition of cognition, i.e., the principle of taste is transcendentally grounded (177); (6) because the correspondence is universally valid so is the pleasure through which this correspondence is felt; (7) (from 3, 4 and 5) the judgments which carry the two peculiarities are possible; (8) (from 2 and 7) the claim of judgments of taste to universal necessary validity is justified.

I argue that this deduction can demonstrate, at most, the universality of judgments of taste and cannot provide the justification of the necessity of them. First of all, even though Allison starts his argument by accepting that there are two peculiarities of judgments of taste, which are going to be justified in the deduction, he ends his argument with only the justification of the claim to universality. The necessity seems to have dropped out. He claims that the principle, or the subjective condition is universally valid (5a and 5b). He does not

say that either of them is necessary. Even if we try to defend Allison by arguing that the establishment of universality is enough to justify the necessity, our defense fails immediately because Kant rules out the possibility of deriving the necessity, namely, exemplary necessity, from universality. He says explicitly in §18 that the necessity cannot "be inferred from the universality of experience" (5: 237).

One could try to defend Allison's account by arguing that since the judgments are grounded in the a priori principle of taste and the principle itself is deduced we can infer from this that both the universality and the necessity of the judgments are deduced as well. This indirect deduction of the universality and the necessity cannot work for two reasons. Even though you can safely state that the universality and the necessity are grounded in the principle, this statement would be tantamount to arguing that the judgments are universal and necessary because the principle grounding them is universal and necessary in the same sense. However, what Allison has deduced is the universality of the principle, not the necessity of it. As we have seen, Allison has deduced the universal validity of the principle from the shared cognitive equipment or the conditions for the use of the power of judgment (5a). Furthermore, in section I.2.3, I have shown that if the universality is deduced from the shared cognitive equipment or subjective conditions of cognition, it seems reasonable to say that the universality claim amounts to a claim about what other people *are able to / can* do because they all have the required equipment. Therefore, what Allison provides in his deduction is a justification of our expectation that everyone *can* share the same pleasure we

have in the object. In other words, he has only deduced the universality of the principle of taste. In order to deduce the necessity of the principle Allison should have provided the justification of our expectation that everyone *ought* to agree with our judgment of taste *as if* it were a duty, since as I have shown in sections II.3 and II.4, the necessity claim concerns what other people *ought* to do. Since the articulation of shared cognitive equipment grounds the claim that everyone *can* share the pleasure, an attempt to justify the ought claim on basis of the shared cognitive equipment would be equivalent to deriving 'ought' from 'can.' Therefore, in order to justify the necessity of the principle of taste in §38 Allison would have to prove that 'can' implies 'ought' in this instance. However, even though 'ought' implies 'can,' 'can' does not imply 'ought.' Therefore, since the only way to justify the claim of judgments of taste to necessity in §38 would be tantamount to disregarding one of the important features of normativity in general, it is obvious that Allison fails to accommodate the justification of necessity in §38. This means that a further deduction of the claim to necessity is needed.

Second, even if we assume that he has justified some kind of necessity of the principle or of judgments of taste it cannot be the necessity which is at stake here, namely, exemplary necessity, but at most it can be theoretical objective necessity. If you claim that the claim of judgments of taste to necessity is justified because they are based on a transcendentally grounded a priori principle it means that this necessity can be "cognized a priori" due to the principle. This necessity will be "theoretical objective necessity, where it can be cognized a priori that

everyone will feel this satisfaction in the object called beautiful by me," but not the exemplary necessity, "i.e., a necessity of the assent of all to a judgment that is regarded as an example of a universal rule that one cannot produce" (5: 237). Therefore, I conclude that in Allison's reconstruction of the deduction, what has been justified is the universal validity and not the necessity. Allison has shown only what is necessary for a successful deduction, namely, the justification of claim to universality, but has failed to show what is sufficient for it, namely, the justification of the claim to both universality and necessity.

III.2. Some remarks

With the discussion of Allison's reconstruction of the deduction, I wanted to show that whatever line of interpretation you take, if you secure the deduction on the grounds of an articulation of shared cognitive equipment or subjective conditions on which judgments of taste are based, you cannot escape from the conclusion that §38 can provide only the deduction of the universality claim but not that of the necessity claim. Because the discussion of Allison's reconstruction of the deduction is enough to support my thesis and I agree with Allison that the argument of §38 is based on the postulation of shared subjective conditions for the use of the power of judgment, I am not going to provide an alternative interpretation of §38. However, I want to make some additional comments on the deduction of the universality of judgments of taste before we move to the second step of the deduction.

First of all, I think that this reconstruction of the deduction meets the first constraint on it, namely, the 'as if' objectivity constraint imposed by the universality of judgments of taste. As I discussed in sections I.2.3 and II.4, according to the first peculiarity, when we make a judgment of taste we expect everyone to agree with our judgment of taste in a similar way that we expect everyone to agree with our logical judgment. There, in my discussion of Guyer, I concluded that, in accordance with this constraint, the deduction of the universal validity of judgments of taste must show how we can make a presupposition about people, which is as strong as any claim we ever make in claiming the intersubjectivity of a logical judgment. I think that this deduction in §38 meets this constraint through basing the justification of universality on the shared subjective condition. Since this subjective condition is depicted as a condition for both judgments of taste and logical judgments, this explains why the expectation in judgments of taste is as strong as the expectation we have in logical judgments. However, as I have mentioned before, the constraint does not concern the objectivity of judgments of taste but rather their 'as if' objectivity. This means that even though our expectation of universal agreement in a judgment of taste is as strong as that in a logical judgment, they are not same. We cannot talk about objectivity in judgments of taste because they are not based on determinate concepts. Therefore, although the force of the expectation is the same in judgments of taste and logical judgments, it is based on intersubjective grounds in the former while it is based on objective grounds in the latter. In this sense, the

deduction of judgments of taste meets the 'as if' objectivity constraint as it is supposed to do.

The way I interpret the deduction in §38 differs from the view of other scholars who likewise argue that the deduction continues beyond §38, more specifically, from Elliot and Crawford.[26] Elliot and Crawford argue that the deduction continues beyond §38 and is concluded in §59. I also argue that the deduction continues; however, unlike them, I claim, in the next chapter, that it is concluded in §42. The most important difference between our accounts concerns the reasons we provide for why we think that the deduction continues. According to Elliot and Crawford, it is continuing because the deduction of the universality of judgments of taste has not been provided yet. Conversely, I showed that §38 contains the justification of the claim of judgments of taste to universal validity. The deduction, in my view, continues beyond §38 because Kant has not yet, by that point, provided the justification of the claim of judgments of taste to necessity.

[26] See R. K. Elliot, "The Unity of Kant's 'Critique of Aesthetic Judgement'," *British Journal of Aesthetics* 8.3 (1968): 244-59, and Donald Crawford, *Kant's Aesthetic Theory* (Madison: University of Wisconsin Press, 1974).

Chapter IV

The Second Step of the Deduction:

The Justification of the Claim to Necessity

In this chapter I examine the second step of the deduction, namely, the justification of the claim of judgments of taste to necessity, which, I argue, takes place between §39-42. That it should occur here rather than in §38 is clearly suggested by the way Kant ends §40:

> [i]f one could assume that the mere universal communicability of his feeling must in itself already involve an interest for us (which, however, one is not justified in inferring from the constitution of a merely reflective power of judgment), then one would be able to explain how it is that the feeling in the judgment of taste is expected of everyone as if it were a duty (5: 296).

At this point, therefore, the claim to necessity – that we not only expect everybody to be *able* to share our pleasure in the beautiful but indeed think that everybody *ought* to do so, as if it were a duty – still remains to be justified. And the strategy for justification is prescribed: we have to show that the universal assent to a judgment of taste carries an interest with it.

This interest constitutes the normative ground that the necessity of judgments of taste rests on. I claim that this ground consists in the 'intellectual interest' that arises immediately when the mind reflects on the beauty of nature, as Kant explains in §42. I will assert that because this interest is depicted as the

ground of the linkage between the sensory pleasure and moral feeling it can justify the claim of judgments of taste to normative necessity.

The idea of grounding the necessity of judgments of taste in an interest appears counterintuitive at first glance because Kant characterizes taste as "the faculty for judging an object or a kind of representation through a satisfaction or dissatisfaction without any interest" (5: 211). In the first section of the present chapter I will briefly explain Kant's position that the judgments of taste are neither grounded on nor produce an interest (5: 300). Following this, I will show how an interest can be combined with judgments of taste unproblematically. This will bring us to the discussion of what kind of interest can be combined with judgments of taste in order to maintain the transition from the sensory pleasure to moral feeling and ground the necessity of judgments of taste. Kant rejects the suggestion that this interest can be empirical and argues that it can only be an intellectual interest. I then show how the deduction of the necessity of judgments of taste is provided on the basis of this interest. Lastly, I will consider some objections that can be raised against my account, and provide answers to them.

IV.1. Disinterested feeling of pleasure and the interest in the beautiful

In the First Moment of the Analytic of the Beautiful, Kant asserts that the feeling of pleasure in the beautiful is disinterested. In order to explicate this claim, we need to clarify what Kant means by interest and interested pleasure. Kant defines interest in the CJ as "the satisfaction that we combine with the representation of the existence of an object" (5: 204). In other words, to take an interest in something is tantamount to willing something and having a satisfaction

in the existence of that thing (5: 208). This connection between interest and existence is established on the basis of Kant's idea that satisfaction in the existence of something "always has at the same time a relation to the faculty of desire, either as its determining ground or else as necessarily interconnected with its determining ground" (5: 204).

There are two kinds of pleasure, which are directly combined with interest due to their relation to the faculty of desire (5: 209). One is the feeling of pleasure in the good and the other is the feeling of pleasure in the agreeable (5: 209). The pleasure in both of these cases is "determined not merely through the representation of the object but at the same time through the represented connection of the subject with the existence of the object" (5: 209). The good can please us in two ways; either as means or for itself (5: 207). We have a satisfaction in the good either because it is useful or because it is morally good. In either case, for me to consider something as good, I must already have a concept of it to determine what sort of thing the object is supposed to be (5: 207). For instance, in the case of pleasure in the morally good, we already have its concept and therefore the pleasure we have in it is already determined by the faculty of desire. Put otherwise, the desire for the morally good precedes the pleasure in it and gives rise to a satisfaction in its existence (Allison 2001, 91). We will the morally good, and because of this we have a satisfaction in its existence and thereby we have an intellectual interest in it. In this sense, the pleasure in the good is directly combined with interest because the good gives rise to an interest by itself.

In the case of the (pathological) pleasure in the agreeable, because the faculty of desire is necessarily connected with the determining ground of the pleasure, this pleasure is already based on an interest. As Kant says,

> [T]hat my judgment about an object by which I declare it agreeable expresses an interest in it is already clear from the fact that through sensation it excites a desire for objects of the same sort, hence the satisfaction presupposes not the mere judgment about it but the relation of its existence to my state insofar as it is affected by such an object (5: 207).

What Kant wants to say is that when we are judging we are judging on the basis of the interest. At first sight, this sounds rather absurd since it presupposes that we need to have a prior pleasure in the existence of something which is agreeable before encountering it in experience. I think that this way of looking at the case is rather misleading. Kant thinks that human beings have a natural inclination towards what pleases. Therefore, we have an interest in the agreeable in a general sense which does not pick out this or that particular agreeable object prior to experiencing this or that agreeable thing. In this sense, our general desire or interest for agreeable things serves as the ground of our judgment concerning the agreeable.

To summarize, in the case of both the pleasure in the good and the pleasure in the agreeable, the pleasure is directly combined with the pleasure in the existence of the object, and thereby combined with interest, either intellectual or pathological, because the pleasure is related to the faculty of desire. Setting the terminology in this way, we can appreciate Kant's claim that "the satisfaction that determines the judgment of taste is without any interest" (5: 204). First,

judgments of taste are not grounded on any interest, unlike the judgments of the agreeable. In a judgment of taste the feeling of pleasure is disinterested because while judging the object beautiful (while reflecting on a representation of an object) we are indifferent with regard to the existence of the object (of this representation) (5: 205). Second, a "judgment of taste does not in itself even ground any interest" (5: 205). Put otherwise, the feeling of pleasure in the beautiful *by itself* does not produce or give rise to a further pleasure in the existence of the object, namely, to an interest in the object, unlike the case of moral judgments.

Given Kant's claim that the feeling of pleasure in the beautiful is disinterested it is hard to make sense of his later claim in §41 that judgments of taste are combined with interest. Contrary to how it seems, the introduction of interest does not contradict the previous claim made in the First Moment. In §41 Kant does not claim that the judgment of taste is based on any interest. Nevertheless, he claims that it gives rise to an interest. Only this claim seems to contradict the First Moment. However, Kant never really denies that a judgment of taste can give rise to an interest in the First Moment. He rejects only that it can do that *by itself*. What Kant argues in §41 is that disinterested judgments of taste can be combined with an interest not by themselves but indirectly (5: 296). In this sense, the interest does not intervene in judging, and therefore does not determine the judgment of taste, but is combined with the pure judgment of taste after it is established. Therefore, if the combination is indirect, it is possible to connect the pleasure in the beautiful and the pleasure in its existence.

When Kant maintains that this combination must be indirect he means that taste, which is "the faculty for judging *a priori* the communicability of the feelings that are combined with a given representation (without the mediation of a concept)," "must first of all be represented as combined with something else in order to be able to connect with the satisfaction of mere reflection on an object a further **pleasure in** its **existence**" (5: 296). In other words, the connection between the disinterested pleasure in the beautiful

> expressed in a judgment of taste and an interested pleasure in the *existence* of the object deemed beautiful must be mediated by 'something else' (a 'third thing,' if you will), which, if it is to account for an interest in the beautiful, presumably must itself be (or involve) an interest (Allison 2001, 222).

Kant has two candidates for the mediating factor. It can be either "something empirical, namely, an inclination that is characteristic of human nature, or something intellectual, as a property of the will of being determinable *a priori* through reason" (5: 296). What qualifies them to be good candidates is the fact that they both contain a pleasure in the existence of an object, and because of that they can ground the interest in the beautiful.

The interesting thing about these two candidates is that, depending on which candidate you choose as the mediator, it will determine what kind of an interest is attached to judgments of taste. If the mediating factor is empirical so is the interest; and if it is intellectual, the interest will be intellectual as well. In the following section we will see what kind of interest is attached to judgments of taste. In doing so we will see which of the two interests can ground the transition from sensuous pleasure to moral feeling and thereby the necessity of judgments of

taste.

IV.2. The empirical interest in the beautiful

Prior to starting his discussion concerning the interest attached to the judgments of taste, Kant states at the end of §40 that

> [i]f one could assume that the mere universal communicability of his feeling must in itself already involve an interest for us (which, however, one is not justified in inferring from the constitution of a merely reflective power of judgment), then one would be able to explain how it is that the feeling in the judgment of taste is expected of everyone as if it were a duty (5: 296).

This statement implies two things. First, as Allison argues, it implies that "Kant is concerned to ground a necessary connection between some still-unspecified interest and the disinterested pleasure of taste" (222). Put otherwise, "this necessary connection must be between the pleasure of taste and a further pleasure in the existence of objects deemed beautiful" (222). Second, it indicates that Kant wants to entertain the idea that the empirical interest might be the ground of the necessity of judgments of taste, since, as we will see, the empirical interest is involved in the universal communicability of the feeling of pleasure.

In entertaining the idea that the interest is empirical, Kant proposes that the mediator of the connection between the pleasure in the beautiful and the pleasure in its existence might be an inclination inherent in human nature, viz. our sociability. Therefore, he searches for an interest in the beautiful, which can be regarded as a characteristic of human nature. He claims that if it is admitted that "the drive to society" is natural to human beings and that sociability, namely, "the

suitability and the tendency" toward society, is "necessary for human beings," we can define empirical interest as an inclination to communicate our feeling of pleasure to others in society (5: 297). Furthermore, we can argue that the empirical interest is combined with taste. In this sense, taste can "also be regarded as a faculty for judging everything by means of which one can communicate even his **feeling** to everyone else, and hence as a means for promoting what is demanded by an inclination natural to everyone" (5: 297). Moreover, the person in society not only has this inclination to communicate her feeling of pleasure but also "expects and requires of everyone else a regard to universal communication, as if from an original contract dictated by humanity itself" (5: 297). In other words, the empirical interest is involved in the universal communicability of the feeling of pleasure.

So far, it looks as if the empirical interest is a good candidate for the interest in question since it does not only involve pleasure in the existence of an object but is also attached to a judgment of taste indirectly. However, Kant raises the bar by arguing that even though the interest in question is indirect it should be "related to the judgment of taste *a priori*" (5: 297). Empirical interest fails to meet this condition. If we took the empirical interest to be the interest in question then it would only be related to the judgment of taste *a posteriori*. Given the definition of the empirical interest, "the beautiful interests empirically only in **society**" (5: 296), a person will have the inclination to communicate his feelings to others insofar as he is a member of society, "not merely a human being but also, in his own way a refined human being" (5: 297). In this sense, it is possible to argue

that the empirical interest in the beautiful develops and is being learned in society and thereby attached to our judgment *a posteriori*. That's why Kant says that

> …this interest, attached to the beautiful indirectly, through an inclination to society, and thus empirical, is of no importance for us here, for we must find that importance only in what may be related to the judgment of taste *a priori*, even if only indirectly (5: 297).

What is of importance for the deduction of the necessity of judgments of taste is the interest which is attached to judgments of taste *a priori* because only by the introduction of such an interest would

> …taste … reveal in our faculty for judging a transition from sensory enjoyment to moral feeling; and not only would one thereby be better guided in the purposive employment of taste, but also a mediating link in the chain of human faculties *a priori*, on which all legislation must depend, would thereby be exhibited as such (5: 297-298).

If we show that taste is a faculty for judging the link between sensory enjoyment and moral feeling, we will be able to justify how it is possible that one who makes a judgment of taste expects everyone to agree with her *as if* it were a duty and that there is a necessary relationship between the form of the object and the feeling of pleasure. Therefore, the justification of the link between the sensory enjoyment and moral feeling with respect to articulation of an interest attached to judgments of taste a priori constitutes the second step of the deduction, namely, the justification of claim of judgments of taste to necessity. Since it is already shown that the empirical interest can only be attached to judgments of taste a posteriori, it cannot justify the link between the sensory enjoyment and moral feeling. Furthermore, because the empirical interest "indulges in inclination," it is mixed

with other kinds of inclinations and passions in the society (5: 298). If the interest in the beautiful is grounded on these mixed inclinations and passions of society, namely, on something which is merely subjective, it can "afford only a very ambiguous transition from the agreeable to the good," not "a transition from sensory enjoyment to moral feeling" that we want to achieve for the deduction of the claim of judgments of taste to necessity (5: 298). In this sense he dismisses his previous suggestion that the interest in the universal communicability of feeling of pleasure can ground our expectation that everyone ought to share one's feeling in a judgment of taste as if it were a duty.[27] Since it is established that the empirical interest cannot fulfill the role of justifying the necessity claim, the other candidate, the intellectual interest, has to be considered.

IV.3. The intellectual interest in the beautiful

The other candidate Kant has in mind for justifying the necessity claim is the intellectual interest. He begins his discussion as to whether the intellectual interest is the interest in question by alluding to the dispute between the proponents of the Enlightenment belief that to take an interest in the beautiful in general is a sign of morally good character and the proponents of the Rousseauian belief that "virtuosi of taste" are usually the people who can lay claim to "the merit of devotion to moral principles" less than anyone else because of their

[27] Allison makes a similar conclusion to mine in *Kant's Theory of Taste* (Cambridge: Cambridge University Press, 2001), 224-225. He states that the empirical interest "lacks both the necessity and universality that is required to ground a duty, or even, as it turns out in this case, a mere duty, as it were" (225).

inclination to corrupting passions (5: 298).[28] At first, Kant seems to be agreeing with the Rousseauian take on the issue. In fact, he partially does agree with them. More specifically, Kant agrees with their idea that "the feeling for the beautiful is… specifically different from the moral feeling" (5: 298). Furthermore, he admits that the interest in the beautiful can be united with moral interest only with difficulty (5: 298). However, this is only the case with respect to the beautiful in art but not with respect to the beautiful in nature. Kant distances himself from Rousseauians insofar as he claims that

> to take an **immediate interest** in the beauty of **nature** (not merely to have taste in order to judge it) is always a mark of a good soul, and that if this interest is habitual, it at least indicates a disposition of the mind that is favorable to the moral feeling, if it is gladly combined with the **viewing of nature** (5: 298-299).

He keeps his distance from the adherents of the Enlightenment belief that it is the interest in beauty in general, both in artistic and in natural beauty, that signifies a predisposition to the morally good. Kant does so because he argues that when it comes to the interest in the beautiful in art we cannot find any "proof of a way of thinking that is devoted to the morally good or even merely inclined to it" (5: 298). Through positioning himself in this way with respect to the two sides of the dispute, he narrows down his scope to the interest in natural beauty.

The interest in the beautiful forms of nature is an immediate intellectual interest. In other words, when someone considers the beautiful form of a natural object "not only the form of its product but also its existence pleases him, even

[28] Henry E. Allison, *Kant's Theory of Taste* (Cambridge: Cambridge University Press, 2001), 227, and Anne Margaret Baxley, "The Practical Significance of Taste in Kant's Critique of Judgment: Love of Natural Beauty as a Mark of Moral Character," *Journal of Aesthetics & Art Criticism* 63.1 (Winter 2005): 35, talks about Kant's reference to this dispute.

though no sensory charm has a part in this and he does not combine any sort of end with it" (5: 299).[29] This immediate intellectual interest we have in the beautiful forms of nature is an interest only in the existence of the object, without any intention of achieving any end through it, and thus consists in nothing but the pleasure in the existence of the object.

How is it possible for this interest to attach to judgments of taste in the first place? Kant begins by outlining the similarities between judgments of taste and moral judgments and their corresponding capacities.[30] Both kinds of judgments are concerned with forms, i.e., judgments of taste are concerned with the forms of objects and moral judgments with the forms of practical maxims. Also, their corresponding faculties make the corresponding satisfactions (taste, in the case of judgments of taste, and moral feeling, in the case of moral judgments) into a law for everyone. This means that they are both universal. Furthermore, the corresponding faculties do so without these judgments being grounded on any interest. However, there are obvious differences between them. First, while the judgment of taste is not based on a determinate concept, the moral judgment is. Second, and more importantly in this context, the moral judgment gives rise to an interest by itself while the judgment of taste cannot.

After laying out the similarities and differences between judgments of taste and moral judgments, Kant describes what kind of an interest the moral

[29] That's also why the interest in beautiful art provides us with no proof to think that it is devoted to the morally good (5: 298). That is the case because it cannot interest us in itself but only through its end (5: 301).

[30] Anne Margaret Baxley, "The Practical Significance of Taste in Kant's Critique of Judgment: Love of Natural Beauty as a Mark of Moral Character," *Journal of Aesthetics & Art Criticism* 63.1 (Winter 2005): 37, talks about the parallels between judgments of taste and moral judgments and their corresponding capacities in a similar way that I do.

judgments give rise to by themselves. In the First Moment, as we have seen in the previous section, he explained what kind of an interest the moral judgments give rise to and how; but there he did not give a specific description of the intellectual interest. §42 provides this and characterizes the intellectual interest as the interest reason takes "that nature should at least show some trace or give a sign that it contains in itself some sort of ground for assuming a lawful correspondence of its products with our satisfaction that is independent of all interest" (5: 300). This is thus an interest that ultimately derives from our concerns as moral agents in the realization of the morally good (or, rather, the highest good). Since it is only reasonable for us to pursue the morally good if we have some assurance that what we are attempting is not impossible, we are interested in finding traces or hints in nature that indicate that nature is not hostile to such kind of realizations or is in harmony with our intellectual ends (cf. Förster 2003, 201). In other words, we are interested in nature's moral purposiveness.

After stating that reason has direct intellectual interest in nature's moral purposiveness, Kant asserts that "reason must take an interest in every manifestation in nature of a correspondence similar to this [correspondence of moral ends and natural conditions]; consequently the mind cannot reflect on the beauty of **nature** without finding itself at the same time to be interested in it" (5: 300). Natural beauty is one of these hints insofar as it displays, as Kant has argued in the Introduction (5: 189-193), a formal (aesthetic) purposiveness which is analogous to nature's moral purposiveness. Aesthetic purposiveness indicates that nature seems to organize itself as to be suitable to our cognitive faculties and

thereby please us. The only way in which we can comprehend that nature seems to be favoring us in this respect, Kant now claims, is by relating the "purposiveness without an end," displayed in natural beauty, to "the ultimate end of our existence, namely the moral vocation" (5: 301; cf. Allison 2001, 228). And because the aesthetic purposiveness of nature in its beautiful objects indicates moral purposiveness, the interest in natural beauty ultimately is a moral interest, "and he who takes such an interest in the beautiful in nature can do so only insofar as he has already firmly established his interest in the morally good" (5: 300). This claim implies that even though judgments of taste are disinterested, the subsequent intellectual interest indirectly attached to it "belongs only to those whose thinking is either already trained to the good or especially receptive to such training" (5: 301). Accordingly, having this interest in the beautiful forms of nature indicates a morally good character or disposition (5: 301). Therefore, the intellectual interest is attached to judgments of taste indirectly, mediated through our moral interest.

Given that the intellectual interest one has in beautiful objects is tantamount to the further pleasure one has in the existence of this object, by establishing that the intellectual interest is attached to judgments of taste, Kant has also shown that the pleasure of taste and the pleasure in the existence of objects deemed beautiful are immediately and necessarily connected.[31] Hence, since the former pleasure is sensuous and the latter is moral, through the connection of these two kinds of pleasures, Kant establishes the transition from sensory pleasure

[31] They are "immediately" connected because the connection does not depend on a concept; nevertheless, the interest arises only "indirectly" from the judgment of taste because it requires the addition of our moral interest.

to moral feeling. As I proposed before, on the basis of this combination of the intellectual interest and judgments of taste, Kant has provided the justification of the claim of judgments of taste to necessity. In the next paragraphs, I will explain how the deduction is carried out on that basis.

In section II.2.2, I stated that the deduction of the necessity of judgments of taste could be carried out only by determining the normative a priori ground of this necessity. I said that if we can show that the relationship between the form of an object and the universally shared feeling of pleasure rests on a priori normative grounds then we can justify the claim of judgments of taste to necessity and thereby show how it is possible for the person, who makes a judgment of taste, to expect that everyone ought to agree with her 'as if it were a duty.' We should remember that Kant placed some conditions on the ground of the necessity. The conditions are that the ground of the necessity is supposed to be normative and a priori and its validity does not allow any (empirical or a priori) proof (5: 281). In §42, Kant characterizes the intellectual interest as one "which we recognize *a priori* as a law valid for everyone, without being able to ground this on proofs" (5: 300). In this sense, the intellectual interest fulfills the conditions for being a ground for the necessity of judgments of taste. Hence, carrying out the second step of the deduction of the deduction on the basis of the intellectual interest meets the second constraint on the deduction, namely, the 'as if' mere subjectivity constraint imposed by the necessity of judgments of taste.

In this framework, the relationship between the form of an object and the universally shared feeling of pleasure is based on the intellectual interest in the

beautiful forms of nature. Because the pleasure in the reflection on the representation of the form of an object and the pleasure in the existence of the object are intimately and necessarily connected, we can argue that the pleasure is necessarily about the form of the object in which we immediately get interested. Since when we make a judgment of taste we are immediately getting interested in the beautiful forms of nature which represent aesthetic purposiveness and thereby indicate moral purposiveness, our judgment must be about the form of the object and the feeling of pleasure and the form of the object are necessarily connected. Furthermore, the feeling of pleasure is already universally valid (in the sense that everybody *can* share it). Therefore, the relationship between the form of an object and the universally shared feeling of pleasure rests on intellectual interest we have in the beautiful forms of nature and because of this, the relationship is necessary. Therefore, on the basis of the intellectual interest, the deduction of the exemplary necessity of the judgments of taste is provided.

In chapter II (especially sections II.2.1.2 and II.2.2) I made a point of emphasizing that the sense in which the necessity claim of judgments of taste is 'conditional' is that we assert that everybody ought to agree with us, given that everybody is able to do so, that everybody has the ability to share our feeling of pleasure. At the end of §40, in the text that I took to be the outline of the deduction of the necessity claim, Kant said that we have to show that the "mere universal communicability of… [our] feeling must in itself already involve an interest for us" (5: 296). What needed to be shown, therefore, was that we have an interest that everybody can share our feeling (understanding 'to communicate' in

the 18th-century sense of 'to share' or 'to transmit'). What §42 shows, however, is that we have an interest in the existence of beautiful objects. But it should be clear how the two interests are to be related even though Kant doesn't make this explicit. The interest in everybody sharing our pleasure can be effective only if everybody has not only the ability to feel what we feel but also the occasion. The existence of beautiful objects is this occasion: if they didn't exist, nobody would be able to exercise their capacity to feel pleasure in the contemplation of these objects. Since my universally valid (i.e., universally shareable) pleasure in the representation of an object is not supposed to be dependent on the existence of the object (imagining the object is enough), I can claim the necessary agreement of others only if the objects exist and are therefore accessible to everybody. Only then can I expect others to share my pleasure as if it were a duty. Hence my intellectual interest in the existence of such objects justifies my normative claim that others ought agree with me.

IV.4. Does the deduction really end here?

Someone can object to my interpretation of the deduction of judgments taste by arguing that the deduction presented here is limited only to natural beauty, and in this sense disregards artistic beauty. In §42, Kant claims that unlike the pure judgments of natural beauty, the judgments of artistic beauty are not combined with an immediate intellectual interest (5: 300). Because art is intentionally directed towards our pleasure, the pleasure in its product "would arouse only a mediate interest in the cause on which it is grounded, namely an art

that can interest only through its end and never in itself" (5: 300). Since judgments of artistic beauty cannot give rise to an immediate intellectual interest, the deduction provided in §42 does not concern the judgments of artistic beauty. Eckart Förster (2003) therefore argues that the deduction continues up to §59 which establishes the connection between taste and morality through arguing that beauty symbolizes morality.

Briefly, in §59 Kant argues that beauty is a symbol of morality because the way we reflect on beautiful objects is analogous (in relevant respects) with the way we reflect on morally good actions (5: 352-353). According to Förster, moral agents "ought to change existing nature in accordance with a moral idea, namely, the idea of the form of another world, in order to realize what ought to be the case in the empirical world" (2003, 203). Analogously, he argues that "the artist creates a second nature, by reshaping the physical world in accordance with non-empirical or aesthetic ideas" (203). Then he concludes that because in our reflection in moral and aesthetic cases a form is imposed on the physical realm in accordance with our moral or aesthetic ideas, "it is incumbent upon everyone to take an interest in artistic beauty as much as in natural beauty," and thus the demand to necessary universal agreement is justified in the case of artistic beauty (203). Therefore, for him, the deduction is concluded in §59. There are few reasons why I do not accept his interpretation.

First of all, it is not clear that Kant really intended to give a deduction of judgments about artistic beauty. In §30 he assures us that "[w]e shall … have to seek only the deduction of judgments of taste, i.e., of the judgments about the

beauty of things in nature, and by this means accomplish the task for the whole of the aesthetic power of judgment in its entirety" (5: 280). This indicates that §30-38 are concerned only with the pure judgments of natural beauty but not with those of artistic beauty. Furthermore, Kant seems to think that the deduction of these judgments about nature somehow implies the justification of judgments about art: "The judging of artistic beauty will subsequently have to be considered as a mere consequence of the same principles which ground the judgment of natural beauty" (20:251). Why he may have thought this, however, is not clear. In the Third Moment he distinguished 'pure' judgments of taste from 'impure' ones and it is generally believed that this distinction coincides with the further distinction of judgments about 'free' and 'adherent' beauty. The former "presuppose[s] no concept of what the object ought to be" while the latter do "presuppose such a concept and the perfection of the object in accordance with it" (5: 229). Artistic beauty thus would seem to fall under the concept of adherent beauty because we judge works of art according to how well the artist has accomplished her intention (e.g., of writing a tragedy). More generally, all intentionally produced objects would seem to be the subject of such impure judgments of taste. But Kant, confusingly, does allow free beauty in works of art and thus the distinction between artistic and natural beauty does not coincide with that between pure and impure judgments of taste. In §16, Kant gives the examples of "designs à *la grecque*" and "what are called in music fantasias" as free beauties (5: 229). So one could argue that since some of the artistic beauties are free beauties and thereby in judging them judgments of taste are pure, the deduction

should comprise the justification of the claim of such judgments to universal and necessary validity. But this would obviously not cover *all* beauty in art.

Although Kant's views on judgments about art are difficult to sort out, there is a more conclusive reason for why §59 cannot the justification of the judgment about art's claim to universal *and* necessary validity. As we have seen in section IV.3, in §42 Kant refers to an analogy between judgments of taste and moral judgments and establishes the analogy on the grounds of certain similarities between them. This analogy he uses again in §59 and one of the similarities between the ways we reflect on beauty and morality is that in both cases we make the claim to universality (5: 354). Therefore, only on the grounds that the judgment of taste's claim to universality is *already* established can they be regarded as analogous to judgments about morality (cf. Allison 2001, 222; Guyer 1993, 19). Thus the analogy cannot possibly justify the claim of judgments of taste to universality. In that sense, §59 cannot provide the deduction of the universality of judgments of artistic beauty due to the analogy between taste and morality.

In my view, §59 does not (and cannot) provide additional arguments concerning the deduction of judgments of taste. It simply repeats the claims that have already been made in the deduction which takes place between §30-42.

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