

Kant and the Demands of Normativity: Response to Harbin

NICHOLAS DUNN *McGill University*

ABSTRACT: I argue against Harbin's claim that aesthetic judgements, for Kant, are not normative. By focusing on the systematic nature of Kant's Critical philosophy, I show that aesthetic judgements, like judgements in the theoretical and practical domains, must be normative, though such judgements display a distinct kind of normativity, which is expressed in their subjectivity, indeterminacy, and affectivity.

RÉSUMÉ : Je conteste l'affirmation de Harbin selon laquelle les jugements esthétiques, pour Kant, ne sont pas normatifs. En me concentrant sur la nature systématique de la philosophie critique de Kant, je montre que les jugements esthétiques, comme les jugements dans les domaines théorique et pratique, doivent être normatifs, bien que de tels jugements affichent un type distinct de normativité, qui s'exprime dans leur subjectivité, leur indétermination et leur affectivité.

Keywords: Kant, normativity, judgement, aesthetics, third *Critique*

In her paper, “Universality Without Normativity: Interpreting the Demand of Kantian Judgements of Taste,” R. Kathleen Harbin argues that aesthetic judgements, for Kant, are *not* normative. This is a striking claim, which, at face value, does not appear to be compatible with Kant's project in the third *Critique*. In what follows, I wish to raise some challenges to Harbin's view. In particular, I argue that she overlooks the systematic nature of Kant's Critical philosophy. Attending to this feature reveals that, far from lacking normativity, aesthetic judgements embody a unique kind of normativity, one that is irreducible to

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that of theoretical or practical reason. Instead of being objective, determinate, and discursive, aesthetic judgements are subjective, indeterminate, and affective.

Harbin focuses on Kant's claim that we demand the agreement of others when we judge something to be beautiful. While acknowledging that the normative interpretation of this demand is "widespread," she suggests a phenomenological reading instead (Abstract). According to this 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. Harbin argues that this way of understanding "tracks the familiar experience of judging objects to be beautiful" (§2). Hence, Harbin contends that, for Kant, aesthetic judgements entirely lack normative force; the normative language is, in effect, merely descriptive of the peculiar phenomenology of aesthetic judging.

To see the problem with Harbin's position, we can start by looking at the overall structure of Kant's Critical philosophy. The third *Critique* is a critique of the 'power of judgement' [*Urteilskraft*] — one of three higher cognitive faculties, along with the understanding and reason (A131/B169). Each of Kant's three critiques focuses on one of these faculties, where a critique of the faculty at hand yields a principle that governs its activity in its respective domain. For the understanding, the pure categories function as the laws of nature, which ground judgements about objects of experience; in the case of reason, it is the moral law that dictates how to use our freedom in making judgements regarding actions. In the third *Critique*, Kant puts forward the principle of purposiveness as the principle of the power of judgement.

In the famous 1787 letter to Karl Leonhard Reinhold, Kant describes working on a critique of taste *only* after noticing "something systematic" (10:513–516). In addition to the 'fundamental' faculty of cognition, of which the three higher cognitive faculties just mentioned are all a part, Kant recognizes two other fundamental faculties: the faculty of desire and the faculty of feeling (5:198; 20:245). Initially, Kant held that a critique of aesthetic judgement was impossible, since he took feeling to be entirely subjective and thus incapable of grounding universally valid judgements (A21). What Kant comes to realize, however, is that each of the higher cognitive faculties is connected with a fundamental faculty, for which it provides an *a priori* legislative principle: the laws of the understanding govern the faculty of cognition; the laws of reason govern the faculty of desire (i.e., the will); and, the principle of the power of judgement (purposiveness) legislates for the faculty of feeling. Therefore, one should expect to find in the third *Critique* an account of the particular relationship between feeling and the power of judgement, one in which the latter provides a principle for the former.

Harbin attempts to explain away the normative language that Kant uses in the *Analytic of the Beautiful*, claiming that "he does not seem to have offered any previous justification" for it (§2). But this merely depends on how far back in the

third *Critique* one goes. If Harbin is referring to the Analytic itself, then this may be true. However, the entirety of the introductory material to the third *Critique* is a justification of a special principle governing ‘merely reflecting’ judgements, of which aesthetic judgement is the paradigm case. For example, Kant declares that aesthetic judgements are based “in a rule of the higher faculty of cognition, in this case, namely, in the rule of the power of judgement, which is thus legislative with regard to the conditions of reflection *a priori*, and demonstrates autonomy” (20:225; cf. 20:244). Similarly, Kant writes that “there are three cognitive faculties — understanding, the power of judgement, and reason — each of which (as a higher cognitive faculty) must have its *a priori* principles” (5:345). At one point, Harbin even acknowledges that the main aim of the third *Critique* is “to explicate an *a priori* principle for reflecting judgement” (§5). This being the case, then, one wonders what else it could mean for the power of judgement to have a principle other than for it to be normative, pointing to a fundamental dispute about the attribution of normativity. In my view, Harbin sets the bar too high for what counts as normativity.

While Kant does not tend to speak in terms of normativity *per se*, several recent commentators have chosen to articulate aspects of Kant’s Critical philosophy in these terms.¹ For many of these commentators, the central feature of Kantian normativity is the idea that “we can be held responsible” or accountable for our judgements.² For Konstantin Pollok, what makes a judgement normative is that it can be assessed in light of a principle. Pollok argues that the three synthetic *a priori* principles that emerge from the three critiques, respectively, determine the validity of our judgements in each of these domains — and therefore form the “core” of Kant’s theory of normativity.³ In other words, theoretical judgements are normative because they are governed by the categories; practical judgements are normative because they are governed by the moral law; aesthetic judgements are normative because they are governed by the principle of purposiveness. According to Pollok, then, it is not just that we can fail to obey these principles and yet still be said to form judgements — rather, it is only in light of these principles that we are said to form judgements.

To be sure, things are going to look slightly different in the aesthetic case than in the first two cases. Joseph J. Tinguely describes the normativity of an aesthetic judgement as “the insistence that aesthetic experience is something for which one can be held accountable.”⁴ However, Harbin argues that an account of the normativity of aesthetic judgements “must show how an undiscoverable rule that people cannot be persuaded to follow through logical or rational

¹ Ginsborg (2015), Pollok (2017).

² Pollok (2017: 13).

³ *Ibid.*: 1.

⁴ Tinguely (2018: 13).

appeals can be the sort of thing that one can nevertheless *decide* to follow” (§2). To this end, she argues against Henry Allison, who claims that “normativity in general for Kant is rooted in the conditions of the successful or coherent activity of the faculty in question.”⁵ The faculty in question is, no doubt, the power of judgement. However, Harbin stops short of asking what it might look like for the power of judgement to operate under the guidance of the principle of purposiveness. More to the point, she fails to ask what it might mean for aesthetic judgements to be valid, or successful.

To see how this might go, we can consider them in relation to judgements in the first two domains, namely, understanding and reason. While Harbin rightly observes that aesthetic judgements are different from these two kinds of judgements, this in itself does not mean that aesthetic judgements are not normative; that a judgement of beauty lacks logical or moral force does not mean that it lacks normative force altogether. On the contrary, Kant attempts to secure a third kind of normativity that is neither theoretical nor practical. The threefold division of the higher cognitive faculties, and their relation to the fundamental faculties, yields three distinct kinds of judgements, according to Kant (20:246). Hence, to suggest that the analogy with the first two breaks down along the lines of normativity is to disregard the systematic nature of Kant’s faculty psychology and its significance for the Critical project as a whole.

Harbin draws on the subjective character of an aesthetic judgement to support her non-normative reading, noting that these judgements are not about objects in the way that cognitive and moral judgements are. Without predicating the beauty of an object (as a property), we speak as if it were. Since this dimension of aesthetic judgement pertains to its referent, it is unclear why Harbin thinks that it entails anything about its normativity. It would be mistaken to claim that aesthetic judgements are not normative by inferring from the fact that they are not about objects. Unlike the understanding and reason, Kant says, the power of judgement “can claim no field of objects as its domain” (5:177). However, Kant immediately goes on to argue that, despite this, it still has its own law, “although a merely subjective one” (Ibid.). In fact, when Kant lays out the problem of a Deduction of taste, he summarizes it as nothing other than the question of how something subjective (based in feeling) could nonetheless be valid for everyone else (5:288). The idea of something subjective and affective yet normative is thus at the heart of the third *Critique* (5:218, 279).

Harbin also characterizes the non-normative status of an aesthetic judgement in terms of its lack of grounds: “because it does not enable us to determine the ground of judgements of taste, but only ... *that* there is a ground” (§2). Were there a “normatively grounded requirement,” she argues, then one would be able to “offer a *basis* for insisting on the agreement of others” (Ibid.).

⁵ Allison (2001: 169–170).

However, as she notes, Kant thought that this was impossible. While it is the presence of “determinate rules” (to use Kant’s own term, 5:284) that gives logical and moral judgements normative force, Harbin observes that a “fundamental difference” between aesthetic judgements, on the one hand, and logical and moral judgements, on the other, is that only in the latter case can we be certain of whether we are applying a rule correctly (§5). Yet we cannot infer from Kant’s claim that aesthetic judgements lack a determinate rule that can be articulated or discovered that no such rule exists whatsoever. For example, as Arata Hamawaki observes: “while Kant insists on the normativity of judgements of taste, he just as strongly resists an explanation of the normativity that appeals to concepts and rules.”⁶ Hence, what we have in the judgement of taste is the idea that I can be held accountable for my aesthetic response despite the presence of a determinate rule or principle.

As it turns out, Kant takes the principle of aesthetic judgement to be an indeterminate principle (20:214, 239; 5:188). Kant calls this principle “common sense.” It is not only “the effect of the free play of our cognitive powers,” but an “indeterminate norm” (5:238–239). Aesthetic judgements appeal to common sense as their ground, and exhibit judging according to “a rule that one cannot produce” (5:237). Such judging does not involve the subsumption of an object under a determinate concept (i.e., beauty), nor does it involve the application of a determinate rule, from which I could draw an inference — e.g., that the object is beautiful. But this does not stop me from expecting everybody else to agree with me. That I make such a demand is justified, Kant argues, by my presupposition of a common sense in others, which could give rise to a similar feeling of pleasure from the free play of their faculties. In aesthetic judgement, I take my experience of a particular to be one that others also ought to share because I take it to instantiate a rule — albeit one that I cannot state; I feel as if the judgement were made according to a rule that could become a rule for everyone.

Now, Harbin takes it to be a benefit of her phenomenological reading that it illuminates the contrast between aesthetic pleasure, on the one hand, and what Kant calls “mere agreeableness,” on the other (5:217). The latter is not something I normally expect others to share with me. I might prefer pumpkin pie to pecan pie, but if you disagree, I do not demand that you share my preference. This would amount to saying that I expect you to experience an entirely private sensation the same way I do, which Kant takes to be an incoherent idea. By contrast, my judgement of something to be beautiful — say, the sunset — carries with it the feeling that, were you to disagree with me, I *would* demand you to think otherwise. In light of what I have said, we need not take issue with the

⁶ Hamawaki (2006: 108). Similarly, Lee argues that determining and reflecting judgements can be distinguished as determinate and indeterminate judgements, respectively (2004: 220).

phenomenological claim. Instead, what I have said here undergirds it. The difference between aesthetic pleasure and mere agreeableness is nothing but the difference between an affective state that has a principle and one that does not. Further, this difference sharpens the focus: we should want to know what it is about the unique normativity of aesthetic judgement that explains *why* they have this phenomenological quality.

More generally, Harbin takes her position to be more philosophically plausible than the normative reading of Kant's theory of aesthetic judgement, as she finds that it does a better job of explaining how we respond to beauty. While one may be inclined to think that Kant should have treated aesthetic judgement as non-normative, such a view requires separating Kant's aesthetic theory from his overall Critical project. For Harbin, a non-normative view allows us to maintain the idea that judgements of taste implicitly urge others to agree with us, "without forcing us into the implausible position of saying that such judgements are binding in the way that those of morality or logic are" (§6). Such a claim not only implies that being governed by the laws of logic and morality are the only ways for something to be normatively binding, but also ignores Kant's attempt to articulate a new and distinct way in which something could possess normative force — which, I have demonstrated, is a central aim in the third *Critique*. Accordingly, we need not choose between being faithful to Kant and adhering to a view that is philosophically interesting.

I have already noted that the power of judgement provides a law for feeling. The idea that something as passive as feeling could nonetheless be something for which we can be held accountable may be counterintuitive, but it remains, at the same time, a central contention of Kant's third *Critique*. Recent commentators have begun to take interest in the idea of aesthetic and affective normativity.⁷ Relatedly, the idea of aesthetic reasons — as distinct from epistemic and practical ones — has been taken up in contemporary discussions of normativity.⁸ Common to all of these approaches is the recognition that in the third *Critique* we find a unique kind of normativity — one that is distinct from, and irreducible to, that of theoretical and practical reason, which we miss out on if we opt for a non-normative account of aesthetic judgement in Kant.

⁷ Gorodeisky (2011), Hamawaki (2006), Tinguely (2018).

⁸ Gorodeisky & Marcus (2018).

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