Disinterested Liking and Universality without Concepts

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Hannah Ginsborg

Introduction

The Analytic of the Beautiful aims primarily to articulate the features which are characteristic of judgments of beauty. It emerges from Kant's discussion that such judgments display a distinctive combination of features which is not shared by judgments of the agreeable, judgments of the good, or "logical" (that is, cognitive) judgments. Judgments of beauty are like judgments of the agreeable and judgments of the good, and unlike cognitive judgments, in that they have a necessary relation to feeling, in particular the feeling of pleasure. But they are unlike judgments of the agreeable in that they make a normatively necessary claim to universal agreement; and they are unlike judgments of the good in that the pleasure they involve does not depend on the application of a determinate concept to the object, or, more specifically, the recognition of the object as satisfying a particular purpose.

Judgments of beauty are not only distinctive; they are distinctive in a way which is, on the face of it, problematic. For each of the four moments of the Analytic ascribes to the judgment of beauty a pair of features which appear, again on the face of it, to stand in tension with each other. The judgment of beauty involves pleasure in the object, but a pleasure which is not based on any interest in, or desire for, the object; it claims universal validity, but without bringing the object under a concept; it represents the object as purposive without representing it as having any particular purpose; it claims necessity, yet without purporting to be objective. In

the case of each moment, the question arises of how the two features can coexist, and hence how a judgment with this combination of features is possible.

While Kant's characterization of the judgment of beauty is not complete until the end of the Analytic, the first two moments, and more specifically §§1-8, are sufficient to motivate the question of how judgments of beauty are possible. While the official answer to this question is given later, in the Deduction of Taste, Kant offers a first sketch of the solution at §9, which supposedly offers "the key to the critique of taste." The line of argument presented in §§1-8 and that offered at §9 are, accordingly, of a rather different character. In §§1-8 Kant establishes the features of judgments of beauty primarily by appeal to our ordinary intuitions on the circumstances under which we are prepared to claim that something is beautiful as opposed to agreeable or good. §9, on the other hand, offers a theoretical hypothesis for resolving the tensions revealed by that examination of our intuitions, a hypothesis whose acceptability is not supposed to be intuitively evident.

The discussion which follows is divided into three parts, The first deals with the first moment, §§1-5, the second with the initial three sections of the second moment, that is, §§6-8, and the third with §9. In each part I will give a brief sketch of Kant's line of thought in the relevant sections and then go on to discuss some of the interpretive and philosophical issues they raise.

§§1-5

Kant begins, in §1, with a contrast between judgments of beauty and cognitive judgments: to judge an object to be beautiful we relate our representation "not to the object for cognition," but rather "to the subject and its feeling of pleasure or displeasure." He illustrates the

contrast by appeal to two different ways in which we can have experience of a building. We can grasp the building cognitively, in which case we become aware of it as having such-and-such specific geometrical properties and as serving such-and-such purposes, or we can "become conscious of this representation with a sensation of liking [mit der Empfindung des Wohlgefallens]," in which case the representation is related "wholly to the subject, and indeed to its feeling of life, under the name of the feeling of pleasure or displeasure." Judgments that are based on the subject's feeling of pleasure or displeasure in representing an object are called "aesthetic": this use of the term is broader than the contemporary use because it includes all judgments based on pleasure or displeasure, including the judgments of the agreeable which Kant goes on to discuss in §3.

§2 now introduces an element which is specific to judgments of beauty in contrast to other "aesthetic" judgments: the liking or pleasure on which it is based is "without any interest" in the object. Kant offers two characterizations of the notion of interest: on one of them, a pleasure is disinterested if it is not connected with a representation of the object's "existence"; on the other, a pleasure is disinterested if it does not involve the faculty of desire. Kant points out by way of example that whether or not a palace is useful or morally defensible is irrelevant to the question of its beauty. In determining whether or not it is beautiful, all that matters is whether or not the "mere representation of the object is accompanied by liking [Wohlgefallen]." Here the contrast Kant aims to bring out is between the idea of the "mere representation" of the palace and that of the palace's existence. But the contrast can also be made out in terms of the independence of the pleasure in the palace from the belief that the palace is desirable. We can think such palaces undesirable from a moral point of view, or we can think that we would not enjoy living in one, and yet we can still feel pleasure in the palace's beauty.

The remainder of the first moment is concerned with the disinterested character of the pleasure in beauty that was introduced in §2, and with the contrast it engenders between two other species of judgments which involve pleasure, namely judgments of the agreeable and judgments of the good. §3 is officially concerned with judgments of the agreeable, but much of the section has the more general aim of dispelling two confusions regarding the notion of sensation [Empfindung]. The first is between a broad sense of "sensation" in which all pleasure can be called sensation, and a narrower sense applying only to the effect of an object on our sense-organs: this leads to a false assimilation of moral and aesthetic feeling (included under "sensation" in the broad sense) to purely sensory pleasure. The second is between "objective" sensation, for example the sensation of colour, which serves for cognition of an object, and for the "subjective" sensation of pleasure and displeasure which does not. Only at the end of the section does Kant get to his main point, which is that the judgment that something is agreeable, unlike a judgment of beauty, expresses an interest in it. This, he says, is clear from the fact that the object "arouses, through sensation, a desire for objects of the same kind."

§4 turns to judgments of the good. Pleasure in the good is also connected with an interest in the object, not because the object arouses desire through its effects on our senses, but because, in judging something to be good, we take it to be desirable: either as itself an end, or as a means to an end. In either case, our pleasure depends on our having brought it under a concept, in particular a concept of "what kind of thing it is supposed to be." This is not the case with the pleasure in beauty, which does not require that we bring the object under a concept: we can, for example, find beauty in a flower without having a concept of it (although, as Kant makes clear at §16, the absence of a concept is not required in order to feel pleasure in an object's beauty). It should be noted that while the nonconceptuality of judgments of beauty plays a prominent role in

the second moment, the point that Kant is making here is different. Here his point is primarily to argue that the pleasure is beauty is not based on recognizing the object to satisfy an end, and hence that, unlike pleasure in the good, it is disinterested. In the second moment the point applies to concepts more generally, not just to concepts of the object as an end or a means to an end, and is aimed at distinguishing judgments of beauty not from judgments of the good, but from cognitive judgments: the point is not that the pleasure as such does not rest on the application of a concept to the object, but that the judgment's claim to universal validity does not rest on the application of a concept.

Much of the remainder of §4 is concerned with the distinction between the agreeable and the good, which is incidental to the main line of argument. In §5 Kant goes into more detail about the special character of pleasure in the beautiful in contrast to that in the agreeable and the good. One new point worth noting here is the observation that beauty is valid only for human beings, not for nonrational animals, or for purely rational beings. Beauty in this respect contrasts both with agreeableness, which can be experienced by nonrational animals, and with the good, which is valid for all rational beings as such. A second point is that pleasure in the beautiful is unlike the other two kinds of pleasure in being "free," since it is not compelled by any interest, either of sense or of reason. One might be tempted here to suppose that this point is related to the "freedom" in the play of imagination and understanding which Kant introduces in the second moment. This, however -- and this remark is parallel to the remark I made at the end of the previous paragraph -- would be a mistake. Kant's concern in emphasizing the freedom of pleasure in the beautiful is to distinguish it from pleasure in the good and the agreeable, whereas in the second moment he is concerned with what distinguishes judgments of beauty from nonevaluative cognitive judgments, in which the activity of imagination is governed by concepts.

The most controversial issue relating to the first moment is that of whether Kant is entitled to his claim that pleasure in the beautiful is disinterested. First, it seems clear that we do have an interest in the objects we find beautiful, as is shown by our efforts to keep them in existence (art museums, the preservation of beautiful landscapes, and so on). Relatedly, Kant himself claims that we have both an "empirical" and an "intellectual" interest in the beautiful, in that it inclines us to sociability (§41) and to morality (§42). If the disinterestedness of pleasure in the beautiful for which Kant argues in §2 were a matter only of its not being *based* on an interest, then there would be no difficulty; but Kant also says in a footnote that judgments of the beautiful are not only not based on any interest, but "do not in themselves give rise to [begründen] any interest either" (§2: 205n.). A solution to the difficulty is offered by Allison. Kant's aim in the footnote is to distinguish judgments of beauty from moral judgments, whose nature depends on their giving rise to an interest; if moral judgments did not give rise to an interest, they would not be practical, that is, would not determine the will. He means to rule out, then, that judgments of beauty *intrinsically* give rise to an interest; this is compatible with their *incidentally* doing so (Allison 2001, 95-96).

A second and deeper difficulty regarding the disinterestedness of the pleasure in taste is that it seems to be incompatible with Kant's definition of pleasure as "the consciousness of a representation's causality directed at the subject's state so as to *maintain* him in that state" (§10, 220) . It is intrinsic to the nature of pleasure, on this definition, that it have a tendency to maintain itself in the subject, but how is this possible if the pleasure does not intrinsically involve a desire for, and hence an interest in, its own continuation? I take it that this difficulty is a manifestation of the tension between conflicting features which Kant aims to bring out in each of the four moments of the Analytic, and which generates the question of how judgments of

beauty are possible. On my view, the tension is resolved in the same way in which Kant resolves the tension between nonconceptuality and universality, that is, through the hypothesis proposed in §9 regarding the "key to the critique of taste" and the free play of imagination and understanding.

I mention briefly here three further points of controversy relating to these sections. The first bears on whether pleasure in the beautiful is "opaque" or nonintentional, as maintained in Guyer 1979, or whether it has intentional content, as maintained in Aquila 1982 and Allison 2001. The second is the question of whether Kant allows for negative judgments of beauty, whether judgments that something is not beautiful, or judgments that something is ugly. This question is extensively discussed in Allison 2001, who thinks it important to any interpretation of the Analytic that it accommodate aesthetic judgments based on displeasure; I present an opposing view in Ginsborg 2003. The third concerns the architectonic of the Analytic. Why does Kant choose to present the four moments under headings corresponding to the Table of Categories in the *Critique of Pure Reason*, that is, "quantity," "quality," "relation" and "modality"; and why, in so doing, does he reverse the order of the first two headings, beginning with "quality" rather than "quantity"? For recent discussion of this topic, see Allison 2001 and 2003, and Longuenesse 2003 and 2006.

§§6-8

The second moment, and more specifically §§6-8, argues that beauty is "that which pleases universally without a concept" (§9, 219) or, more precisely, that in judging an object to be beautiful a subject makes a claim to the universal validity of the pleasure that he or she feels in making the judgment, where that claim does not rest on the application of any concept to the

object about which the judgment is made. This conclusion presents in its clearest form the tension which motivates the question of how judgments of beauty are possible, and which finds expression in Kant's articulation of the task of the Deduction of taste: "how is a judgment possible which, merely on the basis of one's *own* feeling of pleasure in the object, independently of a concept of the object, judges this pleasure as one attaching to the representation of the object *in all other subjects*?" (§36, 288). §6 argues that the conclusion of the second moment is derivable from that of the first. If someone is conscious that his pleasure in an object is disinterested, then he must take it that his pleasure is not determined by any "private conditions" [Privatbedingungen] which distinguish him from other subjects; hence he must believe that he has a ground to "require [zumuten] a similar liking from everyone" (211).

In §1, as we saw, Kant contrasted judgments of beauty with cognitive judgments. In §6 he returns to the comparison with cognitive judgments to clarify the sense in which judgments of beauty make a claim to universal validity; in this respect judgments of beauty turn out to resemble cognitive judgments. Someone who makes a judgment of beauty "speaks as though beauty were a property [Beschaffenheit] of the object and as if the judgment were logical (namely a cognition of the object through concepts of it)" (211). Kant's point here can usefully be illustrated with an example presented in section VII of the Introduction. "A singular judgment of experience, e.g. from someone who perceives a movable drop of water in a rock crystal, rightly demands that anyone else should find it likewise... in just the same way someone who feels pleasure [of the kind involved in a judgment of beauty] rightly makes claim to everyone's agreement" (191). In §7 he offers an argument for this feature of the judgment of beauty which, unlike that presented in §6, is independent of the first moment. This argument draws on our intuitions about the contrast between judgments of beauty with judgments of the

agreeable. In the case of a judgment like "Canary wine is agreeable," the person making the judgment acknowledges that it is "confined to his own person"; such a judgment can be replaced with "Canary wine is agreeable *to me*." By contrast, Kant says, it would be ridiculous to qualify a judgment of beauty by saying that the object is beautiful "to me." Relatedly, we cannot criticize another person's judgment of the agreeable as incorrect if it differs from ours, whereas we can intelligibly criticize other people's judgments of beauty: there can be genuine dispute in the case of beauty, but not in the case of agreeableness.

The apparently opposed feature of judgments of beauty, namely their nonconceptuality and corresponding lack of objectivity, is defended in the penultimate paragraph of §8. Here Kant points out that there are no rules which can be invoked to compel assent to a judgment of beauty, and relatedly no reasons that can be given to defend such a judgment. The only legitimate basis for determining whether or not an object is beautiful is our own feeling in the perception of it: no one can "talk us into" a judgment on whether something is beautiful; rather, we have to "submit the object to our own eyes," as if our judgment, like a judgment of the agreeable, depended on sensation. (These points are spelled out later in more detail in §§31-32.) I note here by way of clarification that in denying that the universal validity of a judgment of beauty rests on the application of a concept to the object -- a point which, following other commentators, I am characterizing simply as the "nonconceptuality" of judgments of beauty -- Kant does not mean to deny that we do not apply concepts to the object we are judging to be beautiful. I can recognize that the object before me is a rose and still, in so doing, take it to be beautiful. Kant's point is just that I cannot invoke its being a rose to justify the claim that it ought to be taken to be beautiful.

Two further points made at §8 are worth noting. The first is that the "subjective" universality of judgments of beauty is to be contrasted with the "logical" universality belonging to judgments of the form "All S are P." In drawing this contrast, Kant makes clear that, while judgments of beauty proper are singular judgments based on the immediate perception of an object, there is also room in his view for a derivative kind of judgment of beauty, that is an "aesthetically grounded logical judgment," illustrated by the example "roses in general are beautiful" (see also §33: 285). The second is that someone who makes a judgment of beauty takes himself to speak with a "universal voice," a point which has often been taken by commentators as a reference to Rousseau's "general will."

One interpretative question which arises with respect to the second moment concerns the normative force of the claim to universal validity. Kant uses the terms *zumuten*, *ansinnen*, and *fordern* to describe the demand we make that others should agree with our judgment or share our pleasure, and in the fourth moment he characterizes this demand as a necessary one, saying that in a judgment of beauty we assert "not that everyone *will* [werden] agree with our judgment, but that everyone *ought to* [sollen] agree with it" (§22, 239). Guyer claims, however, that we should think of the claim not as a normative demand but as a kind of prediction, albeit one which makes reference to ideal or optimal circumstances of aesthetic response (1979, 146-147): we are predicting that if others are in ideal circumstances for appreciating beauty, then they will share our aesthetic response. Depending on how we spell out the notion of "ideal," of course, Guyer could be taken as simply restating Kant's normative point: we claim that everyone will share our pleasure in the object as long as they are responding to it as they ought, which, it might be said, is just to say that they ought to share our pleasure in it. But there is a deeper issue, namely, how seriously to take Kant's parallel between the claim to universal validity made by a judgment of

beauty with that made by a cognitive judgment. I am inclined to take it very seriously, and thus to take Kant to hold that in taking an object to be beautiful we demand agreement in just the same sense that we demand agreement for a judgment about an objective property like its shape. To the extent that we would resist spelling out that demand as a prediction about how everyone else will respond to the object, I would also resist Guyer's predictive interpretation of the normative demand made by a judgment of beauty.

The nonconceptuality of judgments of beauty has been challenged by Ameriks, who argues that it is consistent with an overall Kantian position on aesthetics that we take judgments of beauty to be both conceptual and objective (a similar position is defended by Kulenkampff 1990). If we are prepared to regard the judgments that the rose is fragrant, or that it is red, as applying the concepts of fragrance or redness to the rose and thus as ascribing objective features to it, why can't we take the judgment that the rose is beautiful as conceptual and objective in the same way (Ameriks 2003, 301)? It can be noted in support of Ameriks's position that the objectivity and conceptual character of judgments of beauty are not undermined by Kant's claim at §8 that there are no reasons by which someone can be "talked into" claiming that an object is beautiful, since the same can, on the face of it, be said about judgments of secondary qualities. Typically we do not make such judgments on the basis of rules or criteria, but rather, as in the case of a judgment of beauty, through an immediate perceptual response. Here, however, I would call attention to Kant's claim that to judge an object to be beautiful we must "submit it to our own eyes." I take it to be a crucial feature of judgments of beauty that we cannot take an object to be beautiful except by perceiving it *ourselves*. This undermines the comparison with judgments of secondary qualities, which can be asserted on the basis of *another person's* perception, that is, through testimony or hearsay. The nonconceptuality of judgments of beauty,

and relatedly their lack of objectivity, is thus a function of their dependence on the response of the actual person making the judgment, not of human perceptual response more generally (Ginsborg 1998).

A third point of controversy concerns the question of whether a judgment of beauty can be erroneous. Is it possible for someone's judgment of beauty to be based on a completely disinterested pleasure, but for her claim to the universal validity of that pleasure to be illegitimate with respect to the particular object she is judging? In the last sentence of §8 Kant seems explicitly to allow for the possibility of erroneous judgments of beauty. But as Cohen points out in his very influential 1981 article, some of the language earlier in the last paragraph of §8 hints at an alternative possibility, namely that a genuine judgment of beauty is always legitimate, and the only room for error lies in the possibility of being mistaken about whether one has in fact made such a judgment. While Cohen himself rejects this alternative, many commentators, including Allison (2001) accept it, holding that for Kant whatever uncertainty there is about the legitimacy of one's claim that an object is beautiful is uncertainty about whether one's pleasure is genuinely disinterested and hence that one has made a "pure" judgment of beauty as opposed to one which tacitly relies on one's perception of an object as agreeable or good. Part of the appeal of this alternative to the commentators who endorse it is that it allows for a parallel with Kant's account of morality. Just as we can never be certain that we have acted from duty alone, as opposed to having been moved by our inclinations, so we can never be certain that the pleasure in an object that leads us to claim it to be beautiful is purely disinterested. While the question is too large to be discussed adequately here, I will note that I think that the parallel with morality is in this instance is misleading, and that I agree with Cohen that one can be in error not just about whether one has made a pure judgment of beauty, but also about whether one's pure judgment of

beauty, on a particular occasion, is legitimate. For otherwise all questions about the legitimacy of one's judgment become second-order questions: the question of whether one can legitimately claim that others ought to agree with one's judgment becomes the second-order question of whether one can legitimately claim that one's judgment is a judgment of beauty, and then it is hard to see what kind of claim to legitimacy is made by the judgment of beauty itself.

A fourth and last point of controversy relates to Kant's argument in §6 that the nonconceptual universality of judgments of beauty can be derived from the characterization of them in the first moment in terms of disinterested pleasure. Guyer 1979 argues that this argument is a failure because it overlooks the possibility that one's pleasure in an object could be due to some "private condition" that is not an interest, in which case one could have a disinterested pleasure which is not universally valid. Guyer's line of argument is rejected by Allison 2001 but endorsed by Longuenesse 2003.

§9

The title of §9 announces the investigation of the question "whether in a judgment of taste the feeling of pleasure precedes the judging of the object or the judging precedes the pleasure," a question whose solution, Kant goes on to say in the first paragraph, is the "key to the critique of taste and hence deserves full attention." It cannot be, Kant goes on to say in the second paragraph, that the pleasure precedes the judging, since any such pleasure could only be pleasure in the agreeable, and would thus have only "private validity." The clear implication, then, is that the judging precedes the pleasure, although Kant does not go on immediately to say this in so many words. Rather, what he goes on to say, in the first sentence of the third paragraph, is that it is the "universal capacity for being communicated" -- which we can here take

as equivalent to "universal validity" -- "of the mental state in the given representation which underlies the judgment of taste as its subjective condition and which must have the pleasure as its consequence." There follows a discussion of the nature of the "mental state in the given representation," from which Kant concludes at the end of the third paragraph that it must be that of the "relation between the powers of representation in so far as they refer a given representation to *cognition in general*." In the fourth paragraph Kant characterizes this state in more detail. He specifies first that the powers of representation involved must be in "free play," since they are not restricted by a determinate concept. He then specifies that they must be the faculties of imagination and understanding, since these are the two faculties that are required in order that the representation of an object given in intuition become cognition, imagination being required to "combine the manifold of intuition" and understanding to provide "the unity of the concept uniting the representations." This state of a free play of imagination and understanding, he says at the end of the fourth paragraph, must be universally communicable (that is, universally valid). He thus registers an implicit contrast between the state he has just described, and the feeling of pleasure in the agreeable mentioned in the second paragraph which would have only private validity. The ascription of universal communicability to the mental state is amplified in the fifth paragraph, in which Kant also specifies that the relation betwen imagination and understanding is not only a free play, but a play in which the faculties "harmonize" with one another and that it is a relation which is the "subjective cognition" of cognition. It is for this last reason, Kant says, that we can claim its universal validity: we are conscious, Kant says, that "this subjective relation must hold just as much for everyone.. as any determinate cognition."

Having thus explained the mental state underlying the judgment of beauty, Kant now goes on, at the beginning of the sixth paragraph, to give an explicit answer to the question in the

title, which, as we would expect, confirms that the judging precedes the pleasure rather than vice versa: "this merely subjective (aesthetic) judging of the object... precedes the pleasure and is the ground of this pleasure in the harmony of the cognitive powers."

After a seventh paragraph which emphasizes the "necessity" with which we require the pleasure of others, and repeats the claim, made in §6, that in calling something beautiful it is "as if we had to regard beauty as a property [Beschaffenheit] of the object," Kant goes on in the eighth and ninth paragraphs to address a "lesser question" regarding our awareness of the relationship of the cognitive faculties in the free play: is it aesthetic, through "mere inner sense and sensation," or is it intellectual? The answer is that it is the former. If understanding and imagination were united by a concept so as to bring about a cognition of the object, then the consciousness of their relation would be intellectual. But because the judgment of beauty is independent of concepts, we can be acquainted with the relation of the faculties only through sensation.

The role of §9 is different from that of the preceding sections of the Analytic. While §§1-8 argue, largely on the basis of intuitive considerations, that the judgment of beauty has various features which stand in apparent tension with one another, §9 presents a theoretical hypothesis which aims to resolve the tension. As Kant argues very briefly in this section, and will argue in more detail later, the seeming conflict developed in §§6-8 between the universal validity and the nonconceptuality of the judgment of beauty is resolved by the hypothesis that it corresponds to a state of mind which, while not itself cognitive, nonetheless involves a relation of our cognitive faculties with the same claim to universality as a cognition proper. And while he is less explicit on this point, the idea that this relation of our cognitive faculties manifests itself to consciousness through a feeling of pleasure suggests a resolution of the apparent tension between the

pleasurability and the disinterestedness of aesthetic judgment that emerges from §§1-5, since it suggests that the pleasure in taste can be explained solely with reference to the faculties involved in perceptual cognition, and so without any need for appeal to desire or the will. But there is substantial disagreement about how to understand the hypothesis proposed in §9, and specifically about two large questions which, to my mind, are the most fundamental questions for the interpretation of Kant's aesthetics. The first is: what, for Kant, is the relation between judging an object to be beautiful and feeling pleasure in its beauty? The second is: what is the free play of imagination and understanding? These questions, which I take to be very closely related, will occupy the remainder of our discussion.

In raising the the question which forms the title of §9, and which in effect corresponds to the first of the two questions I have just raised, Kant apparently takes there to be just two possibilities regarding the relation between the judging and the pleasure: either the pleasure precedes the judging, or the judging precedes the pleasure. That he is committed to the latter of these alternatives is clear both from his rejection of the former alternative in the second paragraph, and from his explicit claim, at the beginning of the sixth paragraph, that the "judging of the object precedes" and "is the ground of" the pleasure. But, notoriously, this commitment appears to be at odds with Kant's characterization of the judgment of beauty as claiming the universal validity or universal communicability of the subject's feeling of pleasure: in §8, for example, he says that "through the judgment of taste (about the beautiful) the liking for the object is imputed [ansinnen] to everyone" (213-214). For if the judgment makes a claim about the pleasure, then it would seem to the case that we must already feel the pleasure prior to making the judgment.

The standard solution to this apparent conflict, which was proposed by Crawford 1974 and developed in detail by Guyer 1979, is to interpret Kant as holding that the making of a judgment of beauty involves two distinct episodes of judging, one which is responsible for the pleasure, and one which claims the universal validity of the pleasure (a similar view, developed independently, is presented in Kohler 1980). The first episode of judging is the activity of imagination and understanding which Kant describes as a "free play of the faculties" and it is this exercise of "judging" to which he is referring at the beginning of the sixth paragraph when he says, after having introduced the notion of the free play, that "this merely subjective (aesthetic) judging of the object precedes the pleasure." The second episode of judging results in the judgment of beauty proper, and it consists in the subject's claiming that the pleasure brought about by the free play is universally valid. This is the episode of judging to which Kant is referring when he says, for example, that someone who judges an object to be beautiful "requires [zumuten] the same liking from others" (§7, 212). On this view, then, one can feel the disinterested pleasure which is the indication that an object deserves to be regarded as beautiful without going so far as to regard it as beautiful. That feeling of pleasure indeed results from an act, or at least an activity, of judging; but a further act of judging, through which we claim the universal validity of the pleasure, is necessary if we are to take the object to be beautiful, and properly speaking it is this further act of judging only which counts as "judging an object to be beautiful.

I have argued elsewhere against this solution (most extensively in chapter one of Ginsborg 1990); here I just want to note what I take to be the most significant difficulties with it. As I now see it, the most important difficulty is simply that Kant offers no indication that the "judging" referred to in the title of §9, and which he describes at the beginning of the sixth

paragraph as preceding the pleasure, is anything other than the judging which has been under discussion in §§1-8, namely that through which we judge an object to be beautiful. That Kant qualifies the judging, at the beginning of the sixth paragraph, as "merely subjective" and "aesthetic," does not distinguish it from the judging through which we ascribe beauty to an object, since at least part of what he has been trying to do in §§1-8 is precisely to argue that judgments of beauty are aesthetic and that they lack objectivity. So it would be highly misleading on Kant's part if he were no longer to be referring, at this point, to the making of a judgment of beauty, but instead to a distinct mental activity giving rise to a feeling which might or might not serve to ground a judgment that the object is beautiful. There is also a further, textual, difficulty with this solution, namely that in the first sentence of the third paragraph Kant characterizes the pleasure as consequent on the universal communicability of the subject's mental state in the given representation. This suggests that if the pleasure is felt in virtue of an act of judging, the act of judging must be one in which the subject takes her state of mind to be universally communicable, and that would require us to identify it with the act of judging the object to be beautiful rather than with any supposedly independent activity of the faculties which takes place prior to that act of judgment. Proponents of the two-acts view have, accordingly, claimed that the inclusion of this sentence represents a mistake on Kant's part. Allison proposes amending it so that the pleasure is described as consequent not on the *universal communicability* of the mental state, but rather on a *universally communicable* mental state, which would be the mental state in the free play of the faculties (Allison 2001, 115); this emendation is endorsed by Longuenesse (2003, 154). But this does not address the more fundamental difficulty with the two-acts view, namely that it requires us to read Kant as tacitly introducing, in a passage which seems intended to sketch a solution to the problem of how judgments of beauty are possible, a

notion of aesthetic judgment which is quite different from that which figured in his statement of the problem.

My own answer to the question of how the feeling of pleasure in the beautiful can be consequent on a judgment which claims the universal validity of one's feeling of pleasure is to suppose that the judgment has a self-referential component: the single act of judging through which we take an object to be beautiful involves a claim to *its own* universal validity with respect to the object about which it is made (Ginsborg 1991). In making such a judgment, the subject is in a state of mind in which she takes that very state of mind to be universally communicable with respect to the object, but without specifying her state of mind as being of any particular kind, and correspondingly without bringing the object under any particular concept. Because of the nonconceptual character of this state of mind, it manifests itself phenomenologically as a subjective feeling. More specifically, as I shall now go on to argue, it manifests itself as a feeling of disinterested pleasure. We noted earlier, in connection with the first moment, that Kant defines pleasure at §10 as "the consciousness of a representation's causality directed at the subject's state, so as to maintain him in that state," and that this creates a prima facie difficulty for the possibility of a disinterested pleasure, since it is unclear how this "causality" could operate if not through the representation's prompting a desire for the continuation of the representation in us. But the difficulty can be avoided if we think of the "causality" here, not as empirical causality, but rather as corresponding to the more general notion of a ground or basis (this is indeed suggested by the characterizations of pleasure in the First Introduction, at XX, 206 and XX, 230) . On this broader understanding of "causality," the state of mind we have been discussing fits the definition of pleasure, and does so in a way which does not require us to think of pleasure in the beautiful as depending on the arousal of desire. For a state of mind in which I

take that very state of mind to be universally valid with respect to the object I am perceiving is one which involves a consciousness of its own appropriateness with respect to the object; it is a state of mind which, as we might put it, calls for or demands that I be in that very state of mind, given that I am perceiving the object. It thus can be understood as a ground or basis for my continuing to be in the same state of mind for as long as I am perceiving the object.

The model I am proposing, in contrast to the two-acts view, does not distinguish the pleasure that is felt on perceiving an object that one takes to be beautiful, with the judgment of beauty itself. The pleasure that we feel is just the taking of the object to be beautiful, or the experience of it as beautiful. While we might or might not put our judgment into words, and so make a public declaration that we take it to be beautiful, we are still, in feeling the pleasure, making a claim to the universal validity of our pleasure and thus taking it that everyone, ourselves included, ought to feel the way we are now feeling with respect to the object. So the pleasure and the judgment are ultimately one and the same, although we can also characterize their relationship by saying that the pleasure is the phenomenological manifestation of the act of judging, or alternatively, as Kant sometimes puts it, that we judge "by means of" [vermittelst] (XX, 229) or "through" [durch] (§5: 211) the pleasure. It might seem forced, then, to present this as an interpretation of Kant's claim that the pleasure is "consequent" on the judging. But I take it that the relation of consequence here corresponds to an explanatory or conceptual rather than an ontological priority of the judging over the pleasure: Kant's point is that we can account for, or make intelligible, the feeling of pleasure in the object by recognizing it as something which is felt *in virtue* of our being in a state of mind in which we take our state of mind to be universally communicable. So the account allows us to accommodate both the claim that the pleasure is

consequent on the judging and that, in the act of judging, what we take to be universally communicable is that very feeling of pleasure.

I turn now very briefly to the second of the two fundamental issues raised by §9, that of how to make sense of a "free play" of imagination and understanding. In the sections of the *Critique of Pure Reason*, dealing with the synthesis of the imagination and with the related notion of schematism, Kant describes objective perceptual cognition, for example the perceptual recognition of a given object as a dog, or as triangular in shape, as the result of imagination's synthesizing the manifold of intuition in accordance with concepts provided by the understanding. It is to this account which Kant is alluding when he says in the fourth paragraph of §9 that, if a representation is to become cognition, then imagination is required to "combine the manifold of intuition" and understanding to provide "the unity of the concept uniting the representations." While the account given in the first Critique is itself very difficult to interpret, the general idea seems to be that imagination forms a perceptual image which unites our representations of perceived elements of the dog (say its paws and tail), or of the triangle (the three lines comprising it), and it does so in a way which is governed by a rule corresponding to the concept *dog* or *triangle*. This idea provides the background for that of the "free play," in which the relation between imagination and understanding is supposed to be characterized by the same accord or harmony between the faculties which holds in the case of cognition (for example the accord between my forming a perceptual image of a dog and my recognition of it as dog), but without their being any concept, or at least any particular concept, governing the activity of imagination. It is, however, generally agreed that the notion of the free play is highly problematic. A simple way to put the problem is simply to ask how, if, as Kant says, understanding is the "faculty of concepts," it can be involved in the free play in a way which

does not amount to the application of concepts. How the activity of imagination accord with the understanding, if not by according with *concepts* provided by the understanding? The problem can also be put in the form of a dilemma regarding the relation between the free play on the one hand, and the imaginative and intellectual activity required for cognition on the other. We might think of the free play as corresponding to a stage in the production of cognition which is prior to the application of concepts to the manifold of intuition, as for example Guyer 1979 does when he identifies the free play as the first two stages of the "threefold synthesis" described in the A Deduction. But then we have the problem of explaining why *every* object of perceptual cognition is not experienced as beautiful. Alternatively we might see it as involving something more than what is required for cognition: we might think of it as a state in which concepts are indeed applied to the manifold, but in such multiplicity that no single concept, or set of concepts, can be recognized as capturing the unity that imagination brings to the manifold. But in that case however, Kant does not seem to be in a position to argue for the universal communicability of the free play simply on the basis of the universal communicability of cognition.

I will not here try to summarize the extensive debates that have arisen in connection with the notion of the free play (for a recent survey, see Guyer 2006). I shall note only that, on my own view (for which see Ginsborg 1997) , the answer to the question of what Kant means by the free play of the faculties falls out of the answer I have given to the question of how the feeling of pleasure relates to the judgment that the object is beautiful. The activity which Kant designates as a "free play" is just, on my view, the mental activity through which, in perceiving an object, one takes one's mental activity in that very perception to be universally valid with respect to the object: that is, it is the act of judging self-referentially that one is judging the object as everyone ought to judge it. This qualifies as an activity of imagination because, like objective perception,

it is immediately elicited by the effect of the object on one's sense-organs. There is no need to deliberate in order to take one's state of mind in the perception of an object to be universally communicable with respect to the object, any more than there is a need to deliberate in order to take the object to be green, or triangular, or a dog: in both kinds of cases the "judging" takes place in the imaginative apprehension through which the object is perceived. Moreover it is an activity of imagination which "accords with" understanding precisely because of its intrinsic claim to universal validity. In imaginatively apprehending the object as I apprehend it, I take myself, again just as in the case of objective perception, to be bound by a general rule which determines how it ought to be apprehended by me and by everyone else, and that reference to a general rule is sufficient to warrant the description of the activity as in harmony with the understanding. But in contrast to the relation of imagination and understanding in objective cognition, there is no determinate way of characterizing the general rule, and in particular no way of indicating what rule it is except by pointing to the example of my own present perception of the object. I cannot say, for example, that I ought to be apprehending the object as a dog or as triangular. I can say only that I ought to apprehend the object *this* way, where the "this" picks out the very way I myself am actually apprehending it. The character of the rule which one acknowledges as binding one's imaginative apprehension is thus dependent on nothing but one's own apprehension itself; and this accounts, on my reading, for the "freedom" of the activity.

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