

The Lawless Demand of Judgements of Taste: Response to Dunn

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ABSTRACT: I respond to Dunn's claim that aesthetic judgements must be normative for Kant by (I) clarifying my position: it is not the case that on my account the strength of the feeling of pleasure implies that others should agree with my judgement; instead, the disinterestedness of the feeling is the basis for agreement, (II) arguing against the claim that Kant's broader system requires normative judgements of taste, and (III) arguing against the suggestion that any operation of a faculty in accordance with a principle is normative.

RÉSUMÉ : Je réponds à l'affirmation de Dunn selon laquelle les jugements esthétiques doivent être normatifs pour Kant. Pour ce faire, (I) je clarifie ma position : je ne soutiens nullement que la force du sentiment de plaisir implique que les autres doivent être d'accord avec mon jugement; c'est plutôt la nature désintéressée du sentiment qui est la base de l'accord; (II) je m'oppose à la proposition selon laquelle le système kantien, dans son ensemble, nécessite les jugements normatifs de goût; et (III) je m'oppose à l'affirmation selon laquelle toute opération d'une faculté en accord avec un principe est normative.

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I.

Nicholas Dunn's central claim is the ambitious contention that aesthetic judgements must be normative for Kant because their normativity is a requirement of his critical project as a whole. Dunn's argument relies primarily on a particular understanding of the critical project as one that obligates Kant to provide a normative account of the principles governing the faculties of judgement,

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understanding, and reason. He argues, then, that not only the project of the third *Critique*, but Kant's critical project as a whole, require that judgements of taste be normative. Yet, Kant's own expressed understanding of the critical project does not suggest that it requires the normativity of judgements of taste.

I do not believe that the system as a whole requires that the principle of a cognitive faculty be normative. Dunn's view depends upon a conception of Kantian normativity for which he does not argue, and which I believe is unconvincing. I will respond in three stages. First, in Section II, I clarify my own position: contra Dunn's characterization, it is not the case that on my account the strength of the feeling of pleasure implies that others should agree with my judgement; instead, the disinterestedness of the feeling is the basis for agreement. Second, in Section III, I argue against the claim that Kant's broader system requires normative judgements of taste. Third, in Section IV, I argue against the suggestion that any operation of a faculty in accordance with a principle is normative.

II.

I should first briefly describe my own position, as Dunn claims that, on my view, "it is not that I actually think you are obligated to share my judgement of taste, but rather that my feeling is so strong that it is as if I require you to agree with me" (§2). However, I do not believe that the claim made by a Kantian judgement of taste is a matter of the strength of the agent's feeling; this is an implausible view, since very strong feelings can surely serve as bases for other kinds of judgements based on a feeling (i.e., judgements of the agreeable and of the good). Strength of feeling thus fails to identify anything distinctive about judgements of taste. In the first moment of the *Analytic*, Kant argues that such judgements are distinct from other judgements based on a feeling because they do not depend on any interest, and he goes on to argue in the second moment that, since judgements of taste are disinterested, they must depend solely on conditions present in all other subjects. They are therefore universal (§6, 5:211). So, on my interpretation, Kant holds that judgements of taste have a unique kind of claim to agreement in virtue of the *kind* of pleasure they involve, not the intensity of the pleasure they involve. This is suggested not only by the *Analytic* (discussed in my Section II), but also by Kant's later assertions about beauty's being demanded of others only insofar as it symbolizes the morally good (discussed in my Section IV).

This explains how judgements of taste differ from other judgements based on feeling. What differentiates judgements of taste from other universal judgements is that they are not based on determinate rules or concepts and it is impossible to adduce their ground. This is why a judgement of taste "does not itself postulate the accord of everyone," but only "ascribes this agreement to everyone" (§8, 5:216).

On my interpretation, then, even though they are based on a subjective feeling for which we cannot offer a justification, judgements of taste make a claim to universal agreement because this feeling is solely the result of the play of

faculties that are shared by all judging subjects, rather than any interest or aim specific to a subject (or certain kind of subject). Unlike universal judgements that are normative in character, their claim to agreement is based not on a ground or justification in terms of rules, but rather simply on the *absence* of any element that would restrict their scope to a class smaller than the class of all judging subjects.

III.

Is this an interpretation that “does not appear to be compatible with Kant’s project in the third *Critique*” or “the systematic nature of Kant’s Critical philosophy,” as Dunn claims (§1)? Both historical facts about the development of Kant’s writing and entirely plausible interpretations of his system suggest that it is not incompatible with this broader philosophical picture.

Dunn’s view seems to be that the overarching Kantian system requires that each of the three central cognitive faculties identified by Kant must have a principle “that governs its activity in its respective domain” (§3) and a corresponding critique. Further, Dunn holds, the Introductions to the third *Critique* identify purposiveness as the principle of the faculty of judgement, and the principle of a faculty is inherently normative. On Dunn’s view, then, it seems that the account of the structure of the faculties offered in the Introductions is sufficient to establish the normativity of judgements of taste, because they accord with a principle for judgement explained there and such a principle must be normative. Kant, however, offers no worked out account of what it means for a faculty to have a principle, how a principle might govern some or all of the activity of a faculty, or whether a principle must be normative. In addition, the faculty of judgement is quite unique among the faculties, possessing characteristics that undermine Dunn’s picture. Finally, the principle of purposiveness is not identified as the principle of the faculty of judgement in the way that Dunn suggests.

The faculty of judgement is unique for a number of reasons. I will focus on the two most relevant to the question of the normativity of taste. First, unlike the other cognitive faculties, it involves the coordination of a number of other faculties, both cognitive and non-cognitive. At the most general level, the ‘job’ of the faculty is to generate judgements, which can be very generally characterized as propositional acts that have a truth value. These propositions are unities that involve the operation of multiple faculties, and the faculties involved are different for different kinds of judgements. In the case of judgements of taste, for example, the imagination and the understanding must operate in tandem in a state of free play in the absence of determinate rules to govern their activity, and their play must relate to the power of feeling; the case of theoretical judgements is quite different, involving the subsumption of representations according to determinate rules dictated by the understanding and involving no relation to feeling. Judgement, Kant tells us, is “a special faculty of cognition, not at all self-sufficient” and “merely for subsuming under concepts from elsewhere” (First Introduction 20:202), with “no proper domain of its own” (Introduction

5:176). Its activity depends upon the operation of a variety of other faculties, and the coordinating faculties differ from one sort of judgement to another.

Second, the capacity for determining judgement and the capacity for reflecting judgement, both identified as powers of the faculty of judgement, operate very differently, and the principle of purposiveness does not operate in the context of determining judgement. Though Dunn suggests that the principle of purposiveness governs the faculty of judgement (§3–4), there may not be a single principle that encompasses all capacities of the faculty, and if such a principle exists, it is not the principle of purposiveness. The third *Critique* is an account of reflecting judgement, but Kant briefly explains the relation of this kind of judgement to the account of determining judgement offered in the first *Critique*. He states that determining judgement “merely subsumes” according to the laws of the understanding and requires no law of its own (Introduction 5:179), and that the purposiveness of nature is “a special *a priori* concept that has its origin strictly in the *reflecting* power of judgment” (5:181, italics mine). Determining judgement begins with a universal and applies it to a particular, while reflecting judgement begins with a particular and seeks a corresponding universal. In determining judgement, the principles governing the understanding guide the search for a corresponding particular, yet there is no obvious candidate for a principle to guide the operation of reflecting judgement, which involves a search for a rule rather than the application of a rule that the cognizing subject already possesses. Kant proposes purposiveness as such a guiding principle. Since there is an incredible manifold of natural forms (5:179) and an “infinite multiplicity” of possible empirical laws that could conceivably be used to explain particular phenomena (First Introduction 20:203), laws that are in fact contingent “must be regarded as necessary on a principle of the unity of the manifold, even if that principle is unknown to us” (Introduction 5:180) in order for the search for a corresponding rule to be successful.

This principle for reflecting judgement identified in the Introductions is very different from the principles governing the other cognitive faculties. Unlike the principles of reason and the understanding, “which contain the condition of the possibility of experience in general,” (First Introduction 20:203), the principle is “a merely subjective one” (Introduction 5:177). Purposiveness does not directly determine the nature of our experience and activity in accordance with transcendental laws. Instead, it enables us to “regard the aggregate of particular experiences as a system” of laws (First Introduction 20:203). It is unclear precisely how the principle governs its activity and whether this principle does so in the same way across different kinds of reflecting judgements. The role of purposiveness differs substantially from one sort of judgement to another. In the case of teleological judgement, explicit consideration of purposes or aims plays a clear, active role. We assume that nature is systematically organized in order to carry out scientific investigation, and this guides the search for principles or causal explanations in nature. The case of judgements of taste is less clear,

and this is reflected both in Kant's complicated, murky explanations of purposiveness in both Introductions, and in his explanation of the role of purposiveness in judgements of taste in the *Analytic*. There, he tells us not that judgements of taste are guided by the principle of the purposiveness of nature, but that, in judgements of taste purposiveness "without an end" (5:220), "the mere form of purposiveness in the representation through which an object is given to us," (5:221) captures the subject's own sense of the representation's appropriateness for cognition without making any claim about the object's causal origin or purpose. Kant has told us that the discovery of empirical rules corresponding to particular given representations requires that we assume the purposiveness of nature for cognition, yet he has also told us that it is impossible to discover rules governing taste, that our attempts to locate a universal are unsuccessful in the case of judgements of taste, and indeed that it is in principle impossible to locate a concept corresponding to the particular representation in such a judgement. These considerations suggest that, though purposiveness is surely involved with judgements of taste, it may well not be the sort of purposiveness involved in other kinds of reflective judgement; purposiveness without an end or purpose is not the same as the idea of purposiveness in nature as a unified system conceived by some intelligence with an end in mind. In judgements of taste, an attempt to subsume a representation under rules, guided by the principle of purposiveness, is frustrated, and the play of the faculties that emerges from this unsuccessful attempt is connected to a feeling of pleasure that serves as the basis of the judgement. This feeling is pleasurable because the subject, even as her faculties fail to subsume the representation under concepts, recognizes the representation as somehow fitting or appropriate for those very faculties in their free play, unconstrained by rules. So, the idea of the purposiveness of nature does not work as a principle for all reflecting judgements.

IV.

All of this suggests that neither the systematic demands of the *Critique of Judgement* nor of Kant's critical project as a whole require the normativity of judgements of taste. As Dunn acknowledges, Kant himself does not speak of normativity; yet of course many commentators take him to be offering a normative account. Following Konstantin Pollok, Dunn suggests that Kant has an overarching theory of normativity, of which the principle of purposiveness is one instantiation, and only in light of this principle are we capable of making judgements. It is not at all difficult to imagine how judgements can be made without this principle, however. In fact, it is difficult to imagine how determining judgements might be governed by this principle at all. More to the point, the notion that some judgements must be guided by a principle does not straightforwardly imply, or even strongly suggest, that the principle is normative.

As Dunn notes, I disagree with conceptions of normativity claiming that anything lawful must be normative, even if it expresses only "lawfulness without law" (5:241). This strips normativity of its distinctive and urgent demand. If

we accept the suggestion of Dunn, Pollok, and others that for Kant the central feature of normativity is that we can be held responsible or accountable for our judgements,¹ then it is difficult to understand why judgements of taste should count as normative. It is *in principle* impossible for the judging subject to explain the basis of her judgement, and, more problematically, it is impossible for her to even understand what criteria determine the truth or falsity of the claim made by her judgement. Joseph J. Tinguely's suggestion that we can be held responsible for making correct judgements of taste is mistaken.² We can only appeal to the absence of conditions that might render our judgements defective or idiosyncratic in order to defend our judgements of beauty; we cannot point to positive criteria that directly determine whether a judgement of taste is successful. Normativity must be based in actual principles and rules. Yet, it is a distinctive and defining feature of these judgements that they are not based in principles and rules. There is no set of criteria for determining that a representation counts as beautiful, so there is no way to hold me responsible for the claim that my judgement has captured these criteria. Normative demands are demands that can generate norms. Judgements of taste cannot do that, while judgements made by the other cognitive faculties can.

¹ Pollok (2017: 13).

² Tinguely (2018).

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