Section 1: Judgment as the Faculty of Reconciliation

Kant treats the *Critique of Judgment* as providing a kind of epistemological transition between the *Critique of Pure Reason* and the *Critique of Practical Reason*, which is to say that he treats aesthetic (and to some degree teleological judgments) as mediating between theoretical and practical judgments, or, yet otherwise put, between the understanding and reason, spanning as it were "the great gulf that separates the supersensible from appearances." (36) Reflective judgment (the focus of the *Critique of Judgment*) is indeed what allows us to *generate* actual empirical and moral judgments; it is what allows us to contend with the "given" content that goes into each of these. When it is so occupied, reflective judgment works as an assistant of sorts to the understanding and under the guidance of reason (and yet, as we'll see shortly, deploying its own principle) to constitute a unified experience in spite of the radical diversity of what is given it. This is its work as helpmate. Occasionally, however, we get glimpses of what it might mean to think that reflective judgment *also* has a project of its own, a project in which it is both guided by some kind of empirical given, *and yet* maintains something of the freedom afforded us by rationality.

Kant defines judgment as follows: "Judgment in general is the ability to think the particular as contained under the universal. If the universal (the rule, principle, law) is given, then judgment, which subsumes the particular under it, is *determinative*…. But if only the particular is given and judgment has to find the universal for it, then this power is merely *reflective*." (18-19) The "universals" in question here take a variety of forms: rules, principles, and laws. These correspond to their degree of universality and necessity, with rules as the least commanding (essentially taking the form of a hypothetical judgment), principles as slightly more rigorous, and laws as inescapable conditions. In determinative judgments, judgment works only to subsume a given particular under a given law, even if it is itself the partial author of that law. This is the case when we are talking about cases of subsumption under empirical concepts and empirical laws, which are the co-products of reflective judgment and the understanding. The work of judgment in *reflection* is the search for a law that can fit a given particular, and this work issues in either empirical judgments or judgments of taste.

In the *Critique of Judgment*, Kant wants to pursue the thought that judgment brings its own principle to the table. Our "experience" of that principle (using "experience" in a non-technical, non-Kantian kind of way) is a pure judgment of taste (of the form "X is beautiful"). There are many ways in which this judgment might be thought to serve both as a helpmate to understanding and as a symbol of the ideas of reason. Judgments of taste are moments in which we seem to "run into" an order that precedes our own demand for order; we seem to run into this in the world, but of course we actually, on Kant's account, run into it at the level of our imagination. This moment can be read, then, as holding out a kind of promise to the understanding that, while its concepts aren't directly constitutive of the world it seeks to know, nothing in that world is *in principle* beyond its ken. The world is potentially, or so it seems in that moment, ordered in such a way that the only thing stopping us from knowing it through and through is our mortality.

The thought of that fully unified world stands for the satisfaction of the one the three "ideas of reason" (which are, of course, God, freedom, and the world as a unified totality, or 'nature'.) It turns out that the promise of that world-as-a-totality stands in for the promise of the satisfaction of the other two demands of reason for completion: it also stands for a world *produced* by an understanding like our own, one that works by way of concepts, and so that world (especially insofar as we are pleasurably confused about the *source* of the order, whether it is in the world or in our faculties) stands for the thought of a God as its creator. Finally, there is the third idea of reason, the one that gets the most explicit attention in Kant's third critique, the idea of freedom or morality. Beauty, Kant famously claims, is a symbol of morality. We will return to this claim with much more care and attention below, but for now we can simply say that thought of a world that is actually governed by universal and necessary laws (the world our understanding demands but never actually gets in our empirical endeavors) is also a world in which agents who govern themselves by way of similarly universal and necessary laws might hope to be effective.

In this section, we will focus on Kant's introductory treatment of judgment in the context of his critical system as a whole. The aim here will be threefold: first, to show that the *Critique of Judgment* has something to tell us about the aesthetic quality found in all empirical judgments, each of which contains a reflective moment; second, that the more or less "suppressed" line of thinking in the *Critique of Judgment* is

about those *purely* reflective judgments that seek to order nature within (desires), whereas the more explicit line of thought is aimed at understanding the role of reflective judgment in ordering nature without (objects); and, third, that this suppressed line of thought is related to the question of the *sociality* of cognition and the education of our desires.

This suppressed line of thought has to do with the possible representation of disunity, which disunity might represent merely a *task* for the understanding (a revision of our given concepts or laws, for example), or, more importantly in terms of this project, it might represent the disunity either *in* or *among* us, which would present us with a kind of *political* or *psychological* task. The thought, in its most general form, is this: judgments of taste are supposed to symbolize the promise of unity, and this seems to hold insofar as we keep our attention carefully focused on the *form* of the judgments rather than their content. They have, however, something of a seedy empirical underbelly, and as we turn our attention to the *content* of the judgments, our pleasurable and unpleasurable orientation to material objects in the world, we will find their hidden potential to represent *disunity*. (Indeed, already implicit in their seeming to *promise* unity, they mark out moments of disunity.) This potential for disruption might be connected with exists only with respect to either empirical judgments or any of the ideas of reason. We'll only pay systematic attention to it in connection with the work of art, since the subject of our thought here is symbolic communication, and the disruption here will be to beauty's capacity to symbolize morality, but along the way we'll also notice connections with the thought of nature as a totality and God as well.

Sticking with the idea of morality, as we're bound here to do, we can already identify the threat to the demand of morality, at least in its most general shape: it is the demand for happiness. Kant writes, "There is, however, *one* end that can be presupposed in the case of all rational beings (insofar as imperative apply to them, namely as dependent beings), and therefore one purpose that they not merely *could* have but that we can safely presuppose they all actually *do* have, and that purpose is happiness." (GW 26) The beautiful work of art will turn out to represent, in a small way, a mediation between these competing demands, but it will simultaneously represent to us the tension between them. Even more importantly, from an empirical standpoint at least, the work of art will represent the tension between the *social* demands which both seek to give shape to and meet with resistance in the form of our desires. It is the social and historical work of these other demands that remains, however, under the surface in Kant's writing, coming closer only when he occupies himself with questions about manners and the education of taste.

In the preface and introduction to the *Critique of Judgment*, Kant organizes his thinking about the critical system around the idea of "legislation" as a hierarchical concept meant to describe the epistemological relationship between faculties. Thus, he identifies the work of the first critique as figuring out in what ways the *understanding* legislates to intuition, so that when it searches for what "what [each of the faculties] has contributed from its own roots to the cognition we actually possess" "nothing [is retained] except what the *understanding* … prescribes a priori as a law to nature, as the sum total of appearances (whose form is given a priori)". (4) The *Critique of Pure Reason* is, at least in terms of a priori legislation, really about the legislative relationship between the pure concepts of the understanding and the intuitions. The twelve pure concepts of the understanding, or the categories, are the conditions of the possibility of all experience, meaning that without them there would be no experience, and no possible experience will turn out to break any of these universal laws.

The second critique, that of pure practical reason, is about the role that reason has in legislating over the will, which Kant calls the "power of desire". "Similarly *reason*, which does not contain any constitutive a priori principles except [those] for the *power of desire*, was given possession [of its domain] by the critique of practical reason." (5) This legislation, while no less *objectively* necessary on Kant's account, clearly does not rule in the actual world with the same universality as the categories, since we are regularly faced with examples of immorality. But Kant's claim is that we *when* we take up a moral view of human agency, the demand that we experience is precisely a demand for universality, and indeed the moral law is just exactly our experience of that demand, or at one version of our experience of that demand.

Within their realms, the understanding and reason provide the general laws that condition their objects, but they require judgment in order to bring those general conditions into contact with actual objects. The initial argument Kant provides for thinking that judgment *has* a principle of its own is essentially a trilemma. If it turns out that judgment's principle cannot be an objective principle of the understanding or an

a posteriori principle taken from experience, then, he argues, it must be an a priori but merely subjective principle. He presents the argument in the context of his discussion of the need the understanding has for judgment's reflective help:

> [T]here are such diverse forms of nature, so many modifications as it were of the universal transcendental concepts of nature, which are left undetermined by [the laws of the understanding], that surely there must be laws for these forms too. Since these laws are empirical, they may indeed be contingent as far as *our* understanding can see; still, if they are to be called laws (as the concept of a nature does require), then they must be regarded as necessary by virtue of some principle of the unity of what is diverse, even though we do not know this principle. Hence reflective judgment … requires a principle…. So this transcendental principle must be one that reflective judgment gives as a law, but only to itself: it cannot take it from somewhere else (since judgment would then be determinative); nor can it prescribe it to nature, because our reflection on the laws of nature is governed by nature… (19)

There must be a principle proper to reflective judgment because neither the understanding nor experience can provide the kind of principle we're looking for. It is perhaps not immediately clear why this judgment cannot be determinative: it is because if it were determinative, then it would govern with the same universality as the concepts of the understanding, but indeed the empirical laws that are produced with the help of reflection must be revisable. On the other hand, its products (empirical laws and concepts), even if *flexible*, have the shape of laws, which means that they cannot have been gotten out of experience. They are also the conditions of the possibility of experience, but only a *subjective* condition of the possibility, one determined by the limits of our capacity to thoroughly order experience by way of concepts. It is in accordance with the demands of the understanding that we deploy this principle.

Indeed, this demand is experienced in connection with the work of the understanding in unifying, or trying to unify, our empirical experience of the world *and* our practical work in ordering, or trying our best to order, our desires. In both of these tasks, the *motivation* comes from the demand that reason makes for unity, order, and the completion of any series, and, in attempting both of these tasks, we inevitably fail. That we inevitably fail with respect to empirical judgments is not immediately clear, since the understanding's categories successfully legislate the conditions of the possibility of experience. But in the face of the innumerable variations and specifications of nature, twelve pure concepts are nowhere near (indeed, potentially infinitely far from being) "granular" enough to actually determine concrete experience, and it is impossible for us to specify all of the conditions involved in even a single instance of causality. The situation is even more dire when it comes to moral judgment, since there what we have is merely the idea of reason, merely the pure form of and demand for universality and unity; if twelve categories aren't granular enough, then one idea of reason is *a fortiori* not enough to yield actual pronouncements. Kant writes that insofar as theoretical cognition or "nature" is concerned, the idea of freedom "carries with it… only a negative principle." (10) In terms of the actual results of any particular moral judgment, we cannot determine whether it arises out of (is the result of a determination by) the moral law, but only whether or not it comes into contradiction with it.

The understanding and reason, then, stand in need of an additional faculty, a more responsive and flexible faculty that can give rise to empirical concepts and judgments, as well as actual moral judgments (and, more confusingly, the second order judgment of those judgments); and, indeed, it is the faculty of judgment itself to which Kant assigns the role of helpmate. It will be helpful to remember at this juncture that we are concerned here with the impossibility of *knowing* that what we are dealing with is an example of, say, a causal principle, or of a moral action. We can know in general, without the help of reflective judgment, that any possible object of experience is going to be governed by the law of causality, but we cannot without reflective judgment know the basic shape of the actual empirical law in question. In the same way, the categorical imperative can tell us whether a proposed action is in accordance with the moral law, but it cannot tell us if the moral law is *at work* in producing the effects we witness. We never get a fully adequate example of the law of causality (and indeed this is why it must be an a priori principle for Kant, because we cannot have gotten it *from* experience), and we cannot ever be certain that we are dealing with an

enactment of the moral law in our evaluation of any proposed or completed action.[1] Just as we can never specify all of the conditions in any given empirical event, we can never specify the conditions – here, potential *motivations* – in any given action. *Conformity* is all we can be certain of in either instance, and *non-conformity* is only actually possible in the second.

It is in respect to the conformity of actual empirical laws and moral judgments in the world of sense that both the understanding and reason can be said to "legislate" over their own particular "realms." As already mentioned, Kant relies on political and juridical terms to describe the way in which our cognitive powers carve up the world. Philosophy is said to have a "domain" (12) in which it works; in this way, it is different from logic, which can only work on materials provided to it from elsewhere, and this according to laws that are particular to thought and so have no legislative powers at all. "Insofar as we refer concepts to objects without considering whether or not cognition of these objects is possible, they have their realm; and this realm is determined by merely by the relation that the object of these concepts has to our cognitive power in general." (12-13) This is the realm of pure reason insofar as it is occupied with the thought of objects but not yet the conditions of their possible experience.

Of the three ideas of reason, the idea of freedom (the thought of which gives rise to the law of morality) alone has the special quality of being concerned with the possibility of its object, so that practical reason will turn out to have a *domain* of its own. This is just another way of saying what we have already said above: we are able, in connection with the law of morality, to determine something about the possibility of empirical judgments *conforming* to its demands. The other *domain* is given shape by the pure concepts of the understanding, so that in addition to a practical domain, we have also a theoretical one, and in both cases the legislation is purely formal: "And yet the territory on which [philosophy's] domain is set up and on which it *exercises* its legislation is still always confined to the sum total of the objects of all possible experience…" (13) Following Kant in this political analogy, we can think of empirical judgments, whether theoretical or practical, as citizens in these domains, and indeed Kant claims of "empirical concepts" that they have no domain "but only residence." (13) They are in part constituted by their conditions of possibility, but they are also the product of reflective judgment, which means that they are treated *as if* they were universal and yet are subject to revision when we encounter material that demands it. These are theoretically or practically mediated particulars that live in but are not entirely "of" their respective domains.

It is perhaps confusing to think of reason and the understanding as having respective domains, since, as Kant clearly says, "understanding and reason have two different legislations on one and the same territory of experience." (13) Their compatibility is guaranteed by the fact that reason, in the form of the moral law, does not legislate in a way that gives rise to empirical examples of its work. If it did, then we would have experience of actions produced in accordance with the laws of freedom, which is to say *not governed by the laws of causality*, but the laws of causality are the conditions of the possibility of experience. All that conformity of an actual action or a proposed principle of action with the law of morality indicates is the *possibility* that the moral law is or was determinate in the production of the particular in question.

There are, however, particulars that live in territory of experience but on the fringes, as it were, which is to say that they are in some important way not subject to the legislation of reason or the understanding. Since reason and the understanding are the conditions of the possibility of experience taken in the technical sense, we have to say that this is something other than experience proper, and yet these particulars (improperly mediated though they might be) exist *for us*. We have been outlining the way in which reason and the understanding require the work of judgment to supply a flexible and yet law-like principle in order to produce any actual mediated particulars, whether we now think of these as objects, actions, or other judgments, to populate their domains. We can finally explain why, in spite of judgments all-important role in doing that work, that work is not at all (or only just barely) the subject matter for the *Critique of Judgment*, which is to say why *aesthetic* judgment (and, to a lesser degree – even though this matter occupies the bulk of the book, it is not its central focus – teleological judgment[2]) is worthy of a critique. Kant writes,

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[1] There remains much work to be done about the role of reflective judgment in "deploying" the categorical imperative, particularly with respect to the generation of maxims (subjective principles of action), but that work is beyond the scope of the current project.

[2] Cf. the passage in its entirety: "Hence, as regards its application, teleological judgment belongs to the theoretical part of philosophy… Aesthetic judgment, on the other hand, contributes nothing to the cognition of its objects; hence it belongs *only* to the

> Aesthetic judgment, on the other hand, contributes nothing to the cognition of its objects; hence it belongs *only* to the critique that is the propaedeutic to all philosophy—viz., to the critique of the judging subject and his cognitive powers insofar as they are capable of [having] a priori principles, no matter what their use may be (theoretical or practical). (35)

A pure aesthetic judgment, for reasons we will follow out, is not the service (or at least not in the direct service) of an objective cognition, so that when we examine pure aesthetic judgment, we get to "see" reflective judgment on its own, working in accordance with its own self-legislated principle. In judgments of taste, we get a kind of access to work that is otherwise submerged in more "successful" empirical judgments, work that issues in an empirical concept or law. This is reflective judgment operating in the territory of experience, but not contributing to or constituting citizens of the realms of theoretical or practical reason. What we get is something less than theoretical or practical judgment, but something more than (following again the political analogy) cognition in a state of nature, since a territory is connected, if in somewhat mysterious ways, to its kingdom.

A territory is a place in search of laws:

> This is *judgment*, about which we have cause to suppose, by analogy, that it too may contain a priori, if not a legislation of its own, then at least a principle of its own, perhaps a merely subjective one, by which to search for laws. Even though such a principle would lack a realm of objects as its own domain, it might still have some territory; and this territory might be of such a character that *none but this very principle might hold in it.* (16, emphasis mine)

Territories are sometimes incorporated into realms, of course, and the analogy here is that reflective reason does work that contributes to the successful legislation of the understanding and of reason. It also produces residents, however, that are not quite suited to incorporation, residents of a peculiarly territorial nature, and these are the judgments of taste, which, because never brought under laws other than those of the territory, which is to say those of reflective judgment itself, give us access to judgment's own principle.

We are devoting energy to tracking and extending this political analogy because the thought that it is more than an analogy is operative (in a way that will remain partly behind the scenes) in our argument. We are justified in at least following it out insofar as that same thought is clearly, if not always explicitly, at work in Kant's own thinking about the role of taste in the development of civilized political relations. For example, he assigns the education of taste a teleological role in the second half of the third critique:

> But we also cannot fail to notice that nature [within us] pursues the purpose of making room for the development of our humanity by making ever more headway against the crudeness and vehemence of those inclinations that belong to us primarily as animals and that interfere most with our education for our higher vocation (namely, the inclinations [to] enjoyment). [For we have] the fine art[s] and the sciences, which involve a universally communicable pleasure as well as elegance and refinement, and through these they make man, not indeed morally better for [life in] society, but still civilized for it… (321)

This indeed is one task of territorial government: to ready a place and its inhabitants for incorporation, and that work is different from the work of constituting citizens. Importantly, however, pure judgments of taste remain territorial in the sense that they are not actually fodder for either theoretical or practical legislation. Judgments of taste occasioned by natural objects are better suited, as far as Kant is concerned, to maintain that purity and independence, which is what makes them better symbols for morality, but for the same reason, the slight *impurity* of works of art will allow us to look at them as symbols of *political* possibility. Indeed, it will be here that we find symbolized the demand for happiness as pressing a kind of counterclaim against the demands of civilization.

Indeed, although "happiness" is posited, as we saw above, as the one end given to all rational but finite beings, our *conceptions* of what happiness is, in what kinds of pursuits it consists, and what kinds of objects and activities will lead to it, are not therewith also given. The political hopes we pin on symbolic communication, and in this context the work of art, depends on the idea that the mediation of cultural norms

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critique that is the propaedeutic to all philosophy—viz., to the critique of the judging subject and his cognitive powers insofar as they are capable of [having] a priori principles, no matter what their use may be (theoretical or practical)." (35)

by way of a counterclaim "from underneath," as it were, is possible, that these are indeed the products of reflective judgment, and that the "progress" in this realm is not actually determined by a universal and necessary law. Unlike the moral law, which in Kant's estimation is of course an a priori given and object law of reason, we will suggest that the work of art is related to a very different kind of "given and a priori" law, namely the socially-legislating concepts that precede us historically rather than transcendentally, the forms of authority to which we are born, become bound, from which we might also unbind to some degree or, better yet, in connection with which our counterclaims might be effective and transformative.

Before we can fully see the importance of this political line of thought, however, we need to have understood something about the way in which this principle peculiar to judgment is related to the question of pleasure and displeasure. Both in the *Critique of Judgment* itself, and now in this chapter, the appearance of "pleasure and displeasure" is somewhat abrupt. "[A]ll the soul's powers or capacities," Kant writes, "can be reduced to three that cannot be derived further from a common basis: the *cognitive power*, the *feeling of pleasure or displeasure*, and the *power of desire*." (16) The cognitive power is the understanding, and the power of desire is the will (which means that it is comprised of reason in its practical function, as well as the stuff of our inclinations). Kant seems to be identifying, then, the power of judgment with *the feeling of pleasure or displeasure*. This comes as slightly less of a surprise in this context, since we have already identified judgments of taste as those judgments that produce occupants of the territory not suited for citizenship in the practical or theoretical realms, but we have not yet really identified what judgments of taste *are*, and we certainly have not thought about the roles of pleasure and displeasure in them, much less the submerged role these turn out to play in the production of empirical concepts.

As we've begun to see, the faculty of judgment is the faculty of reconciliation in general. It serves to reconcile the categories of the understanding with the overly diverse stuff of sensibility, the moral law with the overly diverse and potentially also contradictory stuff of desire (note here that it will be the potential for desires to contradict what would seek to order them that gives rise to our thought of a counterclaim in the work of art), the two realms of philosophy (the theoretical and the practical), and now we find that the faculty of judgment, or at least its primary principle, consists in the feeling of pleasure or displeasure.

It is no surprise that judgments of taste refer us to these feelings, but it is indeed a novel idea that the feelings play a role in *all* empirical judgment. In the case of successful[3] instances of empirical judgments, Kant portrays the pleasure as the result of the fact that a need arising in the understanding is met, or seems to have been met, by the object or law in question: "This is … why we rejoice (actually we are relieved of a need) when, just as if it were a lucky chance favoring our aim, we do find such systematic unity among merely empirical laws…" (24) There is no guarantee, since the principle of reflective judgment is merely subjective, that the objective world will spontaneously gratify this need. But since this is a need universally shared by all rational beings unfortunate enough not to be favored with intuitive understanding, the same spontaneous order ought to gratify all who encounter it. Thus, "the feeling of pleasure is determined a priori and validly for everyone." (27)

This already sounds like a pure judgment of taste, but in fact it is a pleasure that Kant thinks accompanies every advance in empirical understanding, although "we have gradually come to mix it in with mere cognition and no longer take any special notice of it." (27) Pure judgments of taste, on the other hand, are those that do not end in an empirical judgment, which is to say in the successful elaboration of and then subsumption under a universal law that suits the particular in question. In any given presentation, what "*cannot at all become an element of cognition* is the *pleasure* or *displeasure* connected with that presentation." (29) This pleasure or displeasure arises when a need is met or fails to be met. In a case of empirical judgment, then, pleasure arises when the need of the understanding is met, and displeasure arises when it turns out that we are trying to use an empirical concept (say, the product of some earlier reflective judgment) which turns out *not* to make sense of what is presented to us; displeasure, then, is an indication that our concept is in need of revision.

Pleasure and displeasure, in those cases at least, seem to have to do with the degree of "fit" between the empirical concepts and laws we've developed and the particulars we seek to understand by means of these concepts and laws. If any adjustment is called for, it is an adjustment *in us*, i.e., in our concepts and

[3] Although here "successful" does not mean *certain*, since these are always revisable.

laws, rather than in the things we seek to understand. At the same time, and perhaps only when we meet with success in our endeavors, we ascribe the suitability to the *object*, treating it as a *purposiveness* belonging to the thing. However, a "thing's purposiveness, insofar as it is presented in the perception of the thing, is … not a characteristic of the object itself…. Therefore, the subjective [feature] of the presentation which cannot at all become an element of cognition is the purposiveness that precedes the cognition of an object…" (29) Purposiveness is the term we use to describe the pleasure (or displeasure) we connect with the apprehension of an object. "Therefore, [when we are not seeking to use the presentation of the object for cognition] we call the object purposive only because its presentation is directly connected with the feeling of pleasure, and this presentation itself is an aesthetic presentation of purposiveness." (29) A pure aesthetic judgment, then, places in our "view," so to speak, presents to us, what cannot otherwise be encountered, which is the principle peculiar to the faculty of judgment, which is a measure of fit between what we demand and what we get. One way of characterizing the principle of judgment is just as the demand for fit generally, and in any particular instance of a pure judgment of taste, it is unclear whether it is a sign that we are well-suited to understanding (or act in) the world, or whether the world is well-suited to be understood (or acted in).

In the case of a judgment of taste, it seems we cannot find a concept (or universal) adequate to our particular, which sounds like it should be the cause of pure frustration, since, as Kant says,

> we would certainly dislike it if nature were presented in a way that told us in advance that if we investigated nature slightly beyond the commonest experience we would find its laws so heterogeneous that our understanding could not unify nature's particular laws under universal empirical law. For this would conflict with th principle of nature's subjectively purposive specification in its genera, and with the principle that our reflective judgment follows in dealing with nature. (28)

Somehow, with an object of taste, we encounter a pleasing excess of particularity, pleasing perhaps just on account of our *inability* to bind it using a concept, since that is the condition under which the pleasure that is at the core of all reflective thinking is not submerged. Indeed, the fact that we do not *succeed* means also that we do not *fail*, since every reflectively generated empirical law or concept contains a moment of contingency, a marker of the degree to which that law or concept fails to specify the conditions of an event or moments of an object. Every successful empirical law is thus also a confession of its own inadequacy (since otherwise it will not be the kind of revisable law needed), so perhaps a failure that comes, as in a judgment of taste, without *actually* running into any limitations is a kind of promise of future success. In that moment, it is as if the self-legislating of the faculty of judgment were potentially also the *real* legislating of a law, even though the law in question cannot be identified.

Before we go on to compare this pursuit of unity in the world of nature with that whereby we seek to unify or reconcile our cognitive powers, we should note that already in the field of natural science, Kant sees that it is possible to come to "love diversity," to value it over unity, so that we get a kind of scientific analog to the pleasurable disunity we will encounter in art. The tension between these competing loves appears in connection with Kant's discussin of the work of the understanding in systematizing its view of nature, so that in the *Critique of Pure Reason*, Kant hypothesizes two hostile camps of naturalists, working by way of two different principles of order:

> The logical principle of genera, which postulates identity, is balanced by another principle, namely, that of *species*, which calls for manifoldness and diversity in things, notwithstanding their agreement as coming under the same genus, and which prescribes to the understanding that it attend to the diversity no less than to the identity. […] This twofold interest manifests itself also among students of nature in the diversity of their ways of thinking. Those who are more especially speculative are, we almost say, hostile to heterogeneity, and are always on the watch for the unity of the genus; those, on the other hand, who are more especially empirical, are constantly endeavoring to differentiate nature in such manifold fashion as almost to extinguish the hope of every being able to determine its appearances in accordance with the universal principles. (A654-5/B683-4)

Here, Kant's sympathies seem to lie primarily with those hostile to heterogeneity, since their work promises smooth progress in our attempts to unify nature. Those who dedicate themselves to differentiation, on the other hand, are the enemies of hope.

As we have said, this pursuit of unity is not confined to our efforts to bring the external world under systematic coordination; indeed, as Kant explains clearly in the following passage from the *Critique of Pure Reason,* we pursue it in connection with the diversity of our faculties as well:

> The various appearances of one and the same substance show at first sight so great a diversity, that at the start we have to assume just as many different powers as there are different effects. For instance, in the human mind we have sensation, consciousness, imagination, memory, wit, power of discrimination, pleasure, desire, etc. Now there is a logical maxim which requires that we should reduce, so far as may be possible, this seeming diversity, by comparing them to one another and detecting their hidden identity. […] Though logic is not capable of deciding whether a *fundamental power* actually exists, the idea of such a power is the problem involved in a systematic representation of the multiplicity of powers. (A649-B677)

Here, we see that the diversity in the object is experience as a diversity in the subject, since for each "kind" of object, we have to posit a power responsible for its presentation as such. Thus, when we search, in accordance with our "logical maxim" – which just is the principle of reflective judgment – to "reduce, so far as may be possible, this seeming diversity" of objects, we are likewise searching to reduce the seeming diversity of powers or faculties. But as Kant makes clear in the "Encylopaedic Introduction" to the third critique, we encounter a fundamental limit to that unification, so that "all of the powers of the mind can be reduced to the following three: [the] *cognitive power,* [the] *feeling of pleasure and displeasure*, [and the] *power of desire*." (245') If that is the case, then the moments of reconciliation we are seeking would, at least insofar as the faculties are concerned, seem to be limited to the mere promise of reconciliation, a symbolic representation of it.[4]

We have already pointed out that, like all propositions about the empirical world, the judgment of taste lays claim to universal assent, and like all propositions about the empirical world, it has the potential to either gain that assent or not. "What is strange and different," (or, in another translation, "the only point that is strange or out of the way,"[5]) about a judgment of taste, according to Kant, "is only this: that what is to be connected with the presentation of the object is not an empirical concept but a feeling of pleasure (hence no concept at all), though, just as if it were a predicate connected with cognition of the object, this feeling is nevertheless to be required of everyone." (31) The feeling in question is involved in all empirical concepts or laws, but it normally occupies the place of the *copula* rather than that of the *predicate*. In a judgment of the type "S is P," we are drawing together, subsuming under a universal, a subject and a predicate. "This is a cat" means that a given particular, the "this" in question, is to be understood as an instantiation of "cat." It certainly is already somewhat strange and out of the way to think that the stuff of the copula, first of all, is a feeling (of fit, we might say), and it is harder yet to think what it might mean to conjoin that feeling as if it were a predicate with an object. "This is beautiful." It is stranger yet to think that, whatever this feeling is, it is to be exacted of everyone, although, perhaps, given the difficulty our universal concepts of the understanding have gaining traction on the radical diversity of objects, it is just as surprising that we come to share a substantially coordinated view of the common empirical world.

Indeed, it seems that we are looking for some kind of constitutional identity when we ask for concurrence on a judgment of taste, that others *demonstrate* to us (or at least give us a sign) that they too are reflective thinkers at work trying to constitute their own respective unified experiences, and that further they are trying to coordinate their respective unified experience with those of other people. We will not follow this up until later in the chapter, but this can help us begin to make sense of the fact that Kant often treats judgments of taste as though they presented a kind of test, so that we're interested in *proving* to others that we have taste, that our taste is properly disinterested, and the way Kant treats matters of taste as character-tests.

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[4] On the danger Kant foresees in connection with this search: "This unity, although it is a mere idea, has been at all times so eagerly sought, that there has been need to moderate the desire for it, not to encourage it. For in conformity with the idea everyone presupposes that this unity of reason accords with nature itself, and that reason—although indeed unable to determine the limits of this unity—does not here beg but command." (A652/B681) If the pure judgment of taste falls somewhere between begging and commanding, demanding but not securing recognition, then the work of art might be understood to make visible the limits of the unity, putting the brakes on the command of reason and allowing something else to stake a tiny claim.

[5] Meredith, CJ, 18

For a treatise on judgment, which turns out to be then also a treatise on *pleasure*, Kant devotes a perhaps inordinate amount of energy to the pleasure involved in the gratification of the demands of the understanding, and such a correspondingly limited amount of energy on the question of desire that the avoidance seems almost studied. It is true that since his aim is a transcendental critique of judgment, he is looking for judgments that demand universal assent, so that his investigation is not primarily concerned with this or that contingent desire. The desires in question will turn out to be contingent even if "locally" legislated and coordinated, i.e., historically shaped. But he does write freely about the ways in which reflective judgment formulates its demand for lawfulness and unity in the face of (and as a way of dealing with) limitations encountered in *external* nature. Why then avoid the diversity encountered in our *internal* nature? It is especially striking that Kant avoids this topic since it is thanks to that latter diversity that morality first stands in *need* of a symbol, something that can bring it closer to intuition just because we can never find a sure example of its effect. Although the situations are not exactly parallel, we find ourselves similarly limited in both: just as we cannot enumerate all of the conditions and specifications of any given object or law, we cannot enumerate all of the things that condition our desires well enough to be sure that any given action is motivated by the moral law. In addition to treating aesthetic judgments as symbols of a spontaneous fit between our cognitive needs and the given world, why don't we explicitly also treat them as a symbol of the spontaneous fit between the demands of desire and that of morality?

If that is not an option, then we are stuck ascribing all of the pleasure on which a judgment of taste is based to a spontaneous meeting of the understanding's need for unity, so that the judgment of taste really is just symbolic of morality insofar as a faculty (but not reason) finds itself in a situation that seems as if it were indeed legislating the unity of empirical experience. Certainly, this is Kant's primary and most explicit preoccupation:

> In a critique of judgment, the part that deals with aesthetic judgment belongs to it essentially. For this power alone contains a principle that judgment lays completely a priori at the basis of its reflection on nature: the principle of a formal purposiveness of nature, in terms of its particular (empirical) laws, for our cognitive power, without which principle the understanding could not find its way about in nature. (33-34)[6]

Thus, the primary value assigned to judgments of taste in the third critique is their capacity to make *understanding* at ease in its environs, to make sure that *understanding* can find its way about in nature. But is the understanding's anxiety about encountering what it cannot compass really about (or really only about) our *cognitive* limitations? Isn't it at least plausible that this is an anxiety about finitude more generally, about the possibility that we might not have *all* our needs met (no matter their source) by the world, whether the world in question is the natural world or our social world? It is at least plausible that there are other pressing sources of anxiety than the understanding, and that some of these have to do with the cultural demands placed on us. Indeed, it will become *more* plausible when turn to our investigation of the social dimension of judgments of taste.

Section 2: Judging Judges and the Judges Who Love Them (Almost)

Next, we will turn to the judgment of taste in its connection with what Kant calls judgments of sense, which are judgments that involve connecting a given object to either the predicate "beautiful" or "agreeable" respectively. (The other value judgments we make are of a thing as "good," whether mean good for a given purpose or good in itself, and of the "sublime," which does not apply directly to objects and will largely not concern us here.) Along the way, we will both rely on our earlier comments about the relationship between reflective judgment and logical judgment, the former as in its cognitive capacity furnishing the latter with its materials. We will deepen our understanding also of the *distinction* between aesthetic and logical judgment, which will come into play again in Section 3 ("Judgis Interruptis"), when we turn to Kant's thinking about "aesthetic ideas" and the work of art.

[6] Meredith uses the phrase here: "without which understanding could not feel itself at home in nature". (Meredith, CJ, 21)

On the subject of the comparison between judgments of taste and logical judgments, we should say something here, since Kant organizes his initial investigation of judgments of taste (as well as that of the sublime) around an analogy to his table of logical judgments.[7] It would be easy to dismiss this as a function of Kant's love for all architectonic, a love that demands that he organize his thinking always in connection with one table or another. But we might also claim that exactly that love is the object of our current investigation. Indeed, when Kant claims that reflective judgment proceeds by way of "analogy," applying a kind of rule that is peculiar to the subject to the thought of objects that are beyond all possible experience, he means that we are using the rules of thought (those of logic) to understand what thought itself has not produced, i.e., that which has not been produced according to concepts. This is, as we shall see, also what he means when he claims that "symbolic exhibition" is analogous to schematic representation.

In the *Critique of Pure Reason,* Kant compares determinative and reflective judgment as follows:

> If reason is a faculty of deducing the particular from the universal, and if the universal is already *certain in itself* and given, only *judgment* is required to execute the process of subsumption, and the particular is thereby determined in a necessary manner. […] If, however, the universal is admitted as *problematic* only, and is a mere idea, the particular is certain, but the universality of the rule of which it is a consequence is still a problem. Several particular instances, which are one and all certain, are scrutinized in view of the rule, to see whether they follow from it. (A646/B674)

Here, we can see that Kant is comparing the process whereby we *derive* a particular from a given and certain universal to one where the universal is given only as *problematic*; this is then the kind of "revisable" universal produced by reflective judgment. In a judgment of taste whereby we declare an object to be beautiful, it will turn out that the object presents us with a particular that *seems* as if it could have been derived from a universal, so that while the judgment remains problematic, which is to say we might well have made a mistake in this given instance, it asserts itself as a universal judgment, giving the appearance of a real unity between a given particular and a certain universal. When we turn finally to the work of art, we can understand the appearance of a disunity as marking it as a kind of *problematic* judgment, the kind that instead of reinforcing the universal puts it, however slightly, into question. Indeed, if we take the term "problematic" seriously, we can follow it through to see how the work of art sets us a certain kind of problem, representing not the promise of future success but rather a task, so that in addition to the moment of "play," we get the "work" in "work of art." More immediately, however, we should notice that when we deploy the rules of thought beyond their legislative bounds, we are using the logical forms of judgment.[8]

A judgment of taste is, according to Kant, above all concerned with "quality."[9] Quality, in logical terms, is a question of the affirmation or negation of a given proposition, so that affirmative judgments are of the types: "All S are P" and "Some S are P," and negative judgments of the types: "No S are P" and "Some S are not P." Judgments of taste do not, however, subsume the particular subject in question under a class or category but treat it singularly, so that it takes the form: "This S is P." Further, it is an *aesthetic judgment*, which means that the predicate to which we relate the given particular is our feeling of pleasure or displeasure. Instead, then, of identifying as given building as a house, we identify it in a somewhat mysterious fashion with our own feeling of pleasure or displeasure. If we likewise identify that feeling as a personal one, we come up with a judgment that does not take a logical form: "This building pleases me." If, for reasons yet to be explored, we identify the feeling as one that ought to be shared, we eliminate the reference to ourselves, saying simply: "This [or, this house, this building] is beautiful."

In the case of a pure judgment of taste, we make a claim that seems to be about an object but which, although it gestures at the object as the "this" in question, does not further specify anything about it. "This power does not contribute anything to the cognition, but merely compares the given presentation in the subject with the entire presentational power, of which the mind becomes conscious when it feels its own

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[7] cf. *Prolegomena to Any Future Metaphysics*, xxx, and *Critique of Pure Reason,* xxx.

[8] The logical forms of judgment are, of course, merely subjectively necessary, since they are the rules that govern thought rather than things. They are not then directly determinative, although their a priori synthetic cousins, the concepts of the understanding, condition the possibility of all experience. These latter concepts are both everywhere in evidence and nowhere immediately to be found. The mode of exhibition for the concepts of the understanding is what Kant calls "schematic," and he takes symbolic exhibition to operate by way of an analogy to the schematism. We will investigate this analogy below.

[9] cf. 203-204

state." (204) We have not enlarged our knowledge of the building when we connect the presentation of it to a feeling; instead, we have "become conscious" of our own presentational power. That means that we learn something about ourselves rather than something about the building. A logical judgment would take the results of two reflective judgments and connect them together, making one the predicate of the other. Thus, we have concepts like "building" and "house" on the basis of our reflective capacity to come up with empirical concepts corresponding to these definitions. When we identify a building *as* a house, we connect two types of things logically, one as the predicate of the other. When we identify a building or house as beautiful, on the other hand, we connect the unity or harmony that we seem to encounter in the object with a unity or harmony it seems to occasion within us, a unity or harmony of our "entire presentational power," which is as a matter of fact, for Kant, actually comprised irreducibly of *three* presentational powers: cognition, judgment, and the will.

In order to better understand why only some aesthetic judgments take on a logical form, we will compare the pure judgment of taste with the other types of evaluative judgments we make, focusing particularly on what Kant calls the "judgment of sense," which is the judgment that a given object is agreeable. The primary marker of a judgment of taste is its disinterested orientation toward the object in question. "Interest is what we call the liking we connect with the presentation of an object's existence." (204) Kant treats this as a fairly straightforward claim and so quickly moves on to what he takes to be the more contentious claim that *taste* involves a disinterested liking. But insofar as we are dealing with a philosophical system in which all of our claims apply only to the appearances and not at all to the objects themselves, the question of existence is necessarily a complicated one. It is less complicated when we think about our interest in food, since, when we are hungry, we hope that the presentation of food before us actually exists, and actually exists *as food*.

Even here, however, it seems that if it is really the case, as Kant argues in the *Critique of Pure Reason*, [cite xxx] that "existence" is not a predicate, and so our thought of 1000 dollars contains not a penny more than 1000 real dollars, then our thought of a dish of sushi contains should contain not a calorie more than either a fake plate of sushi or a real one. But it is also (obviously) the case that the thought of a plate of sushi will not satisfy our needs for calories, and so we take an interest in the *reality* of our presentation, hoping indeed that our needs will be met. In that sense, we refer the plate of sushi not to our cognition of it but link it causally with our natural constitution as calorie-needing animals, so that we link it with a *purpose* rather than with a *predicate* or concept. This does not explain precisely how we distinguish between a fantasized plate of sushi, a mere imagined plate of sushi, and a real one. It does suggest, however, that this distinction is not drawn *cognitively* precisely, although it must be said that the distinction between the fake display plate and a real plate is probably made on cognitive grounds – we see the lacquered appearance, for example, and connect that with the predicate "fake." Instead, and this is where we've been heading, it must be drawn between what we cognize about the thing and what exceeds our cognition of it. Indeed, this is generally what we mean when we speak of the "material" element of a given presentation: what has not been conceptually mediated, what exceeds our knowledge of it. That is how we know, indeed, that a given thing is real: it is given in *intuition.* When we are interested in that remainder, we are materially interested in an object, which is to say that we take it to offer some possibility of material satisfaction.

This is not the case with a pure judgment of taste: "But if the question is whether something is beautiful, what we want to know is not whether we or anyone cares, or so much as might care, in any way, about the thing's existence, but rather how we judge it in our mere contemplation of it (intuition or reflection)." (204) That is to say, a thing has to exist in order to be judged aesthetically, but its existence is not interesting to us. We do not plan to connect our representation of it to some concept or purpose, but merely to compare that presentation with our response to it. Already, however, we can see that there is something *social* happening here with judgments of taste. Someone has asked us a question, and we find we want to be able to answer it in the right way. The condition of the possibility for both question and answer is in fact the *existence* of the object, a common point of reference. When we go to answer the question, we want to "prove" that we have taste: "[I]n order for me to say that the object is *beautiful*, and to prove that I have taste, what matters is what I do with this presentation within myself…" (205) This is a very strange situation indeed: we rely on a thing that exists as a common point of reference, and then we have a conversation about it the aim of which is to prove something about what we do with the presentation *within*

ourselves. That means that we are not only interested in the fact that aesthetic judgments allow us to become conscious of something that is normally out of reach, namely, our own respective powers of presentation, but we are interested in arriving at a moment of recognition that involves finding in others, and having found in ourselves, a kind of presentational identity.

Indeed, Kant makes it even clearer that this disinterest is a matter of social interest: "In order to *play the judge in matters of taste*, we must not be in the least biased in favor of the thing's existence but must be wholly indifferent about it." (205, emphasis mine) In underscoring our deep disinterest in the thing's existence, he imagines the following scenario: "I might, finally, quite easily convince myself that, if I were on some uninhabited island with no hope of ever again coming among people, and could conjure up such a splendid edifice by a mere wish, I would not even take that much trouble for it if I had already a sufficiently comfortable hut." (204-205) Here, we imagine convincing ourselves that the point of contact is essentially social, that I am pleased only insofar as I can compare my response to the thing with that of other people, so that on my uninhabited island, I should have no use for it at all. Later in the text, this is what Kant will think of as the "empirical interest" we can take in beautiful objects, where that empirical interest always has to do with the sociality of judgments of taste. Really pure, sustainably pure, judgments of taste will always involve natural objects, and we will always be alone in our encounters with them. (These too give rise to an interest, but that is what Kant calls a "rational interest". We'll get back to this.) The idea that we should not conjure up even enough effort, by ourselves, to *wish* a splendid castle into being, suggests that even judgments of sense (of the agreeable) have something social about them, since even if beauty were not an issue, there is much that is agreeable to the senses in luxuries.

And so we have arrived back at the question of "existence," since existence is related to sensation. Sensation is what exceeds our understanding; we call something material or sensory insofar as we have not finally or thoroughly mediated it conceptually. "Agreeable *is what the senses like in sensation*." (205) This is by definition not a social kind of liking, since what hasn't been conceptually mediated is also that about which we cannot communicate. If we collapse the distinction between the various kinds of liking, for the agreeable, the beautiful, and the good, which is the division Kant is proposing between various forms of aesthetic orientation, then

> we could not require [our powers] to estimate things and their value in any other way than by the gratification they promise…. And since all that could make a difference in that promised gratification would be what means we select, people could no longer blame one another for baseness and malice, but only for foolishness and ignorance, since all of them, each according to his own way of viewing things, would be pursuing one and the same goal: gratification. (206)

First, I want to point out that what we find "agreeable" is not what directly gratifies us but what we like in *sensing* (rather than using or directly, materially enjoying) an object, which is to say that we treat the agreeable in some sense symbolically as well, since we are still concerned with a presentation or representation that *promises* (rather than delivers) gratification, or, more confusingly, delivers gratification to the senses "at a distance," so to speak. If "the agreeable" were our only mode of aesthetic judgment, then we would judge all objects by way of a connection to what Kant elsewhere calls "counsels of prudence," [cite xxx] so that we would be referring them to the given purpose of happiness. Counsels of prudence try to guide us along general lines, to allow us to order our lives in ways that are likely to lead to good "outcomes," and the agreeable, we might say, is a kind of informed sensory judgment (and we should remark here that the very concept of a 'sensory judgment' is surprising) that works at a correspondingly general level. We could make *mistakes* in making these judgments, but others could not fault us for our mistakes, and we likewise seem to make no demands that others respond in like ways to like things.[10]

Somehow, then, these judgments about the agreeable also fail to hold out the same *epistemological* promise as pure judgments of taste. Kant writes,

[10] This, at least, is Kant's take on judgments about the agreeable, calling them as we'll see later "modest" sorts of judgments. Given my interest in social attempts to organize us politically with respect to what I've called in the introduction 'overly concrete' shared objects of value, these supposedly modest and therefore 'safe' judgments would seem to harbor more danger than Kant thought to expect.

> When [something determines the feeling of pleasure or displeasure and this] determination of that feeling is called sensation, this term means something quite different from what it means when I apply it to the presentation of a thing… For in the second case the presentation is referred to the object, but in the first it is referred solely to the subject and is not used for cognition at all, not even for that by which the subject *cognizes* himself. (206)

Instead of the promise of knowing, what we get is the promise of future gratification. Here, we are clearly not, on Kant's account, in "control" of the situation. While reflective judgment is, at least thus far, never itself determinative, here, the determination comes form a source foreign to us. The relationship is a causal one between two objects, or between an object and a subject in some kind of need of that object. We are metaphorically *attracted to* that object, and our liking (or disliking) is, at least in that moment, compulsory. The connection between subject and object happens below the radar, so to speak, so that the liking that occurs is beyond mediation by the understanding or reason.[11] It is a liking that is here represented as occurring between unmediated nature without (the stuff of sensation, the material aspect of the object) and unmediated, or less-than-satisfyingly-mediated, nature within (our desires and material needs). (I am hedging here, with phrases like "at least in that moment compulsory" and "less-than-satisfyingly-mediated" because it seems that one of the functions of the advance of taste, one of its civilizing functions, must be to provide some kind of other and 'better' orientation even with respect to what we find 'agreeable,' since this would have to cover our socially-mediated proclivity for the cooked over the raw, for comforts above and beyond what need could demands, etc.) Insofar as this is a relation of sensation to the sensory, it is private, beyond articulation at least in terms of concepts, and it is thus that it does not serve to "tell" us any more or anything new about ourselves, even as we might take it to reveal "something old" about ourselves, i.e., something already established.

Judgments about the agreeable, then, are analogous to empirical judgments:

> Now, that a judgment by which I declare an object to be agreeable expresses an interest in that object is already obvious from the fact that, by means of sensation, the judgment arouses a desire for objects of that kind: it presupposes that I have referred the existence of the object to my state insofar as that state is affected by such an object. (206)

The judgment that an object is "agreeable" is not directly a judgment, "I desire that object," but a judgment at a higher level of generality, one where an given object "arouses a desire for objects of *that kind*." It is thus that a judgment of the agreeable is the aesthetic analog to a maxim in Kantian moral thought. Indeed, it seems at least plausible that to find an object "agreeable," I have to *already* be disposed to be thus oriented to objects of the kind, so that the education of taste is at least in part an education of just such a disposition. Thus we might think too that a judgment of agreeableness is the epistemological analog to an empirical judgment that makes use of a reflectively generated empirical concept, where what is at issue is a matter of subsumption. Just as empirical concepts are themselves the result of a development in thought but their deployment simply a matter of the subsumption of a particular under the concept, we (again) do not learn anything new about ourselves but merely deploy our taste in the judgment of an object as agreeable. This deployment results in an inclination, rather than cognition. This is why Kant criticizes the "people who aim at nothing but enjoyment" by saying that "they like to dispense with all judging." (206) Of course, this is a "judgment" of sorts, but it is one that requires no (or very little) new work from us, since the agreeable is described as "a liking that is conditioned pathologically by stimuli." (209). Taste for the agreeable must still be the result of a certain kind socialization (indeed, nowhere else except in the work of art is that so obvious), but if it is telling about us, it is also just that.

Kant's comments on "the good" serve to make the category "agreeable" all the more mysterious, since Kant makes it clear that "these terms are in no way interchangeable". (208) We call things either "good for" or "good, period." As we know from the G*roundwork*, (cite xxx) the only thing good in itself is a good will. If we think of a thing as good for something else, as a means to an end, then we are interested in it for a given purpose. Or, rather, we are interested in it for the sake of a *possible* purpose. Given that one has a certain purpose, then a thing is good when it is suited to that purpose. A pen is good for writing, so if one's

[11] It is the seemingly mechanical nature of these judgments that accounts for the danger I mentioned.

aim is to write, the pen is good. Given another purpose, say, changing a tire, a pen is no good at all. This makes good simple sense, but the category of the "agreeable" makes even less sense in the face of it. The good "contains the concept of a purpose," (207) whether that purpose is technical or moral. That means that the judgment that a given object is agreeable must have no reference to a given purpose, so that our orientation toward to the object is, in spite of its being an orientation toward the *materiality* of the object, not precisely an instrumental orientation. (This is why we connect the agreeable with counsels of prudence, since these are counsels at a higher level of generalization.) Again, we're taking rather as symbolic of instrumental orientation, promising (but not specifying) satisfaction, gesturing at but not articulating uses. We find even more support for this reading insofar as Kant defines happiness in this context as "the greatest sum (in number as well as duration) of what is agreeable in life" (208). What we find agreeable is what promises happiness, and it seems that we find enjoyment in that very promise, rather than in the actual satisfaction of whatever needs must underlie our orientation toward the material, sensible world. Since our argument is, at least in part, that in the work of art, the senses and thereby the needs get to stake a claim, which is not a claim demanding satisfaction but rather a claim on *recognition*, this line of thought seems crucial. So, however, does the fact that this claim can only be staked in *connection* with or as *mediated by* taste. Looking ahead, we can already see that it is only by placing what in ourselves is beyond conceptual articulation in connection with some kind of cognitive work can we also hope for a meaningful relationship to it, for some degree of independence from it, but an independence that does not just seek to obliterate all signs of our material and needy condition.

Kant makes it clear once again that at least a part of what we're after here is convincing reason of our intrinsic worth, which is to say judging not only objects but a second order judgment of aesthetic judgment.

> [R]eason can never be persuaded that there is any intrinsic value in the existence of a human being who lives merely for *enjoyment* (no matter how industrious he may be in pursuing that aim)… Only by what he does without concern for enjoyment, in complete freedom and independently of whatever he could also receive passively from nature, does he give his existence an absolute value, as the existence of a person. (208-209)

It is clear that Kant primarily has in mind the judgment of the self or another as *moral*, which is to say the judgment that asserts the good will as the only object worthy of our unconditioned esteem. And yet this precisely is a judgment we cannot make, since we can only prove, for all our trying, that such a being is *possible*, never *actual*, meaning that this is knowledge that remains beyond us. But we can see that the judgment of taste begins to fulfill some of these same requirements: it is a judgment free from concern for enjoyment, made independently of all interest. Not only will *beauty* turn out to be symbolic of morality, but our ability to judge and love the beautiful, at least beautiful nature, will turn us into symbols of moral agents. By contrast, "Many things may be charming and agreeable to [a given judge]; no one cares about that." (212)

In connection with this question of convincing reason of our intrinsic worth, we must ask in what sense and to what degree a judgment of taste is free. Kant describes the judgment of the agreeable that of the good as unfree in the following: "Neither an object of inclination, nor one that a law of reason enjoins on us as an object of desire, leaves us the freedom to make an object of pleasure out of something or other. All interest either presupposes a need or gives rise to one: and, because interest is the basis that determines approval, it makes the judgment about the object unfree." (210) We are, of course, at our freest in Kant's estimation when we are giving the law to ourselves, acting autonomously, and yet we never get an *example* of that freedom, a given empirical instantiation of it; it is something that, if it happens at all, happens behind our phenomenal backs. Indeed, only when we feel most *constrained* by duty can we even begin to think that we just might actually be motivated by the moral law and so imposing a law on ourselves. In a pure aesthetic judgment, however, "the judging person *feels* completely free as regards the liking he accords the object." (211)

The agreeable, on the other hand, gives rise to an interest categorized here as pathological, automated in some important way. Kant cites the adage that "hunger is the best sauce," (210) which demonstrates that a need is too directly involved in our object-selection, so that we are not free to "make an object of pleasure out of something or other." Indeed, our selection there is constrained to a certain class of

objects, the "edible." "Only," Kant writes, "when their need has been satisfied *can we tell who in a multitude of people has taste and who does not*." (210 my emphasis) Yet again, we see that we are interested, we know not yet why, in sorting the tasteful from those lacking in taste, and it is clear that taste is to be held in some kind of social esteem. (Indeed, very often when it comes to judging a judge of the beautiful, Kant easily slips into the first person plural, so that the specter of "us" as a panel of speculative observers arises.) In the same way that we seek out as would-be moral examples (if such there could be) those who act without inclination, Kant treats as potential examples of the tasteful those who have "manners without virtue, politeness without benevolence, propriety without integrity, and so on. …[T]o show our taste in conduct (or in judging other people's conduct) is very different from expressing our moral way of thinking. For this contains a command and gives rise to a need, whereas moral taste only plays with the objects of liking without committing itself to any of them." (210) This excursion into the realm of *manners* occurs rather suddenly, as does the descriptive phrase "moral taste," and it is surprising to see "politeness without benevolence" treated as a matter of play, since the absence of benevolence would seem a strict violation of duty. And yet there is something fitting about it too, since what are manners, politeness, and propriety unless they are ways of enjoying one another's company precisely in the absence of virtue, benevolence, and integrity? Aren't these "social niceties" really in lieu of adequately realized moral virtues? That suggestion goes perhaps altogether too far, since there are many cases where manners are called for that go above and beyond virtue, where they are purely matters of form, and perhaps Kant's claim here is that even pure matters of form have some important social, even if no important moral, role to play. (We will return to this below with our discussion of the naïf.)

Because the judge cannot "discover, underlying this liking, any private conditions, on which he might be dependent," "he will talk about the beautiful as if beauty were a characteristic of the object and the judgment were logical…" (211) We do not make reference to ourselves in articulating our judgments of taste; again, instead of "I like X," we say, "X is beautiful," giving the judgment the form of a logical judgment, which is to say positing an objective connection between the subject and the predicate. Here, however, "beautiful" stands in for a certain feeling, albeit one that does not seem at all private or personal. The search for private conditions here is analogous to the search for conditions in our other judgments, whether in moral judgments (where we seek the "secret springs of action") or the innumerable conditions that could be specified in an empirical concept or law. When we run into a stopping point with respect to the moral law, when we can, for example, find no "private conditions" that can serve as an incentive, and even when in our search we rack up a big pile of *disincentives*, we see there only the possibility and never the certainty that we are acting out of duty. With respect to our theorization of empirical nature, on the other hand, we do not expect anything on the order of "private conditions," anything that is specifically local and does not fall under general laws. It is curious that we trust our seeming to run out of private conditions for the judgment of taste, if we know enough with respect to moral judgments to postulate the possibility of secret springs of action, private ends so private that we do not share them even with ourselves. The utter *absence* of ends in this case has something to do with it, although we are still uncertain in moral judgments where we can spot no possible purposes an act might serve. Indeed a judgment of taste is one of an object as purposive but without a purpose [cite] and as "lead[ing] to some concept or other (but it is indeterminate which concept this is)." (207) The ambiguity here is important: we do not even know if we are oriented practically or theoretically toward this object. What is it we "find" so striking about the "given" object? Is it that its ordering seems ripe for cognition, so ripe that it gives rise to an endless possibility of suitable universals? Or is it that its materiality seems ripe for, what, for use? So ripe that it gives rising to an endless string of possible purposes? It is some happy combination of these, meaning that the presentation "speaks to" our understanding and our imagination at the same time.

Perhaps it is this connection to the understanding (and also to reason, although Kant has in this early discussion of beauty little to say about that) that causes us to legislate our liking, to pose it in universal terms. In proclaiming something beautiful, we make a claim on *everyone* for their agreement. We attempt to legislate, ironically just where we feel ourselves to be free in our liking, that everyone else should follow our example. "But if he proclaims something to be beautiful, then he requires the same liking from others; he then judges not just for himself but for everyone…" (212) Indeed, he "does not count on other people to agree with his judgment…; rather, he *demands* that they agree." (213) The term *demand* is an important

one, since it falls somewhere between a suggestion ("try this, you'll like it") and a *command*, which is the form of the moral law. The moral law has, on Kant's account, objective necessity without thereby also achieving subjective necessity. A judgment of taste, on the other hand, has subjective necessity without achieving objective necessity. We *demand* that others agree with us, but that demand does not at all have the force of law: it is just one citizen talking to another, rather than a sovereign talking to a subject.

Kant again compares the pure judgment of taste in this respect with judgments about the agreeable.

> And yet, even about the agreeable we can find people standing in agreement, and because of this we do, after all, deny that some people have taste while granting it to others; in speaking of taste here we do not mean the sense of taste, which involves an organ, but an ability to judge the agreeable in general. […] But here it is understood that the universality is only comparative, so that the rules are only *general* (as all empirical rules are), not *universal*, as are the rules that a judgment about the beautiful presupposes or lays claim to. Such a judgment of taste about the agreeable refers to sociability as far as that rests on empirical rules. (213)

The fact that these judgments refer to sociability as far as this rests on empirical rules makes it look like the agreeable is what we're after in this dissertation, if we're after a principle of communication that binds particular groups of people on the basis of a particular set of objects or symbols. But we're after not just the fact *that* people are so bound; all it would take to establish that would be to look at shared tastes among particular groups, and all it would take for that would be to look around. We're interested in how people *become* bound to one another by shared tastes, to what degree and in what ways these serve as a ground for sociality, and what are the particular possibilities for transformation, political transformation, in the process of the mediation of social symbols by individuals and of individuals by way of social symbols. In other words, we need something between a pure judgment of taste and a socially-organized judgment about the agreeable; we need the work of art.

Before we can get there, however, we have a good deal of work to do on the two forms of judgment, those of taste and those of sense, that we're claiming the work of art attempts to mediate (or on behalf of whom, perhaps, that work *demands* mediation). As we've said, the pure judgment of taste allows us to be aware of the work *we* do in generating reflective judgments, "revealing to [us] a property of our cognitive power which without this analysis would have remained unknown." (213) Both judgments of taste and those of sense are aesthetic, meaning that they only relate the object that occasions the judgment to our *feelings* rather than to some possible concept or use. Kant writes, "Insofar as judgments about the beautiful are put forward as having general validity (as being public), taste regarding the agreeable can be called taste of sense, and taste regarding the beautiful can be called taste of reflection, though the judgments of both are aesthetic (rather than practical) judgments about an object…" (214) Still, it is clear throughout that both of these aesthetic judgments are connected (if in still-mysterious ways) to both logical (theoretical) and practical judgments, so that they either contribute to their production or come as the result of their production. Since judgments about the agreeable seem to be judgments wherein we find ourselves "already" agreeably oriented to the stuff of sensibility, oriented that is at the level of sensibility to stuff we take as material, these seem to be the result of a mere subsumption, albeit one of sense-stuff under sense-orientation rather than of mediated sense-stuff (worked up by the imagination) under reflectively generated concepts or purposes. A pure judgment of taste, on the other hand, works *toward* a concept or purpose under which it might successfully subsume the object in question, but failing that, it connects the object (borrowing the form of a logical judgment) to the pleasure it feels in that work. The fact that it is pleasurable work that also aims at no particular end (even though it is in some sense the search for an end) makes it seem like play.

If it is play, however, it is also serious; this is clear from the fact that it makes demands. As we've note, Kant (normally so suspicious in these cases) treats judgments of sense as "modest":

> In the case of a taste of sense, … people, of their own accord, are modest enough not even to require others to agree (even though there actually is, at times, very widespread agreement in these judgments too). Now, experience teaches us that the taste of reflection, with its claim that its judgment (about the beautiful) is universally valid for everyone, is also rejected often enough. What is strange is that the taste of reflection should nonetheless find itself able (as it actually does) to conceive of judgments that can demand such agreement, and that it does in fact require this agreement from everyone for each of its judgments. What the people who make these judgments dispute about is not whether such a claim is possible; they are merely unable to agree, in particular cases, on the correct way to apply this ability. (214)

As is clear from the introduction and various footnotes, I am dubious about this claim to modesty on the part of taste of sense. At the same time, although there is indeed a danger that looms for us just on the horizon of this problematic, only potentially immodest claims on behalf of sense can disrupt the tendency toward unity, which is to say that *taste*, for now, represents the dangerous faculty. If this is where danger lies, it is also where we seek some hope, and the difference, to forecast work yet to be done, lies in the *source* of the demand for recognition – the attempt to give public shape to what is private, an attempt that "comes from below" as it were, vs. the attempt to give private shape to what is public, to supply the sense of taste from above.

For now, however, we will focus on the work that a judgment of taste does in *ordering*, whether it seeks to order people (or order them around, legislate to them) or order the objects that occasion judgments of taste. If, instead of gathering up people, the judgment gets united with other such judgments into a generalized judgment about a certain type of object (Kant's example in this case is the judgment "Roses are beautiful" (215)), then we are dealing with a logical judgment that constitutes a class or connects classes of objects. This is a logical judgment even though it is based on an aesthetic judgment.[12] By analogy, we can think of the judgment of taste as seeking to gather up a class of people, people united in their disinterested reflection on the object in question. That gathering up depends, however, on the existence of the object and the proximity of the people, each of whom makes her own special demand:

> We want to submit the object to our own eyes, just as if our liking of it depended on that sensation. And yet, if we then call the object beautiful, we believe we have a universal voice, and lay claim to the agreement of everyone, whereas any private sensation would decide solely for the observer himself and his liking. (216)

The role of sensation in a "pure" judgment of taste is a mystery at the heart of Kant's undertaking here, and although he does not finally work the mystery out (and hence is always lauded or criticized as a pure formalist), neither does he shy away from this demand for an empirical encounter with the object. It is perhaps this mystery that prevents the demand for universal assent from becoming too imperious, from posing as a given concept or a purpose, so that "universal voice is only an idea," (216) a regulative idea like the ideas of reason. As in the case of moral judgment, we can only postulate the possibility that we are in fact pure and disinterested in any given instance. Still, and this is where the claim to universality gets its force, a force it lacks in the moral sphere, this claim is subtended by or rooted in a feeling. By contrast, we seek out potential examples (knowing even these fall short) of moral judgment by seeking a feeling of displeasure, a struggle between the moral law and the inclinations it seeks to overcome. Here, instead, we have a seeming-example of the reconciliation between the demand for universality and the inclinations, just as if those inclinations were of their own in accord with the demand.

It is this seeming-accord *within us*, then, that we are communicating when we articulate a judgment of taste. Kant writes, "Hence it must be the universal communicability of the mental state, in the given presentation, which underlies the judgment of taste as its subjective condition, and the pleasure in the object must be its consequence." (217) We feel pleasure in the seeming-accord, which makes it seem, for a moment at least, as though what normally remains private could be an object of communication. As it turns out, however, we call the object beautiful *in lieu* of communicating something about ourselves. "Nothing … can be communicated universally except cognition, as well as presentation insofar as it pertains to cognition… [T]he basis can be nothing other than the mental state that we find in the relation between the presentational powers [imagination and understanding] insofar as they refer a given presentation to *cognition in general*." (217) We have said next to nothing so far about the imagination as a faculty, but I think it is safe to understand it as the faculty of judgment itself, insofar as it is the faculty responsible for working up the stuff

[12] Indeed, it is hard for me to distinguish between a logical judgment based on an aesthetic one, such as that "roses are beautiful," from a judgment of sense, which expresses an orientation toward a given *kind* of object, each example of which we take to be agreeable. The question is this: in what does the difference between "roses are beautiful" and "roses are agreeable" consist? Certainly, it must have something to do with the demand for agreement, so that in the former we're making a demand that everyone agree that this kind of object always and invariably serves as an occasion for a universal judgment of taste, but in that case we are prescribing a rule to judgments of taste. When we encounter an object of this certain type, we will respond with pleasure. But "that kind of pleasure would be none other than mere agreeableness in the sensation, so that by its very nature it could have only private validity, because it would depend directly on the presentation by which the object *is given*." (217) Recognizing this object as a rose would be enough.

of sensation into forms suitable for subsumption under concepts. [Henrich cite xxx] This is the imagination in its "reproductive" capacity, where it is looking to reproduce recognizable and recognized figures and so allow for conceptual subsumption. Insofar as it is involved, on the other hand, in the task of searching for a universal, giving shape to a concept or law, it can run through its various possibilities more freely, and this accounts for the pleasure in learning that we looked at earlier. Here, it is doing its reflective work freely and yet coming up with "shapes" that please the understanding as well. This is why Kant describes a judgment of taste as the "state of free play of the cognitive powers". (217)

The pure judgment of taste is thus not merely *quantitatively* different from a judgment of sense; its only distinction is not its claim to universality as opposed to the private and merely general judgment of sense. In a judgment of taste, the imagination and the understanding are productive, even though they do not actually produce a single presentation for subsumption. This also means that we cannot think of a judgment of sense as the basis for a judgment of taste, a particular judgment we then go on to universalize. For one thing, the judgment of sense does not involve the understanding, except perhaps insofar as we have already made a logical judgment generalizing our liking for a particular object to objects of its kind, if also a logical judgment that operates mechanically at the level of a stimulus. Then, there is the question of our *activity*, of the fact that the judgment of taste is a kind of playful mediation of the sensory materials provided us. This, Kant claims, we are aware of aesthetically (rather than intellectually) and the sensation "is the quickening of the two powers (imagination and the understanding) to an activity that is indeterminate but, as a result of the prompting of the given presentation, nonetheless accordant…" (219) This quickening is experienced as pleasurable, an invitation to attention, so that we "*linger* in our contemplation of the beautiful, because this contemplation reinforces and reproduces itself." (222)

We turn now to the question of the "purposiveness" that a judgment of taste ascribes it its object. We need to make clear the transcendental use of the term, along with that of a "purpose" in the *Critique of Judgment*, since Kant makes in this connection the strange turn that comes to identify concept with purpose. The idea that such an identification is possible is at the root of his taking aesthetic judgment to be a moment of reconciliation between theoretical reason (which operates by means of concepts) and practical reason (which operates in terms of purposes). Kant takes himself to be justified in making the identification precisely insofar as he take his work in the third critique to be *transcendental*, which means without reference to any given material. He writes, "If we try to explicate [purpose] in terms of its transcendental attributes (without presupposing anything empirical, such as the feeling of pleasure), then a purpose is the object of a concept insofar as we regard this concept to be the object's cause (the real basis of its possibility); and the causality that a *concept* has with regard to its object is purposiveness (*forma finalis*)." (219-220) The only a priori given need that we have is, as we saw earlier, the need that belongs to the understanding to find that world works in lawlike ways, and it is this need that guides reflective judgment in its search for concepts and laws with which to order what is given it. This is a general need for conceptuality, and it is here that concepts also become purposes, purposes that satisfy the need of the understanding. All purposes are of course concepts, namely concepts determined in connection with the will, but only in this case is the purpose itself *to be* a concept. When this need of the understanding is met, it is as if the object were made for contemplation, provided to give sustenance to the very project of conceptualization.

Now, if we actually arrive at a conceptual purpose in our search, then the activity has yielded a teleological judgment, which is of course just a judgment that reads the world in terms of purposes.

> On the other hand, we do call objects, states of mind, or acts purposive even if their possibility does not necessarily presuppose the presentation of a purpose; we do this merely because we can explain and grasp them only if we assume that they are based on a causality [that operates] according to purposes, i.e., on a will that would have so arranged them in accordance with the presentation of a certain rule. Hence there can be purposiveness without a purpose, insofar as we do not posit the causes of this form in a will, and yet can grasp the explanation of its possibility only by deriving it from a will. (220)

Here, we finally get to the central ambiguity of a judgment of taste. The arrangement of the "bits" in the object we're judging seems to be both the result of a certain causality (namely, of the kind that works by way of purposes, of a will), and yet also free. We do not *explain* the arrangement by actually positing a cause, and yet we could only seem to make sense of the arrangement by "deriving" it from a will. Derivation or

deduction is what is in general *not* possible in the realm of reflective judgment, since here it is the given or the particular that is certain and the universal that is postulated. Here, then, we have an instance in which it seems as if we might have derived the object from a concept or a purpose, but without our being able to locate that concept or purpose. Either way, only wills produce objects in accordance with concepts and purposes, and so we link the thought of the object with a thought of the will. Just as we cannot identify the concept or purpose in question, we also do not identify *what* will would have been the source of the arrangement if we did explain it in that way, so that it could be either a God who, in His infinite goodness, arranged this bit of sensory stuff so that we might encounter it and spontaneously satisfy the need the understanding has for conceptual order, or at least for a bit of seeming, near-conceptual order. On the other hand, it could be that our own power of desire, our own will, which normally stands in tension with our conceptual and moral needs, has in its finite goodness worked up this bit of sensation as if for contemplation, without needing to be asked first. Either way, the fact that we require a given object, and one not of our own making (except in the case of a work of art) means that we know that we are not responsible for it in any real sense, that we have not designed it in accordance with any concept or purpose, and yet we find ourselves linking the presentation to the thought of a will nonetheless, whether our own or God's.

As we have repeatedly noted, we can never be certain about a single empirical moral judgment. Kant thinks himself to have at least proved the *possibility* of such a judgment, and that is, for him, as far as we can go in the matter. We must now ask whether such a thing as a pure judgment of taste is really and actually possible, and, if it is, whether it is possible to verify that we have succeeded in making one. Kant thinks it is impossible that we should ever be able to attain actually universality in a matter of taste, convince others that we've actually done it, and thus the universal voice serves as a regulative ideal, but Kant writes, "For himself, however, [the judge] can attain certainty on this point, by merely being conscious that he is separating whatever belongs to the agreeable and the good from the liking that remains to him after that." (216) This tells us two things: first, that it is possible that a pure judgment of taste always involves a reference to what we find either agreeable or good, so that its purity is meant to consist not in its isolation from these but in the fact that these do not act as the determining bases for our judgment; second, that Kant thinks we can become certain about our own judgments of taste by way of careful self-reflection. Here again we see that the suspicions that linger over all *moral* judgments – that in spite of our finding no conscious inclination, we have no insight into the secret springs of action – do not worry Kant in connection with (or do not haunt us in our making) judgments of taste. This is at least related, if not even explained by, the fact that we are not in actuality responsible for the existence of the object. Although this is not certain, it seems too that the work of the understanding in the self-reflection described above, where we look for potential "alien" sources for our enjoyment, whether from the senses or a given purpose, just *is* the understanding's contribution to a judgment of taste. It is plausible that this just is the work of "determin[ing] … the judgment and its presentation in accordance with the relation that this presentation has to the subject and his inner feeling, namely, so far as this judgment is possible in accordance with a universal rule." (229) Interestingly, then, it would turn out that where we must be suspicious of the inclinations and feeling in a moral judgment, we must only be suspicious of the understanding, in its work determining the judgment as a universal one, in a judgment of taste. Even more interestingly, it *will* turn out to be the case that all judgments of taste made in the company of others are subject to suspicion.

The fact that we are in no way responsible for it is yet another reason why the natural object is, for Kant, the more suitable symbol of morality. When it comes to those objects that *actually* mediate social relations, namely the objects we're otherwise calling in this dissertation the objects of symbolic communication, "we" are of course in some sense directly responsible for their existence. And in those cases it seems, without my claiming however to have made a full and complete survey, that Kant always includes a reference to both a judgment of taste and a moment of sensibility that is somehow more implicated in that judgment than it is in connection with natural objects. These serve to "commend to us taste and its cultivation, *above all if our taste is still crude and unpracticed.*" (225) Here and elsewhere, Kant further connects this reference to the taste of sense with the cultivation of taste in general, and that cultivation of taste with the progress of culture and civilization. We are clearly still working in the territories here, but this is the education that is meant to suit us – not that we finally know what this means – to take up residence in the theoretical and practical realms. Taste, in its cultural function at least, seems to prepare us for both

theoretical occupations and residency in the kingdom of ends, even as it does nothing directly to contribute to the work of the understanding and reason. While Kant is close to making a connection between the force supplied in a work of art by what appeals to the sense and the free play of the faculties in a judgment of taste, he is concerned to limit our thought of this force as absolutely auxiliary: "For all [the charms in a given work] do is to make the form intuitable more precisely, determinately, and completely, while they also enliven the presentation by means of their charm, by arousing and sustaining the attention we direct toward the object itself." (226) This "additional" force is, as we will see below, connected to the mark of the author, a certain failure within an artistic representation that is the condition for its being treated as a work of *fine* art. (We will accordingly make greater hay of it than does Kant.)

We call an object beautiful not because it is perfect, not because it fits a conception already formed for what it ought to be; we call it beautiful if we encounter it as if it had been made to be beheld, lingered over, looked at or listened to. We ascribe this to the object but it is really about something in us, some subjective state. The object becomes an occasion for us to enjoy ourselves, and so this experience of an object as if it were made to be beheld is in some sense an experience of the self as if it too were made to be beheld, fit for public recognition. If it is the case that a second order judgment *of* a judgment of taste can never accurately decide if we have judged in all purity, since no one else has the power to reflect on our abstraction from any sensible charm or concept of perfection, then the imperious claim we are making, our request for recognition, will inevitably fall short, but the imperiousness of the claim is, on Kant's account at least, nonetheless possible to justify to ourselves ourselves. We are left with what Kant calls a "weak and barely sufficient [to support any conjecture]" empirical criterion against which to evaluate judgments of taste: "the broadest possible agreement among all ages and peoples regarding this feeling that accompanies the presentation of certain objects". (232)

Indeed, given that criterion, only what is "dead" can serve as historical exemplars for taste: Kant says in a footnote that "models of taste in the arts of speech must be composed in a language that is both dead and scholarly…" (232) If the work is still "live," it seems that Kant's worry is not so much that we might find ourselves accidentally enthralled by the new[13] as that whatever it is in the work that is new might become old, or, as he explains, "that it will not have to undergo the changes that inevitably affect living [examples], whereby noble expressions become flat, familiar ones archaic, and newly created ones enter into circulation for only a short while; [it should be] scholarly, so that it will have a grammar that is not subject to the whims of fashion but has its own unalterable rule." (232) The exemplars must, in other words, have contributed *permanently* to the shape of civilization, and this is something that can only be evaluated after the particular civilization, with all of its concomitant traditions, beliefs, etc., is gone, but the models in question have been inherited by us nonetheless. The worry is thus analogous to the worry Kant later makes clear with respect to the question whether or not to include music among the fine arts: while it is clearly expressive and moving, it does not so clearly leave behind any lasting transformation. In neither case, however, have we made it all clear *in what* the transformation is to have consisted, whether it is a transformation in the very shape of civilization, in the way the structures of civilization are taken up by individuals, or, as we will go on to suggest, in the realm of figurative and desiring imagination.

In the above, Kant seems to be impressed with the "modesty" of judgments of sense, but he will later worry about their potential immodesty in relation to the work of art, an immodesty that seems to consist in their claim to public recognition. In this context, however, he is more concerned to describe the public claims of a pure judgment of taste, a taste that, if we read carefully, not only demands recognition but seeks to unite a public, to, in a strange sense, unify an audience in the same way that a concept might subsume its particulars. If reflective judgment is what subtends a logical judgment, acting as the copula that unites sensibly what cannot be united synthetically (so that we connect a given predicate with a given subject, or given subjects into a class or species), in its free use in a judgment of taste it subtends sociality.[14] Kant

[13] Still and all, we might wonder why a fascination with the new would be a risk at all, given the displeasure we are supposed to feel in the face of what outstrips our expectations, what does not yield to efforts to find a "fit." We can understand in this context something about what Kant means when he says that the model yields a rule, since what is new (or what was, before becoming the model was acknowledged *as* a model, new) in this case emerges as if in accordance with a rule, essentially making evident a *new* rule.

[14] We will return to just this issue below, when we compare logical with aesthetic ideas. Cf. xxx

writes, "[F]or although it does not connect the predicate of beauty with the concept of the *object*, considered in its entire logical sphere, yet it extends that predicate over the entire sphere *of judging persons*." (215) Instead of gathering up predicates under a given concept in order to constitute an object, it constitutes a public (or at least demands that one be constituted). Although Kant regularly expresses his disapproval for the taste of sense (remember his unkind comments about those who seek only enjoyment and so would dispense with judgment altogether), he is in this section on the verge of worrying about the imperious demands of the judgment of taste, demands which lack a certain modesty. It is here that the seeming-accord *within us* is supposed to ground, "ought" to ground, a (seeming?) accord *among us*.

Returning to the level of the individual, with the aim of getting from there to the social function of judgments of taste, Kant postulates the psychological production of what he calls the standard idea of beauty, by means of which the bare parameters of what can be considered beautiful are set; the process involves the superimposition by the imagination of all of the examples of a given object and results in a kind of mean. If this actually occurs, it is clear that it will be different for everyone, since the imagination works here only with the images it has actually encountered. He writes, "The standard idea is by no means the entire *archetype of beauty* within this kind, but is only the form that constitutes the indispensable condition of all beauty, and hence merely the *correctness* in the exhibition of the kind. It is the *rule*…" (235) We can think of Kant's effort to offer a possible psychological explanation for the generation of this rule as a model for the kind of work that reflective judgment does *whenever* it searches for a rule, concept, principle, or law that could subsume a certain particular. The limits of this empirical, psychological production of a standard can begin to explain the fact that judgments of taste regularly fail to agree with one another.

There can be no rule that determines the beauty of an object. Kant seems to account for what agreement there is among us by claiming that we relate this empirical product to an idea of reason. Indeed, it is the fact that the ideas of reason, unlike the standard (empirical) ideas, are shared by all rational beings that can account for what *motivates* us in the project of establishing standard ideas at all. The standard idea has to be connected to what admits of no exhibition whatever, something like an idea of reason, resulting in an *ideal* of beauty, which Kant (rather mysteriously, it seems to me) claims can be "expected solely in the human figure". (235) Although we've been emphasizing those moments in which Kant posits a social interest we exhibit with regard to other people as judges of taste, this is the first time he seems poised to describe how our second order relationship to them in that capacity is itself a kind of judgment of taste.

Before we go on to try to understand what Kant might mean by our interest in "the human figure," we can at least begin to get a sense of the way this "ideal of beauty" involves relating the reflective work of the imagination with an idea of reason, which indeed should go part of the way toward explaining the mystery; this means that the standard idea is related to "the rational idea, which makes the purposes of humanity, insofar as they cannot be presented in sensibility, the principle for judging his figure…" (233) This other "standard" or "principle for judging" a figure takes recourse to "the purposes of humanity, insofar as they cannot be presented in sensibility." (233) It is of course very hard to imagine what might be meant when we say that we judge something that is *only* presented in sensibility, namely, a figure, by way of a relation to what *cannot* be presented in sensibility, namely the purposes of humanity; indeed, the difficulty in thinking through what Kant means here can be understood as the source of the highly speculative nature of our reading.

When Kant discusses the production of the "standard idea," it is clear that we might be judging any object of a given kind, setting some parameters for the judgment of roses, horses, or humans, but when we turn to the "ideal of beauty," it becomes clear that we are judging a person, and no real explanation is attempted in the transition. Indeed, it seems that we have once again moved on from the question of a judgment of taste to a second order judgment of taste, a secondary judgment of taste that involves witnessing taste in another. If that is right, and we will find supplementary support for it in the next section, then what Kant has in mind is the figure not only of a person, but of a judge, and not only a successful judge of beauty, but already specifically of the character we'll come to know as the lover of beautiful nature, a judge who invariably connects the pure judgment of taste with the idea of reason for which it is a symbol. Kant writes:

> [I]n order for this connection to be made visible, as it were, in bodily expression (as an effect of what is inward), pure ideas of reason must be united with a very strong imagination in someone who seeks so much as

> to judge, let alone exhibit, it. The correctness of such an ideal of beauty is proved by not permitting any charm of sense to be mingled with the liking for its object, while yet making us take great interest in it." (236)

This section of the text is complicated almost to the point of confusion, but if my reading is right, then the object in question is a person, a person we take to be exhibiting taste, and that we *take an interest in* the person we also take to be exhibiting taste. If this *is* right, then the connection between beauty and morality seems even stronger than a merely symbolic connection between structurally homologous judgments. Indeed, the value of taste serves to orient us to other people insofar as their *existence* is concerned – interest is, we'll remember, always an interest in an object's (or in this case, a subject's) existence – taking that person as an end in herself, but by way of somehow "watching" her take herself as such an end, a process whereby she not only feels as though she were legislating for herself but for all of us. Although the reading is not entirely settled, it seems that Kant is offering us here the beginnings of a theory that tries to account for the empirical interest we take in other people, an interest that is not based merely on natural proclivities or inclinations (i.e., because they give us what we need) but on something more mysterious, and yet not quite so mysterious as the mere thought of them as ends in themselves.

Whenever we actual encounter a judge of taste, both the pronounced judgment and our second order judgment of the judge are beyond verification. "For if taste did not have a priori principles, it could not possibly pronounce on the judgments of others and pass verdicts approving or repudiating them with even the slightest semblance of having the right to do so." (278) This turns out to be what we have, the slightest (or perhaps slightly more but still a) semblance of the right to pronounce on the judgments of others. Here, as with other empirical judgments, we cannot be certain that we are correctly subsuming the particular in question (the pronounced judgment of taste) under the correct universal ("actual" pure judgment of taste). But yet once again it becomes clear that we are *interested* in pursuing the judgment, which is to say engaged not just in elaborating what is involved in a judgment of taste, but in actually judging people insofar as they seem to deploy their taste; most confusingly of all, this second order judging seems itself to be a kind of judgment of taste, although not a pure one, since it is connected in our minds to the idea of reason.

In the *Groundwork*, Kant claims that the moral law can only command that we promote the happiness of others from duty, not at all from inclination. (4:399) He writes, "It is undoubtedly in this way, again, that we are to understand the passages from scripture in which we are commanded to love our neighbor, even our enemy. For, love as an inclination cannot be commanded, but beneficence from duty – even though no inclination impels us to it and, indeed, *natural and unconquerable aversion opposes it* – is *practical* and not *pathological* love, which lies in the will and not in the propensity of feeling, in principles of action and not in melting sympathy; and it alone can be commanded." (4:399 emphasis mine) Love cannot be commanded, but it seems that it can be, and is, demanded; indeed, this is one version of the claim we make every time we judge something to be beautiful.

By way of setting up the problematic of the next session, and in anticipation of work to come in the [xxx third? fourth?] chapter of the dissertation, we will end this section with a reflection Freud makes about the artist and the question of "immodest" claims on behalf of judgments of sense:

> You will remember how I have said that the day-dreamer carefully conceals his phantasies from other people because he feels he has reason for being ashamed of them. I should now add that even if he were to communicate them to us he could give us no pleasure by his disclosures. Such phantasies, when we learn them, repel us or at least leave us cold. But when a creative writer presents his plays to us or tells us what we are inclined to take as his personal day-dreams, we experience a great pleasure… How the writer accomplishes this is his innermost secret; the essential *ars poetica* lies in the technique of overcoming the feeling of repulsion in us…[15]

Anticipation of Freud aside, the idea that we can be interested in a presentation, interested, that is, in what we do not take to be a potential source of material gratification of any sort, is just what we need to understand how it makes sense to be attached to a symbol. Further, the fact that what it is in which we are interested in a work of art is in fact what in others – in other people – exceeds our understanding, what in their person

[15] *Freud Reader*, "Creative Writers and Day-Dreaming." p. 441

cannot come to our awareness helps us to begin to make the more general case that this is true of all effective symbolization. Further, and most importantly in terms of the case for symbols as potential sites of transformation, if what we are interested in when we are interested in a work of art or a symbol is what in others presses a claim against the forms available to our presentational capacity, then our interest in them is in some way a sublimated interest in the moral claims pressed on us by others, which is somehow inextricably bound up with what remains opaque about ourselves and yet rises, in these instances, to the level of awareness.

The central question has now emerged with some clarity: under what conditions do we find other people compelling, or, perhaps, under what conditions do other people *become* compelling? From the Freud quote, we can see that it is not simply the thought of other people, and certainly – *a fortiori* – the thought of what polite society otherwise asks other people to keep to themselves (and even *from* themselves) that we find compelling, or even palatable; given Freud's stance (not as far from Kant's as might be expected) on the biblical requirement to love one's neighbor,[16] it is even less likely that we will find empirical human beings immediately compelling. And yet he wants to assert a fundamental identity between what we cannot normally find compelling and what artistic mediation renders such. As we've seen, this is a thought that begins to emerge with Kant's theory of fine art as well, with his sense of disgust as our orientation to what we will find is an awkward combination of the compulsory and the senseless (repelling) and which is yet tied to a "deformity" in its formal composition that lends a gentler force to works of art.

If we now think of that deformity, which accompanies the representative function of the work of art and marks it as such, as related to the idea of the aesthetic attributes that accompany and give force ("quicken" the mind with relation to)[17] the logical attributes, then the "aesthetic idea" is just the form that draws these two together in an order we find not only palatable but *interesting*. But something isn't disgusting just when it is senseless (or, one wouldn't think so from Kant's theory of art, although the initial response to non-representational art works might bespeak a stronger connection than the one we can pursue in this context). It is not the boundaries of representation that have been crossed – not, at least, in the sense of *logical* boundaries. It is rather the boundaries of taste, boundaries that dictate (although not in advance, or not *explicitly* in advance, which is why it would seem that the artist's genius is tapped into some source of law beyond what the rest of us can access) just how far the work is allowed to range. This requirement, that a rule be provided limiting our enjoyment of that "unspeakable wealth of thought," is, as we've already shown, only enacted when the object in question is to serve as a vehicle for *communication*. But although one must go out into the woods to enjoy in peace what cannot be enjoyed among others, there is no guarantee that the natural setting will provide such an experience, and the fact that the woods does not offer such *automatic* release from social restraints suggests that it is not only from the eyes of *others* that we must hide parts of that unspeakable wealth. This is perhaps the reason Kant demands that the lover of nature be so trained in morality as to guarantee in advance that nothing that might disgust him, even when he is alone, will emerge; for Kant to think that such protection from oneself is possible, then it must also be the case that the imagination itself, its functioning and its contents, are ultimately shaped by moral training (rather than simply being disciplined or standing in a negative relation to the understanding and, moreover, to reason). Finally, however, this is a matter we must take up again when we turn to Freud, where the world of sleep will take the place of our woods. Perhaps Kant is right, that not everyone is capable of loving nature, but everyone dreams.

[16] get *Civilization and Its Discontents* cite xxx
[17] CJ §49, p. 185

Section 3: Judgis Interruptis: The Rogue, the Artist, the Naïf, and the Sycophant

Although judgments of taste are disinterested, and so in some ways a mode of dis-orientation, away from the object and toward our presentational capacities, they can *give rise* to an interest, or rather to two difference modes of interest, an empirical interest (that is always somehow social) in the case of works of art, and an intellectual interest in the case of natural beauty. In the latter case, it is actually unclear whether the particular judgment gives rise to the interest, or whether rather the judgment combined with an interest in the moral law gives rise to a further interest, directed at the object in question. This interest is represented in both cases as a kind of acknowledgement of the sensible content not for its own sake but for the fact that it makes our appreciation of form possible. That moment of acknowledgement will be characterized as an *intellectual* interest in the content, and if we remember that interest is always related to "existence," to what about the object exceeds the intellect, is not of or from the intellect, then this stance is a thoughtful orientation toward something that *is* for the intellect even as it is not *for* the intellect. The possibility of that intellectual interest is connected, on Kant's account, with the spectator's *moral* character, with, that is, the mysterious orientation toward what compels us without being present, an orientation to non-material claims. The connection with morality makes it difficult to discern in precisely which capacity, theoretical or practical, the excess is thought to support us, and that ambiguity will itself be central to understanding the purity of natural beauty.

If theoretical reason gives us an image of a united world over and against which we too are "unified," and if practical reason in its instrumental faculty is devoted to satisfying the needs that separate us from that world, to restoring unity, then here we have identified a third possible orientation, which is envisioned here in sustained experiences of natural beauty as the possibility of living with disunity; this is a very different "image" of morality than the one that emerges when we think of it as the striving to eliminate conceptual (internal) contradiction as well as practical (political) contradiction.

The excess is *in tension* with what attempts to render it excessive, which is to say with unity itself, so that excess and exceeded stand in a dynamic relation. What really complicates matters is that this tension is one we will argue is involved not only when it is apparent, which is the case with fine art, but also all over in our cognitive life, which makes the tension itself a condition of the possibility of appearances. The *unity* of these appearances depends on our ability *not* to experience that tension. For that reason, we turn now to the relationship between the unity of consciousness (or apperception) and the production of a unified experience, with the goal of understanding how symbols might be thought to disrupt that work and so register, even to consciousness, that watchdog of unity, as a disruption in experience.

The pleasure felt in a pure judgment of taste is pleasure in an experience of the spontaneity of thought that is not peculiar to aesthetic judgment, since it is present, if submerged, in determinative, synthetic judgment as well, involving as this does *both* reflection and determination; that means that we need to explain why this spontaneity is accompanied by pleasure in the one case and not in the other. Even if this activity or spontaneity on the part of the subject is not an object of knowledge or experience in synthetic judgment, it is for Kant at least something of which we are (or always potentially are) aware. In the *Critique of Pure Reason*, Kant describes this awareness as a thought, albeit a thought that yields no determinate object: "I am conscious of myself, not as I appear to myself, nor as I am in myself, but only that I am. This *representation* is a *thought*, not an *intuition*. Now, in order to *know* ourselves, there is required in addition to the *act* of thought … a determinate mode of intuition…" (B157, emphasis on "act" mine) We are capable of coming to a determinate representation of ourselves only as appearances, which is to say in relation to objects or the world of objects. This fact appears in Kant's practical thought as the idea that we can be aware of our desires not in themselves but only in relation to an object. Objects are in some crucial way how we appear to ourselves, whether as thinkers or as agents, or rather, our presentations of objects are simultaneously a mode of presenting our selves. This makes especially good sense if we reject the idea of unmotivated intuition, since with the involvement of motivation, orientation at some perhaps deeply hidden level by way of desire, *anything* that comes before us *is* in some crucial way identified with us. That means that in the moment of determination, whatever exceeds the determination (or exceeds, perhaps, conceptual determination in general without being excluded from our purview) is something from which we either have to dissociate or regard as a failure of cognition. It is the limitation of spontaneity on the one side – that of the

generation of the contents of intuition – for the sake of the other that prevents us from taking the same kind of pleasure in conceptual judgment as we do in aesthetic.

That is all well and good as regards natural beauty, since the indeterminacy regarding the source of activity is preserved (meaning that whether we identify it with form or content, we can identify it as ourselves without remainder, constraint, as mirroring or painlessly resolving our hybrid natures), but this raises serious issues about the pleasure we take in artistic beauty. If we are right to think that artistic beauty does *not* sustain that indeterminacy, that it is in fact constituted by its providing access to the fact that reason and desire remain *unreconciled*, then it should be experienced as even more limiting than conceptual knowledge. In other words, if it is the case that artistic beauty makes it impossible for us to either identify form with content (as is the case with natural beauty, and which we have just identified as the source of pleasure) *or* identify fairly unproblematically with form and dissociate ourselves from the content (as is the case with conceptual or determinative judgment, a limitation which prevents direct pleasure but does not thereby cause displeasure), it is difficult to see how the presentation of form and content at odds with one another, the presentation of a conflict and of competing claims, should not, at least for symmetry's sake, be the source of unpleasure. To foreshadow our conclusion, there will on Kant's definition of fine art always be a moment of displeasure involved in its judgment, but we might just think of that displeasure as the awareness of an opacity that persists in reminding us of the limits of synthetic thought. In other words, it will be that displeasure that will call us, for as long as it does continue to call us with any given work of art, to return again and again to the works we find compelling. This limit is the invitation to interpretation, what, in other words, puts the brakes on the urge to synthesis.

As mentioned, the distinction between judgments of taste with reference to natural and artistic objects is not a difference internal to the (original) judgment itself; instead, we could say that it occurs at a second level of remove, with a judgment of the judgment of taste. Pure judgments of taste are everywhere and always the same, regardless of the kinds of objects or events that occasion them. What makes for a pure judgment of taste are its claims to universality and its disinterestedness. In order to understand this, we should look at a passage in full that we had occasion to cite earlier; Kant writes:

> Suppose someone asks me whether I consider the palace I see before me beautiful. I might reply that I am not fond of things of that sort, made merely to be gaped at. Or I might reply like the Iroquois *sachem* who said that he liked nothing better in Paris than the eating houses. I might even go on, as *Rousseau* would, to rebuke the vanity of the great who spend the people's sweat on superfluous things. […] The questioner may grant all this and approve of it, but it is not to the point. All he wants to know is whether my mere presentation of the object is accompanied by a like, no matter how indifferent I may be about the existence of the object of this presentation. We can easily see that, in order for me to say that an object is *beautiful*, and to prove that I have taste, what matters is what I do with this presentation within myself… (45-46)

Here, we can see both of the moments of a judgment of taste, its universality and its disinterestedness, as well as the grounds on which we'll distinguish judgments made regarding natural from those made regarding artificial objects. Kant describes a situation in which he is being tested on his taste; this is a situation that only makes sense if the person testing him knows what the right answer is (or claims to know, since the claim to universality is not the same thing as universality). If Kant gives an answer that makes reference to either the production or purpose of the object in question, he fails the test. "What matters" is what he does with the presentation within himself. That is because the actual judgment of taste is presentational, and this is true no matter what kind of object occasions it. It is only when we judge the judgment itself that the kind of object matters, which means that it is only at that level of remove that we make reference to the objectivity of the object. And Kant would only be concerned about *passing* this test insofar as the object in question is in fact artificial, which is to say insofar as he is "in society" and so subject to the kind of scrutiny characterized by his questioner. Since judgments of natural objects do not involve any actual communication, and, as it will turn out, cannot even involve the intention of communication, there is no chance that another person's taste might be experienced as a limit to that of the judge.

Judgments of taste are disinterested, but they can be connected, although "always only indirect[ly]" with an interest, so that "with the liking of mere reflection on an object" – the judgment of taste proper – "there can be connected, in addition, a pleasure *in the existence* of the object (and all interest consists in pleasure in the existence of an object)." (296) The mere judgment of taste consists in what we do with a

presentation within ourselves, which is to say in the relationship between the imagination and the understanding. We find something beautiful when the imagination is capable of working it up in such a fashion that it seems to meet the understanding's needs without "being asked" so to speak. The distinction between natural and artistic beauty first arises when we judge the judgment, and we can (do) mean two different things by that. One kind of "judgment" seeks to integrate a given judgment into relations with other judgments, move beyond simple object-constitution or determination to a synthesis with other objects – this is how it becomes a part of the fabric of experience. On the other hand, there is the judgment of a judgment that occurs only when we approach it in moral or aesthetic terms, where the question is not about the object of the judgment but the subject who judges. What complicates this second-order judging of judgments of taste is that we might be talking about external judges, a real, empirical case of judgment, or about an internal judgment that takes the shape of a projection of an ideal audience of judges.

With an object of natural beauty, if it should give rise to an interest, the interest in the existence of the object is pure, unrelated to any purpose we might have in mind for it, and it is an interest made possible by connecting the judgment of taste with the idea that its object is a product of nature. "[T]he thought that the beauty in question was produced by nature must accompany the intuition and the reflection, and the direct interest we take in that beauty is based on that thought alone." (299) Causality is, of course, how we distinguish purely subjective order, which is in the first *Critique* the product of mechanical principles of association afforded us by our pure forms of intuition, space and time, from necessary and universal order. Causal order is not only the mode of synthesis proper to but also constitutive of the world insofar as we take it to be shared; necessity and universality are the marks of a fully intersubjective natural world. When, then, we talk about the attempt to synthetically unite our aesthetic judgment of a bit of beautiful nature with our regular, objective or scientific judgments, the ideal regulating that attempt is a fully integrated world not only of objects but of subjects. We need to note right away, however, that also for Kant this attempt to integrate an aesthetic judgment of beautiful nature into our experience of the natural world fails, since we can never be done with the judgment, never arrive at an object fit for integration. But what we can do, according to Kant, is to take an interest in the possibility, to take an interest in what exceeds our conceptual judgment that, even if it cannot integrate the two, holds them together.

Somehow, then, when we pair the judgment of taste with the thought of natural causality, when we associate these, we are capable of taking a direct interest in beauty, an interest that will be compared to the indirect interest we take in artistic beauty, an interest that Kant calls "empirical." "Empirical," for Kant, generally means that we are talking about something in the realm of appearances, which is to say something about which we are able to give a causal account, and given that the work of art is something we identify as an artifact, we know something of its causal history that remains a mystery in the case of natural objects: we know that it is produced by an artist. This is what remains indeterminable in the case of natural beauty: we do not know if *we* are the source of the spontaneous "fit" between the understanding and the imagination, or if it is an act of God. To know that something is the product of an agent is generally to know two things: it has been made with a purpose in mind, and its making has been governed by technical rules of execution. But our knowledge in the case of a beautiful work of art contains a moment of opacity, one is reflected by a corresponding opacity within our appreciation of the art object, which is that we cannot finally identify the reasons, cannot successfully separate them out from the technical rules that governed the process of production. So the question of causal history does not exhaustively explain Kant's use of "empirical" here. Instead of referring the object to a natural order, placing it causally in the sense of natural history, we find ourselves referring it to a social order, and the empirical interest is not in the *object* but in *subjects*. Our judgment of taste has the character of a demonstration, one that not only takes place in but to a degree also constitutes a social space, a more constrained sphere of intersubjectivity than that projected by the thought of a natural world. It is in this sense that the interest is indirect: it is not in the object per se but in the way the object mediates our relationship to others – as a means, rather than as an end.

The judgment of the judgment is, then, never *merely* about the attempt to synthesize it with our experience in general; it also involves a judgment or projected judgment of the original judge by still other judges. This is true even in the case of natural beauty, which might seem counter-intuitive given the fact that it is by definition something not social. In an earlier footnote, Kant writes that a "judgment we make about an object of our liking may be wholly *disinterested* but still very interesting… Only in society does it become

interesting to have taste." (205 n10) Although it looks very similar, this is not the same claim as the one he makes in connection with "artifactual" beauty: "Only in *society* is the beautiful of empirical interest." (297) Kant does not qualify the kind of interest in the first passage as empirical, and he leaves open the questions: to what does this interest attach? For *whom* is *what* interesting? The judge becomes interested in the existence of the object. That interest is "empirical" in the case of artistic beauty, which we'll take for now just to mean that the object is connected to what we earlier termed the "empirical self," which is the self not only as intellect but also as sensibility, the self that needs to mediate between these. Somehow, with that empirical interest in the object, the judge thereby also becomes an "object" (or subject) of interest, to himself and to others, *and* his interest in the object mediates or facilitates an interest *in* other people.

The situation is different when the interest is said to be direct, in the sense that the empirical self disappears from the relationship – and here we really mean dis-appears, not, as we will see, finally and completely, but we might say that the judgment of natural beauty involves a dis-appearing act. (This is related to Hegel's image of progress, where beauty is the means and Science the end, possible only through the gradual disappearance of what made us meaningfully particular.) In purely epistemological terms, the empirical self referred to the image of self that accompanied the determination of empirical objects, objects that exceed the knower's conceptualization and so mark her as finite. The image is the epistemological presentation of that limitation. In aesthetic terms, which is to say in the context of a pure aesthetic judgment, the excess does not appear as pure limitation, although it is still something of a mystery why not.[18] Although natural beauty does not involve any kind of empirical interest among agents, and it also, on Kant's official telling at least, does not involve an empirical interest in the object as suited to a given purpose, under the right conditions a judgment of natural beauty *is* accompanied by interest of a sort, and, as we will shortly see, it is hard to parse out to whom we should ascribe the interest. On the one hand, Kant clearly maintains that the interest belongs to the lover of beautiful nature, and its purity is connected to his purity and the unconditionality of his love for his object, a love not tainted by thought of empirical (material) use for the object or even by any thought of potential harm from it. On the other hand, "we" take an interest in the very idea of the lover of nature (who, not to be too cute about it, is on his way to becoming that very idea), without any empirical encounter at all. It remains unclear who "we" are, which is to say that Kant does not give an explanation for the rise of speculative observers at this juncture. Kant describes "our" reaction to a situation in which a man with taste enough to judge art nonetheless is "glad to leave a room … and to turn instead to the beautiful in nature". "If that is how he chooses, we shall ourselves regard this choice of his with esteem and assume that he has a beautiful soul, such as no connoisseur and lover of art can claim to have because of the interest he takes in his objects [of art]." (299-300) This is the one single judgment of taste that does not involve an empirical encounter with the object of taste. "We" have no need to empirically encounter the lover of nature to "know" what is in his soul. Without *seeing* anything at all, we infer that he has a beautiful soul. In a strange reversal of the symbolic relationship between beauty and the morally good, Kant writes as if beauty were what remained hidden and goodness were what appeared when he claims an interest in the beauty of nature as the "*mark* of a good soul" (299, my emphasis), which is to say a mark whereby we can adjudge his soul good. This is a rule not for object-constitution but for subject-constitution, but it is thereby also the way in which we register the limitations of theoretical determination as concerns subjects.

Whoever we are, the lover of nature cannot be concerned about us, since our approval will only be granted if it is not sought; this is paralleled, of course, in Kant's moral theory insofar as an act is worthy of reward if it is not done for the sake of reward (heavenly or terrestrial). When Kant writes about the lover of nature, he sets up the situation as follows:

> Consider someone who is all by himself (and has no intention of communicating his observation to others) and who contemplates the beautiful shape of a wild flower, a bird, an insect, etc., out of admiration and love for

[18] We begin to understand why not, however, when we think of the aesthetic judgment as giving some kind of access to the activity by which that excess has been produced, to the sense in which it is "motivated." If the excess is referred not to our conceptual passivity but to the way in which material desire is both a limitation and an activity, an orientation, then the excess is also referred to the empirical self as an agent. The question is how we ever come to be interested in others, in their limitations and desires and interests.

> them, and would not want nature to be entirely without them even if they provided him no prospect of benefit but instead perhaps even some harm. (299)

It is more than interesting that the ideal conditions for this kind of judgment of taste – a judgment we have otherwise described as interesting exactly because it makes possible the universal *communication* of *feeling*, of at least a part of what gets excised when we render our intuitions universal by organizing them as time and space – it is more than interesting that the ideal conditions for this involve being alone, without actual communication and without even the intention to communicate with others. On the reading we will be pursuing, these conditions turn out to be something like the negative register in which the social moment in all judgments of taste appears.

All beauty is potentially a symbol of morality, but what distinguishes beautiful nature from beautiful art is that the latter involves also a moment that disturbs the purity of its symbolic function, a moment not internal to the judgment, but necessarily connected with it nonetheless. Of course, we have cast "disturbance" at the heart of the symbolic function itself, suggesting that there is something inherently "disturbing" about an effective symbol. Judgments of beautiful nature preserve their purity precisely by excluding disturbances, whether in the form of real other people, or, as we will see shortly, in the form of untoward desires or interests in the person of the judge. It would seem, then, that either we need to treat natural beauty as falling outside of the province of symbolic communication or we need to modify our account of that province such that it can include natural beauty. But there is a third option: while natural beauty is treated by Kant as something of an exception, it is possible to understand it as something that does not *preclude* disturbance, but rather as something that *just is* disturbance. This captures something of Kant's account of judgments of taste as the subsumption of one faculty (one activity) under another, as a relation of activities rather than things, and certainly something of what Kant calls the "voluptuousness for the mind in a train of thought that [the lover of beautiful nature] can never fully unravel". (301) The fact that this excess is described as a "voluptuousness for the mind" means that it is experienced as both outstripping the mind and this in a way that is sensual, *and* as for the mind, as providing material for the understanding. The excess here is not experienced as a mark of the limited knower, as it is in the first *Critique*, where sensibility is particularity, what remains unthought in conceptualization. It is not experienced as the mark of an author, as it is (we're turning here next) with fine art. We are still aware of ourselves as finite, since this is an unending process, but we do not encounter a limit per se, or we encounter it as continually transgressed.

In a judgment of natural beauty, the occasioning object, or what would be an object if we could ever settle on a determinate representation or judgment of it, continues to assert its independence of us, an independence one might expect us to find, as we do in fact find in the case of artistic beauties, disturbing. Certainly, it is disturbing our ability to conceptualize the object before us: for, even if we know that this thing we are enjoying is the song of a nightingale, or a sunset, or a mountain, we are also aware of what exceeds those characterizations. But in connection with natural beauty, for whatever reason, that excess is experienced as a future for thought, as what guarantees research positions for our children's children. Not only that, but the idea that thought might come to comprehensive terms with the world – an idea paradoxically made possible by the experience of the world outstripping thought – portends a future or at least an ideal coincidence of concept and purpose, a coincidence that would mean that our mode of theoretical engagement might not be at odds with our modes of practical engagement. If it were possible, the achievement of such a coincidence would guarantee that all activities we might suggest would necessarily meet the standards of the categorical imperative, although the attainment of such a state would also mean the loss of freedom, the loss of the ambiguity between the causal laws of the world and the idea of reason. Kant describes the connection as follows:

> But in view of the analogy between a pure judgment of taste, which depends on no interest whatever and [yet] makes us feel a liking that it also presents a priori as proper for mankind generally, on the one hand, and a moral judgment, which does the same from concepts, on the other hand, someone with that way of thinking [the moral training or receptiveness thereto] does not need to engage in distinct, subtle, and deliberate meditation in order to be led by the analogy to an interest in the object of the pure judgment of taste which is just as strong and direct as his interest in the object of moral judgment; the only difference is that the first interest is free while the second is based on objective laws. (302)

A moral judgment is made under the idea of freedom but experienced as constraint (duty), which is to say *objectively* free and *subjectively* unfree; aesthetic judgment is experienced (although not in the sense of rising to the level of proper experience) as *subjectively* free and then projected as *objectively* unfree (in the sense that we dictate our liking to be proper to mankind generally and proclaim that others should find as we do). It is the coincidence of our respective likings with what others might only experience as a constrained liking that makes the experience of natural beauty an experience of the world as if we held some kind of exceptional position in it, either because our goodness suits us to serve as the standard or because (and this is the option *not* explored by Kant, as well as the moment when we indulge in a bit of speculation) when we are alone in the woods, we could imagine that our likings just *are* the standard. The absence of other people, the absence of history in the shape of our urban environment, in short, the absence of the signs of inherited or enforced norms allows our imaginations to run wild. In addition, the purity of the activity, the never-coming-to-rest, the fact that a determination of the object is never finally achieved, preserves the purity of the possibilities it engenders, since as agents we require a determinate representation of our object and purpose in order to actually act: if the objectless-ness of such a judgment guarantees an inability to make any transient moment of it into an object of desire, then all of those moments are "safe" contents of thought.

We should notice, however, that it takes a certain kind of training, or perhaps (Kant is on the fence here) a natural receptiveness to such a training, in order to be able to sustain this experience, and it is only insofar as it is sustained that it yields an *interest* in the reality of the objects occasioning our judgment. Again: to "take a *direct interest* in the beauty of *nature* (not merely to have the taste needed to judge it) is always the mark of a good soul; and … if this interest is habitual, if it readily associates itself with a *contemplation of nature*, this [fact] indicates at least a mental attunement favorable to moral feeling." (299) And "whoever takes such an interest in the beautiful in nature can only do so to the extent that he has beforehand already solidly established an interest in the morally good. Hence if someone is directly interested in the beauty of nature, we have cause to suppose that he has at least a predisposition to a good moral attitude." (300) *Something* about our lover of nature has to have been solidly disciplined before coming to the woods; otherwise, or at least this is the suggestion, there is no telling what the voluptuousness before him might produce by way of thoughts. Kant wants something along the lines of two different and conflicting guarantees that this train of thought will not encounter resistance: on the one hand, the lover of nature must be (or believe himself to be) alone; on the other hand, the material from which he produces his train of thoughts, his sensibility, has to already have been oriented toward the good. But if that were the case, then he should have nothing to fear in the presence of other people. Indeed, we will see an example shortly of just such a phenomenon in Kant's presentation of naiveté, which we can understand the character of a person who is the same whether in the woods or at a cocktail party, a fate that would be a disaster for most of us.

For whatever reason, then, whether because they are already good or because there is no one there to tell us any different – or, and this is the most promising reading of all, because this is also a vision of goodness that can accommodate multiple contents or desires – the moments of excess in beauties of nature are not rebarbative. Indeed, we are *pleased* to find them. The lover of natural beauty "is taking a direct interest in the beauty of nature, and this interest is intellectual. That is, not only does he like nature's product for its form, but he also likes its existence, even though no charm of sense is involved; and he also does not connect that existence with any purpose whatever." (300) Given the fact that Kant's aesthetics are almost always taken to be purely formal, the claim here that it is possible to have a pure liking not only for form but for content as well is surprising. The form of the object is what is enjoyed in the judgment of taste proper, and the "existence" is that in which the lover of natural beauty becomes interested when he couples that first judgment with the thought that this is a product of nature. When Kant claims that "no charm of sense is involved," we can see that existence is tied to sensibility, to what exceeds the form enjoyed in the judgment of taste.

> In this ability [taste], judgment does not find itself subjected to a heteronomy from empirical laws, as it does elsewhere in empirical judging—concerning objects of such a pure liking it legislates to itself, just as reason does regarding the power of desire. And because the subject has this possibility within him, while outside him there is also the possibility that nature will harmonize with it, judgment finds itself referred to something that is both in the subject and outside him, something that is neither nature nor freedom and yet is linked with the

> basis of freedom, the supersensible, in which the theoretical and the practical power are in an unknown manner combined and joined into a unity. (353)

This is the unity of concept and purpose, conjoined in "an unknown manner" of which we nonetheless are aware; it is, of course, neither concept nor purpose but 'purposiveness' which is something like the potential of a concept that does not involve dissociation from its relationship to and dependence on desire. It is this vision of unity, involved in all judgments of taste but preserved or sustained only in nature, that will be disrupted, albeit again in an unknown manner of which we are nonetheless aware, in the experience of works of art. In natural beauty, Kant claims that we do not need to know what kind of thing we are judging, what its concept is, but of course, we do *have* some conception: "This is a sunset." "This is the song of nightingale." It is not the concept of the object of our *judgment*, however, because we include in our field of reference, or in our referent, what exceeds the concept but which in spite of our inability to have it "enter" the conception (in the form of marks or attributes, for example, on the basis of which we recognize or constitute our object) we assign to the object as the blanket attribute "beauty." When we said that the excess here is not rebarbative, not unpleasant, and suggested that this is because the experience allows for the vision of a multiplicity of contents (objective representations of desires), we did not yet explicitly connect the two (non-rebarbative and multiple) in the idea of a happy diversity *among* various possible contents, an affinity of what nonetheless remain distinct. The purity, on this reading, of the interest in a beautiful object of nature is not that of identity but of non-exclusion.

The beauty of a work of fine art depends, on the other hand, on exclusion, if also on the transgression of rules of exclusion. A work of fine art is defined as such precisely insofar as it is transgressive, which is to say potentially transformative of the rules of the practice in question. The disruption in a work of fine art is the condition of the possibility of the pleasure, although it is also not identified as the *source* of the pleasure. Instead, taste is identified as the source of the pleasure, which is to say the identifiable source of pleasure is the educated enjoyment of form, but that pleasure is paradoxically predicated on the disruption of the concepts learned. A work of fine art is pleasurable because it communicates something to us for which its concept does not prepare, something for which the understanding has provided no monogram. In spite of the fact that this is not identified as the source of the pure pleasure proper to a pure judgment of taste, it *is* a source of pleasure, only it is one that we do not quite want to recognize as such. It is the mark of the author, a mark that defines the thing as a work of art and so makes possible an empirical (and so impure) interest in it, but which does not overcome the restraints of taste so violently as to extinguish understanding altogether.

Insofar as Kant treats the history of art, and the education it provides its audiences, as progressive, it seems as though in the same way that the excess in natural beauty provides material for future understanding, making contemplative knowledge the purpose of natural beauty, so the excess in works of art could be treated as purposive for future socialization. But Kant is worried about that education precisely because there is no guarantee that what furthers identification among members of a society will harmonize with the good. For the most part, Kant treats moral education as the only guarantee of a genuinely progressive education of taste, although he is willing to assign taste an educative *psychological* function whereby it supplants a harsher discipline in helping establish habitual orientation:

> Taste enables us, as it were, to make the transition from sensible charm to a habitual moral interest without making too violent a leap; for taste presents the imagination as admitting, even in its freedom, of determination that is purposive for the understanding, and it teaches us to like even objects of sense freely, even apart form sensible charm. (354)

The worry that never becomes an explicit object of analysis for Kant but crops up in sundry places (and is at the heart of art's unreliability) is that imagination will "in its freedom" show us something that we will not like (or, worse, something we do in fact like, but should not). But what does that mean, we will not like what is revealed? In the above, taste is praised for presenting the imagination as "admitting, even in its freedom, of determination that is purposive for the understanding" – that is not rebarbative to the understanding, even if it also is not amenable to synthesis. This is something Kant is claiming about taste in general, but as we've already seen, only natural beauty is securely connected to habitual moral interest, and since a love for natural beauty is the result of a habit already in place, it is hard to understand why Kant has reversed the direction of psychological training in this passage. It does make sense, however, that natural beauty gives us the *image*

of such training, which is to say the image of the relationship between the understanding and the imagination, as potentially non-violent, especially given the conspicuous absence of all forms of real social authority.

It is only in the case of fine art that taste finds itself constrained to assert itself more forcefully against what would undo it, even as what would undo it is what sustains it.

> Taste, like the power of judgment in general, consists in disciplining (or training) genius. It severely clips its wings, and makes it civilized, or polished; but at the same time it gives it guidance as to how far and over what it may spread while still remaining purposive. It introduces clarity and order into a wealth of thought, and hence makes the ideas durable, fit for approval that this both lasting and universal, and [hence] fit for being followed by others and fit for an ever advancing culture. (319)

Kant finds himself unable to settle on a single description of what it is that taste is actually doing, whether disciplining or training, making civilized or polished. If taste is praised above as what, so long as we are not looking at the process historically, makes it possible for the individual to make the transition from sensible charm to moral interest, Kant's realization about the determinability of the imagination leaves open the possibility of a less pleasing transition, from sensible charm, say, to the interest of a sycophant in becoming polished, which is to say embracing the "advances" of aesthetic education without submitting them to his own understanding. The worry about aesthetic education is that once we realize that the imagination is open to determination in its freedom, which is to say that it may not actually *be* the author of what it identifies as its own, the imagination might also admit of determination that is contra-purposive to the understanding, that it might reveal itself to be in some fundamental way ineducable, or, worse, overeducable, open to unchecked manipulation. The tension in fine art, the tension that *makes* for fine art, offers us something along the lines of a simultaneous experience of both the autonomy of the imagination and the disciplining or training functions of the understanding.

A version of the same worry appears as the basis for the pleasure we feel when confronted with an instance of naiveté:

> We laugh at such simplicity as does not yet know how to dissemble, and yet we also rejoice in the natural simplicity here thwarting that art of dissimulation. We were expecting the usual custom, the artificial utterance carefully aimed at creating a beautiful illusion—and lo! there is uncorrupted, innocent nature, which we did not at all expect to find… Here the beautiful but false illusion, which usually has great significance in our judgment, is suddenly transformed into nothing, so that, as it were, the rogue within ourselves is exposed… (335)

The tension that precedes the enjoyment of naiveté stems from the fact that what we expect to find with a lapse in convention is something not to our liking. There is in the pleasure at naiveté then also a moment of displeasure, since that expectation itself reveals the rogue within, which is to say the unsuitability of the author of our own beautiful illusions (of our sociability) to be revealed in the light of day. In other words, what we expect to find mirrored back at us in every lapse of convention is something not fit for viewing; that is why we have to be alone in the woods, away from convention altogether, in order to get pure enjoyment unmarred by worry or criticism. An instance of naiveté does not reveal something about the person to whom it is ascribed but about those who ascribe it to him, giving everyone a vision of momentary release from convention but simultaneously revealing the conventions to be both merely conventional *and* nonetheless the necessary conditions of sociability. Since fine art involves the transformation of convention (its augmentation when Kant treats it as progressive, and its overturning when revolutionary), the enjoyment of works of fine art always involves a similar moment of displeasure, although that moment should be followed by a sort of re-alignment with the new standards. Such a re-alignment does not follow an instance of naiveté, which does not depend on a knowledge of and engagement with (or over against) convention but rather on a lack of knowledge of the conventions in the first place.

In order to turn to a discussion of the transformative work of the artist, we will look at two more moments in which Kant's worry about the source of beautiful illusion appears in the person of a roguish character.[19] The rogue is always connected, it seems, with the effort at true illusion, at duping its audience, at

[19] Confession: it is the translator who repeats the term rogue, when in fact only the rogue within ourselves is properly a rogue, or "Schalk;" the rogue we are about to meet is rather a willing "Bursche" or bloke. I understand why the translator uses the term rogue

successful dissemblance rather than the successful presentation of an "as-if" moment (beauty is nature *as if* it were art, or art *as if* it were nature). In this first instance, Kant places "us" in the position of trickster, writing,

> Suppose we had played a trick on this lover of the beautiful, sticking in the ground artificial flowers … or perching artfully carved birds on the branches of trees, and suppose he then discovered the deceit. The direct interest he previously took in these things would promptly vanish, thought perhaps it would be replaced by a different interest, an interest of vanity, to use these things to decorate his room for the eyes of others. (299)

Our lover of the beautiful undergoes a swift transformation, or perhaps it is rather a revelation: the mere fact of artificiality in the woods reveals a vanity in that lover of nature that would have remained hidden if only we'd left him in peace or allowed him an "authentic" experience of nature. Almost immediately, unless he returns himself to the purity of the original judgment in which the source of the object makes no difference, his thoughts are drawn back to his room and decorating possibilities. More importantly, he thinks of decorating his room *for the eyes of others*. Although Kant claims here two possible responses, a return to the purely formal judgment of taste or a co-optation of the object for vanity, both of which involve the effort to sustain or rekindle the pleasure taken in the object, he claims only a few paragraphs later that such a revelation effectively extinguishes the possibility of enjoyment:

> But in order for us to take this interest in beauty, this beauty must always be that of nature: our interest vanishes completely as soon as we notice that we have been deceived, that only art was involved; it vanishes so completely that at that point even taste can no longer find anything beautiful, nor sight anything charming. What do poets praise more highly than the nightingale's enchantingly beautiful song in a secluded thicket on a quiet summer evening by the soft light of the moon? And yet we have cases where some jovial innkeeper, unable to find such a songster, played a trick—received with the greatest satisfaction [initially]—on the guests staying at his inn to enjoy the country air, by hiding in the bush some roguish youngster who (with a reed or rush in his mouth) knew how to copy that song… But as soon as one realizes that it was all deception, no one will long endure listening…; and this is how it is with the song of any other bird. (303)

I quote this passage at such length because, even with some details excised, we can see that the very idea of such a trick inspires a kind of hyperbolic poetic response in Kant: on the one hand, there is the poet's enjoyment of birdsong in isolation, "in a secluded thicket;" on the other, an innkeeper who clearly means no harm (but also clearly wants to make a buck) and who stashes a roguish youngster in the thicket in order to please his guests. This is the moment where a rogue is revealed in nature, as the author of its charms, and the revelation absolutely *destroys* all possible enjoyment. The description of that destruction is clearly in tension with either of the possible responses predicted for our lover of nature above: a quick break with any interest in the sensible existence of the object, i.e., a return to the purity of taste, or a vain interest in the reproduction. Kant says here in no uncertain terms that "even taste" – and whether that 'even' is intended to stress its normal commitment to formality or mark it as a libertine faculty is unclear – has to look away.

It is the peculiar relation in which the supposedly purely formal judgment of taste stands to its content, content capable of entering into the form, re-shaping it, and so on, that leads to Kant's ambivalence here: on the one hand, he wants to claim that our enjoyment is purely formal, since this is what preserves its purity; on the other hand, the formality sometimes appears to belong not to the understanding but to sensibility itself. One of the strangest turns in this passage is the moment when Kant feels it necessary to append to his anecdote the claim that we are not satisfied or entertained by human reproductions of "the song of any other bird" either, as if the reader were in danger of mistaking this to be a claim about the song of the nightingale in particular. The *poet's* identification of the song as that of the nightingale does nothing to prevent it from raising thoughts of a thicket, a warm summer night, the moon – all of these are somehow extensions of that song, a subjective response that nonetheless augments and gives reality to the objective world, linking bird with thicket with sky. But the *reproduction* of birdsong, not a linguistic allusion or even musical variation, but the attempt at perfect reproduction, is experienced as limiting – or, actually, as *destructive* of the aesthetic pleasure, while the possibility of species-song identification remains. This must

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in the second case as well, however, since "Bursche" is a slang term for young man, a term that, at least in contemporary German, most definitely carries with it at the very least connotations of mischievousness.

have to do with the fact that what is revealed here is the imagination not in its freedom but in its reproductive capacity, where its activity is determined by concept or purpose – and here, we have both concept and purpose: the birdsong is reproduced according to our conception of it, and the reproduction is deployed with the aim of gratifying the guests and making a profit. If empirical concepts do not only involve a constitution of an object in accordance with rules but also of the subject as a knower – remember, that was the reason why we get a picture of the empirical self in the first *Critique* – and purposes involve a constitution of the subject as a desirer, if this is the reason why reproduction can only either extinguish aesthetic enjoyment or lead to vain interest, then we can see how successful instances of natural beauty are successful because they leave us with an awareness of ourselves as active without thereby also revealing *us* as any particular kind of thing.

We have already connected this moment of revelation with what limits art's ability to symbolize morality. It is connected with the idea that there is no "appearance" of the empirical self in relation to natural beauty, while the activity (and its shortcomings) of that self in constituting its objects is in evidence in art. This helps make some sense of the otherwise confounding claim: "A natural beauty is a *beautiful thing*; artistic beauty is a *beautiful presentation* of a thing." (310) Given the fact that Kant's critique of taste is devoted to showing that we cannot justify the claim that beauty resides in the objects themselves, that, as we saw earlier, "what matters is what I do with the presentation within myself", this is an odd distinction for him to make. It is less odd when we treat it as a phenomenological distinction: when we judge natural objects beautiful, we do not experience a distinction between the judging self and the object so judged. Such a distinction *does* appear in connection with a judgment of artistic beauty. The presentation cannot be mistaken for reality (or it immediately ceases to be an object of enjoyment, or at least an object of art). But in addition to seeing how this limitation precludes its successfully working to symbolize morality, we have to ask how it can serve as the occasion for a judgment of taste in the first place. In other words, we have to ask why the author is not just another rogue messing up our enjoyment with his presence.

In fact, far from destroying our pleasure in a work of art, the mark of authorship is the condition of the possibility of that pleasure, even if it is not itself the source of the pleasure but rather a moment of "deformity." In the most straightforward sense, the deformity that informs us of an object's status as artifact is the representation's failure to fool us into mistaking it for the real thing. But whatever it is that marks a work of art as the work of an artist is also something that the artist cannot claim does not belong to him, something not he cannot ascribe to the object, which means that the confession of authorship is also in some real way confessional – or, would be confessional, if it weren't for the fact that Kant will ascribe it to genius, to nature working through the artist. That ascription is a moment of dissociation, and it is this dissociation (since it is also of what we would otherwise encounter as unpleasantly revealing about *us* as well) that allows for the moment of pure enjoyment.

The author's mark enables art to do something nature cannot. Kant writes, "Fine art shows its superiority precisely in this, that it describes things beautifully that in nature we would dislike or find ugly. The Furies, diseases, devastations of war, and so on are all harmful; and yet they can be described, or even presented in a painting, very beautifully." (313) Poems and paintings can depict the worst of scenes in beautiful ways, and this is because they are clearly depictions, rather than actual scenes. (Sculpture, for example, is on Kant's account just too realistic to accomplish that task and so must resort to analogy, which then serves as a different kind of confession of authorship, a clear call for interpretation to finish its work.) Not too far back, we saw that the lover of nature has a kind of unconditional love for his object that takes no account of whether it might do him harm, a love that is pleased at its existence, which is to say at its independence from him. Here, it looks like the mark of ugliness in nature is precisely potential harm to humans, that what we find ugly in nature are those things that are beyond our power and can at most inspire a feeling of sublimity. What is ugly in nature is what is beyond us and hostile to our purposes.[20] But it is not

[20] Many want to make ugliness a purely formal issue, usually because they take beauty to be a purely formal issue, so that what is ugly is just what does not on its own (or at the level of intuition) contain sufficient organization to be purposive for the imagination; ugly, then, is what lacks its own form or is resistant to the understanding's efforts to constitute it by formal means. (Gracyk, etc. xxx) In terms of the unconditional lover of beautiful nature, that does indeed seem to be the case. But the fact that it is different with works of art should not surprise us, since my claim is that the tension between concept and purpose (rather than their seeming coincidence, or possible coincidence) just is the condition of the possibility of enjoyment.

merely that the danger is real in nature and unreal in works of art: after all, there is a real danger associated with art, and that is that it should present us with something disgusting. We do not find the sublime disgusting, even if our enjoyment of the experience involves a negative moment, the moment in which our imagination finds itself unable to cope with the task at hand. There is a limit to how far a depiction can go in presenting ugliness:

> There is only one kind of ugliness that cannot be presented in conformity with nature without obliterating all aesthetic liking and hence artistic beauty: that ugliness which arouses *disgust*. For in that strange sensation, which rests on nothing but imagination, the object is presented as if it insisted, as it were, on our enjoying it even though that is just what we are forcefully resisting; and hence the artistic presentation of the object is no longer distinguished in our sensation from the nature of this object itself, so that it cannot possibly be considered beautiful. (313)

The language of destruction in this passage echoes that the language Kant uses above to describe our reaction upon learning that what we had taken to be a natural beauty was in fact artificial, with the presentation "obliterating" all aesthetic liking and beauty. If the obliteration were complete, however, it is hard to think that we would need to forcefully resist the object, which, for that to be the case, must remain compelling for us in the face of our disgust. As in the bit of woodland trickery, here, too, we find a confusion about the status of the object: is it an object we are looking at or the presentation of an object? Kant can't quite mean that we do not understand whether we are looking at art or nature, however, since we are not *quite* disgusted by the discovery of a fake flower in the meadow, even if the discovery does destroy our capacity to enjoy it. No, it is not that we confuse the object with nature, or at least not with nature "out there," that is upsetting, but something else. Somehow, the understanding, the faculty which might have made the distinction between subjective and objective order (as it does when distinguish a causal series of perceptions from one that is the result of the order of our attention), has been evicted from the scene, but in a manner that leaves sensibility behind – the eyes, it seems, are still gawking while the understanding strains to pull them away. That this is a work of art, a fiction, is not the only determination the understanding refuses to make here: the sensation "rests on nothing but imagination," which is to say that it receives no proper conceptual shape at all, although to call it an object means we have at least conferred some kind of unity on it, even if only in the mode of dissociation: this is not *my* object. Again, sensibility appears as the name for what we refuse to recognize as our own, what we insist we receive passively.

We turn now to the question of the order and unity conferred by an artist and/or a work of art, with the goal of understanding who is ordering, what it is that is being ordered, whether there is anything left entirely outside of the order, and if so, given that our knowledge depends on order, how and what would we know about it? This is a continuation of our discussion of disgust, albeit in a slightly roundabout way. We will ultimately link the idea of disgust up with what Kant later calls a necessary moment of "deformity" clinging to every work of art, something that is not fit to be taken as a standard or exemplar of taste but without which the artist could not communicate, or could not communicate "forcefully" enough. For now, even the term "deformity" suggests that this will not be something left entirely outside of the order, since then it would an "unformity." This is what happened with the presentation that disgusted us: it lost all semblance of form and was treated as nonsense. But although it must be distinct since it adds power to the presentation rather than undermining it, this deformity must be linked to the idea of disgust as it is explained above. Just as disgust was compelling – or, rather, compulsory – the deformity must be compelling if it adds force to the work, facilitates the artist's communication. Indeed, as we have already suggested, it makes it possible to recognize the work of art as a work of communication.

If we banish for the time being both the thought of the endless play in beautiful nature and the boundless intuition of the first *Critique*, then we can think about specific orders of intuition, connections between them, and, as Kant stresses, orders that cover a certain amount but not all, that spread not willy-nilly but also not according to the principles of the understanding or the pure forms of intuition which had seemed our only ordering options. There are the associations that go together to make up a manifold, bits if we recognized all of which would comprise the world as an object, bits that would therefore be attributes. Progressive synthesis aims at a vision of the world, and if the world is our object, and we have succeeded in

conceptualizing it, then everything becomes an attribute of that final object.[21] But if there are attributes that refuse to be attributed, to pay tribute, but still insist on being acknowledged, then these mark the limitations on that project of progressive synthesis. Given our finitude, they might also be the leaps of thought that allow us to think of totality, of a world, at all. Finally, if we are capable of "binding" them in some way, they might be what allow us to share a world with others, even as they work against the possibility of our sharing a world with yet other others.

> If forms do not constitute the exhibition of a given concept itself, but are only supplementary presentations of the imagination, expressing the concept's implications and its kinship with other concepts, then they are called (aesthetic) *attributes* of an object, of an object whose concept is a rational idea and hence cannot be exhibited adequately. (315)

This passage is hard to parse out. Is the concept at its start the same as the concept (rational idea) at its end? We have a concept and, I take it, also its exhibition. In addition to what Kant will shortly explain are the logical attributes of an exhibition – those picked out by the concept – there are supplementary "forms." What Kant means by "forms" is not entirely clear, but when he calls these forms "aesthetic attributes" we can see that we are supposed to understand these on analogy with the logical attributes. We have been calling what exceeds the form given to a presentation by its concept "material," but I think it is safe to say that in addition to this excess is what Kant here calls the extra "forms." That doesn't do any harm to our argument, since the claim it makes is that nothing entirely unformed shows up at all, so that even what in theoretical terms is treated as matter, as uninteresting, is at least partially informed. There is the object as expressed by or by means of its concept, and then there is the object *in toto*, as expressed *and* as exceeding the expression in ways not entirely alien to us. That excess is a "rational idea" because it is the mark of the object as a thing in itself, in addition to its being for us, and by calling it a 'mark' we can begin to see how this nascent appearance (which may nonetheless *not* emerge into the full light of consciousness) moves us toward the Hegelian thought that the in-itself is for-us, or, as we'll see, is in some essential way a mediated reflection *of* us. When we call that excess 'sensation,' we disown it entirely, take it as something thrust upon us by the outside world; when we enjoy it as beauty, we enjoy perhaps the possibility of recognition, if not its actuality; when we enjoy it as beautiful nature, it binds us into a universal if indeterminate "us"; when we enjoy it as beautiful art, we find our enjoyment as well as our universality limited.

If these aesthetic attributes were something superadded by the artist, we wouldn't be talking about the object in-itself at all. Whatever they are, they must be at least shared by an us of some size (perhaps just two will be enough – this is the idea we'll look into in the chapter on Freud), or, perhaps better, must constitute an us of some size or other; this is perhaps another way of saying that there is no in-itself for *me*. Instead of being superadded, it seems that the attributes are somehow rendered communicable by the artist, so that the moment of creativity is neither the art of reproducing something purely individual nor producing something entirely new out of thin air. On this reading, the artist is author of the aesthetic idea, or, rather, since the artist works in a genre, the artist is the source of some shift or change in the pattern of an aesthetic idea that precedes her.

The author opens some edge of the form to "an immense realm of kindred presentations" (315) and closes things off again in a way that renders something new communicable, which is why the aesthetic idea works on analogy with a concept. Just as a concept works to order attributes into an object or event, an aesthetic idea works to link perceptions or objects into some other kind of whole. The disanalogy with a concept is that it does not do this work by means of synthesis.[22] The terms "kinship" and "kindred" suggest a wholly different mode of connection, one that Kant elsewhere calls analogical.[23] We should note that it is here that we also find the distinction between beautiful art and beautiful nature: where the second opens out onto the realm of kindred presentations, the first does so but also always involves a limitation of that realm.

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[21] If that is right, if that is in principle the unity at which we aim, then the idea that we are all moments of Spirit, and nigh-on meaningless ourselves, isn't so hard to swallow, since what we're trying to do is sort out and do away with any purely subjective mediations of appearance, which on the model laid out in the first *Critique* means all moments of taste.

[22] This is why Kant is undecided about whether or not to include music in the fine arts: it does not "bind" but merely gestures to that immense wealth.

[23] get cite: when he is talking about how a work gets geist

In the case of nature, there is no need for the conventions that circumscribe the meaningful possibilities and so no experience of the convention as disciplinary. Although Kant ascribes to the moral rectitude of the lover of beautiful nature the fact that he *neither does nor wants to* communicate with others about his experience, we might take that to be rather a *result* of the fact that the absence of convention forecloses the possibility of real communication. Somehow, however, the role of convention in enabling, if also limiting, communication rooted in analogical (where we understand analogical to mean motivated rather than mechanical association) means that this other non-synthetic mode of representation is a specifically social act.

Before he proceeds to discuss the aesthetic attributes in terms of the work of the artist, Kant discusses the question in terms of two symbols: "Thus Jupiter's eagle with the lightning in its claws is an attribute of the mighty king of heaven, and the peacock is an attribute of heaven's stately queen." (315) What does it mean to call something that is already an object on its own an attribute of something else? Normally, when we do this, what we had formerly treated as an object loses its independence and becomes by synthetic means a part of a different object, an "attribute." But here we have birds as attributes of heavenly kings and queens, without ceasing to be birds. One of the birds is even given a lightning bolt, which is clearly superadded to the presentation, so that we might say the bird with its lighting bolt makes up an aesthetic idea, or, rather, the two held up together make up an aesthetic idea, and that each of them is an attribute of that idea. These are symbols, however, and not necessarily works of art. As symbols, they are clearly artifactual, meaning that we experience them as human-made, but there is no mark of any specific author. Although we have just said that artists are the authors of aesthetic ideas – and, indeed, perhaps all symbols have some genealogical root back to artistic representations – the ready-made association of objects are part of the symbolic materials on which any given artist works, conventions that define her social sphere of communication as surely as the technical conventions do her work. There is a link of some kind between these two things, although finally our pursuit of that link will take us beyond Kant.

We have claimed that the aesthetic attributes are connected with logical attributes in some obscure way, and that they are not the products of the artist but of the imagination as it exhibits a given concept.[24] We see support for that reading when Kant writes, "Fine art does this not only in painting or sculpture (where we usually speak of attributes); but poetry and oratory also *take* the spirit that animates their works solely *from* the aesthetic attributes of the objects, attributes that *accompany* the logical ones and that given the imagination a momentum which makes it think more in response to these objects…" (315 emphasis mine) It is not that the artist *produces* aesthetic attributes, but that she is able to give them a pleasing form, which is to say that she is the author not of the attributes but of the aesthetic idea that groups them. The question is whether or not there is something inherently social about aesthetic attributes, so that instead of assigning them to the imagination as a mysteriously productive faculty, or to genius as tapping into or being enlivened by nature, we might think of the spirit of which Kant talks here as closer to Hegel's thought of it: that spirit is a name for something collective, although here it would not be what is discursively collective but what gets shut out in the development of discourse. An aesthetic idea gives a kind of sensuous form, not in the sense of representing something made up of the aesthetic attributes, but by bringing them together using a sensuous rather than a logical principle – rhythm, tone, etc. Aesthetic ideas are patterns that allow us into a realm closed off by, or for the sake of, conceptual thought.

These attributes are not only distinct objects that display a peculiar affinity (as with our eagle and the lightning bold) but also "partial presentations," what Kant also calls "ineffables." (316) This is "undeveloped material [provided by the imagination] *for the understanding* which the latter disregarded in its concept." (317) Here we have the presentation of what resists conceptualization *to the understanding*, which Kant then portrays as "employ[ing]… not so much objectively, for cognition, as subjectively, namely, to quicken the cognitive powers, though indirectly this does serve cognition too." (317) The partial presentations in question are, as "ineffables," singular, and so we might with some justification call them the sensible remainder of the image that exhibits a given concept. While some of Kant's description portrays the aesthetic attributes as themselves objects, objects arranged and associated in communication-bundles (we

[24] My attention was drawn back to Kant's discussion of the attributes by "The Problem of Particularity in Kant's Aesthetic Theory," Chignell, A. http://www.bu.edu/wcp/Papers/Aest/AestChig.htm

might borrow Adorno's term "constellations" here), he is also talking about *partial* presentations that even in their partiality resist synthetic combination, and he speaks of these partial presentations as material for the understanding. When attributes picked out by *other* concepts are ignored, it is not surprising that they continue to play a cognitive function; this is in some ways the story Hegel tells about how an object gets its depth, how it is made up of conceptual moments. But what are we to make of partial, singular presentations, which should be, since singular, perfect fodder for synthesis, but which nonetheless require a mode of cognitive address that lends them a unity without submerging their independence?

We have not so far made the distinction between works of art and social symbols a focus of our inquiry. We have mainly taken works of art to be a kind of subset of symbolic communiqués in general, when in fact they may form something more liminal to that category – it could be, for instance, that works of art are sometimes or always a mode of engagement *with* symbols, so that they seek to change the conditions of symbolic communication. Keeping both connected and yet distinct our thought of symbolic rationality and art is difficult, and the idea of connection, since they are in fact distinct, will require some justification. But this a risk worth taking, since both art and analysis are modes of mediation and communication that seek out connections other than those forged in the understanding – peculiar affinities, kinships, and the like. Although we will not discuss it at length now, we should keep this thought in mind, since it is likely that what is partial and singular about works of art has to do with the fact that they are the mediations of, and so involve an engagement with, an artist in particular, an author, a rogue, albeit one whose company we enjoy. Without that thought, it becomes possible to think of art, as indeed some sociologists of art are wont to do, as merely constituting audiences, a notion that even becomes so abstract as to sort kinds of people according to the genres of art to which they are responsive.[25]

Established social symbols, on the other hand, *can* be thought of as constituting groups, and most of as mediating groups that otherwise stand in tension with one another – as constituting audiences where otherwise there would be none. It seems, then, that those attributes that are already objects are likelier the stuff of symbols, whereas those that resist even that degree of articulation are the stuff of art and of symptoms. But even more than that, the thing that distinguishes works of art from symbols more generally has to be that the former are enjoyed as beautiful, whereas the latter produce an emotional response that may be as strong (or stronger: when was the last time someone died in the name of a work of art?) but is certainly not as complex. Works of art require work of us, and if they genuinely transform the conventions of communication, they also genuinely transform us. Symbols, on the other hand, require more of a direct attachment, an emotional bond, and when they are at their most effective, this bond is effortless, which is to say that something about the symbol works to satisfy (not leave actively wanting) something already in us. It is not that the emotions aren't involved in the enjoyment of works of art, aren't the source of 'enjoyment' in general, but that symbols do not require us to work up the response reflectively, to bring into the light of day the source of our enjoyments. We will return to this issue, but first we'll turn back to the question of shared enjoyment more generally.

In the first *Critique*, the only way of thinking of perceptual particularity cast it as varying from individual to individual, as what is by definition not shared, and this is true of sensation or of matters of taste.[26] Here, instead, there are these "supplementary presentations" – associations that are admittedly not logical, for which we cannot find an explanation in the object, and which yet resonate for us – not, perhaps, for all of us for all time, but with those of us at a particular time in a particular place with the education necessary to respond. But what is it to which we are responding? This is a question that may not strictly speaking have an answer, if having an answer means having a theoretical account. But whatever the case, the essential fact here is that we are responding to a representation *as* a representation, which is why Kant can claim that our response is disinterested. Interest is, remember, always interest in the reality of a thing, in its being real and so useful to us in some way. Given the fact that we are interested in something precisely insofar as it is the product of an author, a thing that gains force by its deformity that marks it as such, it would seem like a work of art should *better* serve as a symbol of morality than something lacking such a

[25] DiMaggio (is his name really Joe?) – get citation. And supply quote.

[26] Those "belong merely to the subjective constitution of our manner of sensibility, for instance, of sight, hearing, touch, as in the case of the sensations of colours, sounds, and heat, which … [are] mere sensations and not intuitions." (A28/B45)

defect. But the determinacy of the representation, the fact that it is produced along some if not all rules of genre, serves to remind us of the need for limitation and discipline, of what remains unconquered by our moral vocation – the in itself not of the object but of us subjects.

When we say that something is "real" rather than "ideal," we're ascribing to it a certain independence of our presentation or representation of it, an independence that asserts itself within our thought of the object as what exceeds our presentational capacity or conceptual orientation. It is an acknowledgement of what exceeds our concept. We have a certain interest in the reality of our objects when we approach them conceptually, but obviously our interest is greatest when we approach them as objects corresponding to a practical concern. A pure judgment of taste that ascribes beauty to an object is supposed to be a disinterested judgment, although it can *lead* to an interest – contemplative in the case of natural beauty and empirical in the case of artistic beauty. But the "objects" of the two kinds of judgments are not at all the same: natural beauty presents itself as if belonging to the object, while artistic beauty asserts itself as a presentation of a subject. What does an interest in a work of art mean, then, if it is not an interest in the reality of its object, where by object we now mean the poem, the painting, etc.? Again, interest is always an orientation to an object's reality, an interest in reality of some sort, and reality is what we have defined as what exceeds our presentational capacity. But this is interest in the reality of a presentation, *as* a presentation, and yet whatever marks it the presentation of an artist (and in this context we'll stick with representational art) is what cannot be ascribe to representation, a failure to make full logical sense (in the sense of a full representation of what we've been calling logical attributes) and yet a sensible success nonetheless. What gives the work spirit is not the object but the subject, something about the subject that does not come to appearance without mediation, that is neither immediately given to us nor accessible by everyday discursive means. Something about skilled artistic mediation allows us to enjoy in one another what we could otherwise only enjoy by ourselves, in the woods. Perhaps, then, the successful work of art is a symbol of *politics* rather than morality. Our interest is empirical rather than contemplative, and we find ourselves able to enjoy in one another what we otherwise find repellent, namely, deformity.

Although we might concur with the lover of beautiful nature that a given object is beautiful, we do not find the sight of someone having that experience, making that judgment, beautiful. We enjoy it only when we are absent the scene and allowed to merely infer its beauty; in fact, the ability to *judge* beautiful nature is not enough to support the inference, since it is only the *lover* of beautiful nature, one who can sustain his enjoyment, that meets with our approval. The *lover* of art, the sychophant, is much less interesting, and this is perhaps because politics is about unfinished business; someone who mistakenly loves its symbol, then, has missed the point. A work of art offers enjoyment, but also limitation; it requires work, should not be taken directly as an object of satisfaction. Again, we have hit upon what distinguishes art from social symbols per se, which is that works of art are supposed to spur activity, while social symbols are a kind of substitute satisfaction that prevent it.