

Subsuming ‘determining’ under ‘reflecting’: Kant’s power of judgment, reconsidered

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Kant’s distinction between the determining and reflecting power of judgment in the third *Critique* is not well understood in the literature. A mainstream view unifies these by making determination the telos of all acts of judgment (Longuenesse 1998). On this view, all reflection is primarily in the business of producing empirical concepts for cognition, and thus has what I call a determinative ideal. I argue that this view fails to take seriously the independence and autonomy of the ‘power of judgment’ [*Urteilkraft*] as a higher cognitive faculty in its own right with its own *a priori* principle. Instead of seeing merely reflecting judgments as failed or incomplete acts of judgment, I argue that these are in fact paradigmatic of the activity of the power of judgment. More precisely, the reflecting power of judgment *just is* the power of judgment. Accordingly, reflecting judgment takes precedence over determining judgment—for while the former operates according to a law that it gives itself, the latter requires another higher cognitive faculty to provide its principle. On my view, reflecting judgment should be understood as the capacity for purposive subsumption, which is most clearly seen in the activity of mere reflection.

Keywords: Kant; judgment; reflection; subsumption; Longuenesse; faculty psychology

Word Count: 12,250

Introduction

Despite an increased interest in Kant’s third *Critique* in recent years, very little attention has been paid to the power of judgment [*Urteilkraft*] itself—and, with it, Kant’s distinction between its ‘determining’ [*bestimmend*] and ‘reflecting’ [*reflectirend*] use (*KU* 5:179).¹

Commentators have generally restricted their focus to either the aesthetic or teleological

¹ English translations of Kant are from the Cambridge Editions of the Works of Immanuel Kant. Kant’s works are cited according to the Akademie Ausgabe pagination (volume number: page number) with the appropriate abbreviation (listed below in the reference section)—with the exception of *KrV* for which I provide the standard A/B pagination.

domains, rarely stepping back to consider the precise nature of the faculty of the mind that both undergoes critique and is responsible for producing the various kinds of judgments Kant discusses in the text. Those who have raised the issue of how to unify the two parts of the text generally see Kant's primary concerns in the third *Critique* (especially as outlined in the introductory material)² as epistemological (Ginsborg 2015; Zuckert 2007). Accordingly, much of this scholarship has focused on showing its relevance for Kant's account of cognition in the first *Critique* (Kukla 2006).³ While many of these commentators tend to neglect the power of judgment, their approach nonetheless entails a view according to which it has fundamentally cognitive aims and is therefore significant primarily for making cognition possible. On this reading, reflecting judgment is chiefly directed at the formation of empirical concepts and laws to be employed in determining judgment. As a result, they are committed to saying that the 'merely reflecting' [*bloß reflectirende*] judgments which occupy the body of the text are failed or incomplete judgments. In this essay I wish to challenge this view. On my account, reflecting judgment is paradigmatic of the activity of the power of judgment—and thus takes precedence over determining judgment.

My discussion proceeds as follows: I begin by situating the power of judgment within Kant's Critical faculty psychology, as well as against the backdrop of his German Rationalist predecessors—none of whom recognised a distinct judging power (§1). After discussing the emergence of the power of judgment in the first *Critique*, I motivate the problem of the

² I lean heavily on such passages throughout the paper. Kant wrote two introductions to the third *Critique*, though only the second one was published. Given my purposes, I find Kant's articulation of certain points in the so-called First Introduction [*FI*] often more helpful and precise. This is not to suggest that the published Introduction is inadequate. Moreover, there is no sense among commentators that these are at odds with each other. Still, when possible, I cite a comparable or parallel passage from the published Introduction to try to maintain continuity.

³ See also Zammito, for whom Kant's account of reflecting judgment indicates a decidedly 'cognitive turn' (1992, 151-177).

relationship between the determining and reflecting power of judgment as it appears in the third *Critique* (§2). There is no consensus as to what this distinction amounts to—nor does there seem to be an obvious and incontrovertible way of uniting the seemingly disparate acts of determination and reflection. In other words, what is common to both mental operations such that they can each be seen as species of a singular faculty called judgment? I then discuss the most prominent account of this relationship (§3). For Longuenesse, determination is the telos of all acts of judgment. This view ascribes to the power of judgment what I call a *determinative ideal*.⁴ Against this, I argue that restricting the aim of reflecting judgment to the generation of empirical concepts for determinate cognition is incompatible with the independence of the power of judgment as a capacity of the mind with its own *a priori* legislative principle. Indeed, this path risks rendering the third *Critique* superfluous. In what remains, I argue for a more promising solution. In reflecting, judgment pursues its own ends, which derive from its status as a higher cognitive faculty (§4). In particular, I show that reflecting judgment itself has a subsumptive structure, which is exhibited in the activity of mere reflection and indeed more fundamental than that of determining judgment. Only those acts that are guided solely by the principle of purposiveness express the *autonomy* of the power of judgment (which Kant calls ‘heautonomy’). By contrast, determining judgment is not on par with reflecting judgment, for its principle is always provided by another higher cognitive faculty (either the understanding or reason) (§5). Thus, in addition to exclusively characterising the specificity of the mind’s power of judging,

⁴ I should note at the outset that the vast majority of commentators who discuss these issues subscribe to something like the determinative ideal. For example, Ginsborg maintains that the third *Critique* is ‘explicitly concerned with the issue [of the formation of] empirical concepts’ (2015, 84). Similarly, Zuckert holds that Kant’s primary aim in *KU* is to provide a necessary ‘supplement to his epistemology’ in *KrV* (2007, 1). I focus on Longuenesse here because she takes up this issue in the most direct way. For most others, the idea that reflecting judgment is subordinate to determining judgment is either implicit or merely gestured at.

reflecting judgment also functions as the subjective condition of possibility for any determination whatsoever. I conclude by discussing the way that my account unifies the power of judgment in general, understood as the capacity for purposive subsumption (§6).

1. Situating the power of judgment within Kant's Critical faculty psychology

Before taking on the issue of the relationship between determining and reflecting judgment, it is important to situate the power of judgment within Kant's faculty psychology. Terms such as 'faculty' [*Vermögen*], 'capacity' [*Fähigkeit*], and 'power' [*Kraft*] have technical meanings for both Kant and his German Rationalist predecessors.⁵ For our purposes, it is of particular importance to get clear on the distinction between what Kant calls the 'capacity to judge' (or 'faculty of judgment') [*Vermögen zu urteilen*] and the 'power of judgment' [*Urteilkraft*]. While the latter is the focus of this essay, its relationship to the former needs to be addressed at the outset.

Kant follows Baumgarten and Wolff in dividing the fundamental faculty of cognition into higher and lower parts, often characterised as 'understanding' [*Verstand*] and 'sensitivity' [*Sinnlichkeit*] (*Anth* 7:399). For Baumgarten, the distinction between higher and lower is one of degree; the understanding provides distinct representations, while sensitivity yields only indistinct ones (*M* §533, 624). Kant, however, holds that this is a difference in kind pertaining the origin of our representations—a view he first argues for in his *Inaugural Dissertation* (1770). The lower faculty of cognition is 'a power to have representations so far as we are affected by objects,' while the higher faculty of cognition is 'a power to have representations from ourselves' (*LM* 28:228; cf.

⁵ For an excellent and thorough study of these terms (especially *Vermögen*) and their context in Eighteenth century German philosophy, see chapter 1 of Falduto (2014).

LM 29:880). Kant characterises this as a distinction between receptivity/passivity and spontaneity/activity.

In the pre-critical period, Kant also follows his predecessors by distinguishing within the higher cognitive faculty two sub-faculties: the understanding [*Verstand*] and reason [*Vernunft*].⁶ However, Kant goes beyond his predecessors in describing these as nothing but two different ways of judging (immediate and mediate). Indeed, he even goes as far as to describe them as jointly comprising the ‘capacity to judge’ [*Vermögen zu urteilen*] (*FS* 2:59)—a term he would use again, more famously, in the Metaphysical Deduction of the *Critique of Pure Reason* [*KrV*] (A69/B94). In other words, Kant prioritises judgment within his conception of the mind, even before recognising a distinct judging power.⁷

By the time Kant writes *KrV*, his division of the higher cognitive faculty is threefold and now includes the power of judgment [*Urteilkraft*] (A131/B169).⁸ What’s more, Kant now refers to all three of these as the ‘capacity to judge’ [*Vermögen zu urteilen*].⁹ However, the relationship between this new ‘power’ [*Kraft*] and the broader ‘capacity’ [*Vermögen*] of which it is ostensibly a part is hardly clear. Kant defines the power of judgment by way of a contrast with the

⁶ Kant employs the term ‘understanding’ both in the broad sense (denoting the higher cognitive faculty *in general*) and in the narrow sense (referring to one of its sub-faculties) (*KrV* A130-131/B169, cf. A69/B94, A126; *Anth* 7:196; *FI* 20:201; *LM* 28:240; *LA* 25:537, 773).

⁷ While Baumgarten recognises a faculty of judgment [*facultas diiudicandi*], he characterises it as the capacity to ‘perceive the perfections and imperfections of things’ (*M* §606). He distinguishes between its sensible and intelligible use, depending on whether one represents the harmony or disharmony of things indistinctly or distinctly; the former he calls ‘taste,’ the latter ‘criticism’ (*ibid.*, §607). This strictly evaluative capacity, which does not lie strictly with the higher or lower faculty of cognition, does not bear any direct relation to Kant’s new power of judgment. Moreover, we know that Kant objects to the idea that there could be rules for taste, which is to say, that aesthetics could be a science (*KrV* A21/B35-36).

⁸ Recent commentators have shown that Kant begins to develop a theory of *Urteilkraft* in his unpublished anthropology lectures in the 1770s (McAndrew 2015; Sánchez Rodríguez 2012). I cite some of these passages in what follows.

⁹ ‘...the understanding in general can be represented as a capacity to judge’ [*der Verstand überhaupt als sein Vermögen zu urteilen vorgestellt werden kann*] (*KrV* A69/B94).

understanding, the faculty of rules: it is ‘the faculty of subsuming under rules [*das Vermögen unter Regeln zu subsumiren*], i.e., of determining whether something stands under a given rule ... or not’ (*KrV* A132/B171). In subsuming specific cases under general notions, the power of judgment is not instructed by rules, on pain of regress: there would need to be further rules *ad infinitum*. The ability to determine whether or not a particular instantiates a rule is ultimately ‘a special talent’ which ‘cannot be taught but only practised’ (A133/B172). With no special principle to guide it, its operations are ultimately mysterious. Further, the power of judgment seems to find its identity only in relation to the understanding, which it assists by applying the rules that it is given.

Unfortunately, there are many inconsistencies in the way Kant employs terms like ‘power’ [*Kraft*] and ‘faculty’ [*Vermögen*] in his faculty psychology. For example, Kant will sometimes refer to the understanding, power of judgment, and reason as ‘faculties’ [*der oberen Erkenntnißvermögen*], and other times as ‘powers’ [*die oberen Kräfte der Seele; Gemütskräfte*] (*AL* 25:147, 537; *KrV* 130-131/B169). Kant himself acknowledges that such a relationship is vexing—asserting, in metaphysics lectures delivered shortly after the publication of *KrV*, that ‘The difference between power [*Kraft*] and faculty [*Vermögen*] is difficult to determine’ (*LM* 29:823). In the definition of the power of judgment just mentioned, Kant defines the new power *as* a faculty, leaving to one to wonder whether it is ultimately a *Kraft* or a *Vermögen* (cf. *LA* 25:537-538). To make matters worse, in a passage from *KU* that Longuenesse draws attention to (and which I deal with in §4), Kant seems to equate *Urteilstkraft* with the *Vermögen zu urteilen* (5:287).¹⁰ In sum,

¹⁰ *Vermögen zu urteilen* itself gets translated as both ‘capacity’ and ‘faculty.’ Longuenesse prefers ‘capacity to judge’—suggesting that this better captures the idea of an ‘unactualised potentiality’ (1998, 7). However, in their Cambridge translation of *KrV*, Guyer & Wood translate it as ‘faculty for judging’ (including at A81/B107) in order to keep the connection with the Latin *facultas*, used by Baumgarten. Regrettably, Guyer & Wood also—on more than one occasion—translate *Urteilstkraft* as the ‘faculty of judgment’ (*KrV* A295-6/B352). See also Guyer’s translation of *Refl* 2133 (16:247).

one is hard pressed to find in Kant a clear account of the distinction between a faculty and a power (Longuenesse 1998, 8).

Even still, most commentators have taken the difference between a faculty and a power to consist in the latter's ability to actualise the former. Drawing on Kant's metaphysics lectures, Longuenesse maintains that Kant uses these terms in senses taken directly from Baumgarten and Wolff. Baumgarten characterises a power [Latin, *vis*] as 'the complement to the faculty [*facultas*],' namely, what is added to the faculty so that the act comes to be (*M* §220). Wolff uses the example of a seated person to make the same point: they have the capacity to stand, which must be distinguished from the further capacity which brings it about *that* they stand (*GM* §117).¹¹ For Kant's predecessors, then, a *Kraft* is that through which one takes what is merely potential and makes it actual.

Kant's discussion of the difference between *Vermögen* and *Kraft* in his metaphysics lectures lends support to an interpretation in terms of potentiality and actuality. A faculty, he says, is 'the possibility of acting,' that is, the property of a substance by which it has only the potential or tendency for acting, but which lacks a sufficient ground (*LM* 28:434). By contrast, a power is 'a faculty insofar as it suffices for the actuality of an accident [of a substance]'; as the sufficient ground of an action, it is thus that which actualises it (*LM* 29:823-824; see also 28:27, 434, 515, 656; *Refl* 3584, 17:72). In the case of judging, then, Longuenesse suggests that we understand the *Vermögen zu urteilen* as '[the] possibility or potentiality of forming judgments,' which is

¹¹ 'A power [*Kraft*] should not be confounded with a mere faculty [*Vermögen*]: for a faculty is only a possibility of doing something: on the other hand, since a power is a source of alteration, an endeavor to do something must be encountered within a power.'

actualised by *Urteilstkraft* when we judge (1998, 7). The power of judgment is ‘the actualisation of the *Vermögen zu urteilen* under sensory stimulating’ (*ibid.*).¹²

While the potentiality/actuality reading is not without problems, I will assume it for the purposes of the paper.¹³ Such a view is at least compatible with the position I defend, as will become clear over the course of the discussion. The understanding and reason both provide universals, but this is not enough to render judgments. These faculties depend on the power of judgment in order for their concepts and rules, respectively, to be applied to particulars. The ability to bring forth general representations would in this sense constitute a mere capacity to judge but still require a distinct power that can actualise this potentiality. This would explain why Kant introduces the power of judgment—namely, because he recognises a gap in his initial division of

¹² For now, it is worth noting that Longuenesse opens her book, *Kant and the Capacity to Judge*, by explicitly stating that the title does *not* refer to *Urteilstkraft* (1998, 8). Indeed, the book focuses almost exclusively on the *Vermögen zu urteilen*, with very little to say about the *Kraft* of which it is partly composed. This points to a more general neglect of the power of judgment in her work, which we will see more clearly in §3. In subsequent work, she reiterates her claim that *Urteilstkraft* is the actualisation of the *Vermögen zu urteilen*, while also adding the rather cryptic comment that: ‘for that matter, so are the two other components of the understanding [in the broad sense],’ referring to the understanding (in the narrow sense) and reason (2005, 142). Boyle (2020) suggests that Longuenesse conflates the capacity/power distinction with the power/act distinction—failing to delineate between those conditions that enable the power to perform its operations, on the one hand, and the products of this operation, on the other (132fn21).

¹³ While Kant cites Wolff and Baumgarten sympathetically on this matter in some of his metaphysics lectures, he also argues against their idea that a power is that which contains the ground of the actuality of an act, contending instead that it is the ‘connection’ [*nexus*] or ‘relation’ between ground and its consequence (*LM* 28:25-27, 261; 29:771). Thus it is not clear that Kant simply adopts the framework of Wolff and Baumgarten regarding the distinction between a faculty and a power. Heßbrüggen-Walter claims that Kant was in fact more influenced by Crusius with respect to these notions (2004, 127-142). More problematically, though, such a reading seems to count the power of judgment twice—first as potentiality, then as actuality. Recall that Kant sees all three higher cognitive faculties (understanding in the narrow sense, the power of judgment, and reason) as making up the *Vermögen zu urteilen*. Yet, in taking *Urteilstkraft* to be the actualisation of *this* capacity, Longuenesse effectively singles out one component of the capacity as the thing which makes it actual. It is unclear what the difference would be between the power of judgment *qua* capacity and the power of judgment as actualising force. One might think that Kant would have been better off holding that the capacity to judge consists only in understanding and reason, reserving the power of judgment for the role of actualising it.

the higher cognitive faculties, and comes to see the power of judgment as playing a crucial role in making judgments possible.

2. The distinction between the determining and reflecting power of judgment

In the *Critique of the Power of Judgment* [KU], Kant provides a definition of the power of judgment that is similar to that of *KrV*: ‘the faculty for thinking of the particular as contained under the universal’ (5:179; cf. *FI* 20:211). However, Kant now makes a distinction within the power of judgment—between what he calls its ‘determining’ [*bestimmend*] and ‘reflecting’ [*reflectirend*] use. The distinction hinges on whether the universal is given prior to our encounter with a particular.¹⁴ If it is given, then judgment is determining. We can take this to involve something like predication, that is, attributing a property to a thing. For example, I might possess the concepts ‘red’ and ‘coffee mug,’ and thus say of some object in front of me that it is a red coffee mug. However, if no universal is given, then we must search for one. To continue the example: the first time I saw a coffee mug, I lacked the concept necessary to see it *as a coffee mug*. It was only after reflecting on the particular object as such (and presumably, other coffee mugs) that I arrived at the empirical concept ‘coffee mug.’ In seeking out a universal for the particular, the power of judgment is reflecting.¹⁵

¹⁴ Kant parenthetically glosses the term ‘universal’ as a rule, principle, or law. He also mentions concepts in *FI* (20:211). We can take all these notions to be universals in the sense relevant for the definition of the power of judgment—i.e., as things under which particulars can be subsumed.

¹⁵ In addition to this newfound distinction within the power of judgment, there is a further innovation—namely, the power of judgment (like the other two higher cognitive faculties) is now governed by a principle, which he describes as the presupposition that nature is purposive for our cognitive faculties. Commentators have struggled to understand the precise formulation of this principle, in part due to Kant’s many characterisations of the notion of purposiveness throughout the text, as well as the range of philosophical problems to which he poses it as a solution. Common to many interpretations, however, is the idea that nature admits of being carved up into a hierarchy of empirical concepts by us. I will discuss this issue in the final section of this paper, ultimately suggesting that this cannot be an exhaustive description of the principle.

Immediately after describing reflecting judgment, Kant defines ‘reflection’ in general as the comparison or holding together of my representations with each other or up against my cognitive faculties (*FI* 20:211).¹⁶ The notion of reflection appears in a variety of contexts in Kant’s philosophy, each with its own specific connotation—though arguably all fitting the general definition Kant provides. Commentators generally distinguish between two main species of reflection, following from Kant’s own definition: logical and transcendental. The most well-known account of the first kind of reflection is in section 6 of the *Jäsche* logic. Kant describes the threefold activity of comparison/reflection/abstraction as that by which I discover what my representations have in common in order to form a concept of an object. Kant thus calls a concept a ‘reflected representation’ because its universal or general form originates in (and owes itself to) the logical act of reflection (*LL* 9:91, 94).¹⁷ Kant’s main discussion of transcendental reflection appears in the Amphiboly chapter of *KrV* (A260/B316-A263/B319). In this case, we are not comparing representations to each other but rather comparing them with their corresponding cognitive faculty (i.e., sensibility or understanding). This kind of reflection is necessary for making sure that we do not make erroneous judgments—e.g., by failing to treat an appearance as rooted in sensibility.

We should want to know, though, how these various types of reflection relate to the use of the reflecting power of judgment. Some commentators use ‘reflection’ and ‘reflecting judgment’ interchangeably. For example, Longuenesse, who we will consider more in §3, identifies the activity that generates empirical concepts with reflecting judgment: it is ‘a progress

¹⁶ In anthropology lectures from the 1770s, Kant describes comparison as the act of ‘holding our representations together’ [*Vorstellungen zusammen zu halten*]—and goes on to define the power of judgment as a faculty of comparison [*Vergleichung*] (*FA* 25:515).

¹⁷ For more on Kant’s account of logical reflection and its role in the formation of concepts, see Newton 2015.

from sensible representations to discursive thought: the formation of concepts through comparison/reflection/abstraction, *which is just what reflective judgment is*: finding the universal for the particular' (1998, 164-165; emphasis mine). In other words, she sees logical, transcendental, and aesthetic reflection as ultimately involving the same activity—namely, seeking out a universal for a particular.

Makkreel (2006), however, draws a sharp distinction between these three activities. For Makkreel, the logical act of reflection that leads to the formation of concepts is not an act of judgment at all, but rather an act of the understanding. And while this act is solely concerned with the relation of representations to each other, transcendental reflection is concerned with the relation of representations to us and our faculties. In contrast to both of these, he thinks, reflecting judgment operates at a higher level—namely, on already existing concepts, laws, and determinate cognitions in order to unify them into a system; he thus sees it as closely related to the interests of the faculty of reason. There are certainly similarities between the two, he says, but they do not reduce to a 'common procedure,' as Longuenesse contends (2006, 225). While now is not the place to discuss the details of Makkreel's argument, I will simply note that I see no reason why we cannot take reflecting judgment to be something that precedes and helps to facilitate cognition *as well as* something that supervenes on fully formed cognitions in order to coordinate them into a coherent whole.

All of this is complicated by the fact that Kant takes aesthetic judgment to be the paradigmatic exercise of reflecting judgment—an activity in which no concept is found. Kant refers to this as 'mere reflection,' 'merely reflecting' judgment, and a 'judgment of mere

reflection' (*FI* 20:220-221).¹⁸ This, combined with Kant's decision to define 'reflection' immediately after 'reflecting judgment,' suggests that the two terms are not mutually exclusive. The distinct but relate senses of these notions, for Kant, is not an issue that I can take up in detail here—though it is certainly a matter worthy of further consideration.¹⁹ For the purposes of the discussion, I opt for a broad conception of reflecting judgment that includes but is not limited to logical reflection. That is, rather than taking logical reflection to exhaustively describe the activity of reflecting judgment, as Longuenesse does, or sharply distinguishing the two, like Makkreel, I suggest that we see logical, transcendental, and aesthetic reflection as nothing but different instances of reflecting judgment.

Returning to the issue of the relationship of determining and reflecting judgment, a philosophical question presents itself—namely, what is common to both operations such that they can be seen as species of a singular faculty of the mind? This question arises naturally in considering the two different mental exercises at play, respectively—on the one hand, applying a rule to a particular of which it is an instance; on the other, searching for a rule for a particular. On the face of it, these seem like vastly different acts of the mind, hardly deserving of being put together. Applying a rule sounds rather mechanical and rote, while seeking out a rule sounds creative and free. There seems to be, as Zammito puts it, a 'radical incongruity between the reasoning involved in discovery (or invention) and the reasoning involved in proof' (1992, 167). Thus we should want to know how Kant conceives of these as being unified under the power of judgment in general.

¹⁸ Other passages where Kant uses these different terms include: *FI* 20:223-225, 229-232, 244; *KU* 5:179, 190-192, 194, 239, 244, 249, 253, 267.

¹⁹ Gorodeisky (2021) treats the varieties of reflection across Kant's Critical philosophy (including the practical philosophy) in her forthcoming entry to *The Cambridge Kant Lexicon*.

There is hardly a well-defined position on the relationship between determining and reflecting judgment, nor is there consensus as to what it amounts to.²⁰ Commentators usually take it to refer to two distinct ways of exercising a single power, though this is often taken for granted and rarely argued for. For Guyer, determining and reflecting judgment are ‘two different ways in which judgment can operate,’ which are ‘numerically distinct and independent from each other’ (1997, 35; 2003, 2).²¹ Moreover, Guyer suggests that determining and reflecting judgment are unified insofar as they both involve ‘matching’ particulars and universals (1997, 35). Zuckert glosses these as ‘parallel’ operations insofar as ‘we do the ‘same thing’ in these activities, only in different ‘directions’ (start with the universal, or start with the particular)’

²⁰ This includes debate about the historical question of precisely when Kant arrived at his notion of reflecting judgment. Since the distinction between determining and reflecting judgment appears for the first time in *KU*, one might think that Kant initially conceived of the power of judgment only as determining, coming to possess a notion of it as reflecting later on. For example, Kaag claims that ‘In the *Critique of Pure Reason* Kant seems to have envisioned only determinate judgment,’ and that Kant ‘comes to recognise’ reflecting judgment by the time he writes *KU*—‘developing an alternative to the determinate judgments of the *Critique of Pure Reason*’ (2014, 39; emphasis his). Similarly, Teufel claims that in *KU* ‘Kant now discerns a new cognitive capacity within the power of judgement at large’ (2012, 302). Yet when Kant writes his famous 1787 letter to Reinhold describing his plans to write *KU*, he does not mention his ‘discovery’ of reflecting judgment. However, among the ‘systematic’ reasons that made him see such a critique was necessary is the recognition that the fundamental faculty of feeling pleasure and displeasure has its own *a priori* legislative principle, just like the faculties of cognition and desire—a principle provided by the power of judgment (*Corr* 10:514-515). On my view, what Kant discovered was not reflecting judgment as such, but rather the *autonomy* of reflecting judgment (a notion I discuss in more detail in §4). What appears in *KrV* as a subordinate mode of the power of judgment is elevated in *KU* as the power of judgment *sans phrase*. Additionally, the mainstream view that I consider in the next section provides compelling reasons to see an early version of reflecting judgment in *KrV*. Despite going on to reject this view, I concur on this point—as I explain in what follows.

²¹ Guyer does qualify his view by noting that when the given universal is a pure category (e.g., causality) requiring intermediate concepts (e.g., a specific empirical-causal law) for its application, reflective judgment ‘may be needed to find those concepts and thus complete the task assigned to determinant judgment’ (2005, 12). Still, for the most part, Guyer thinks that judgment is ‘either determinant or reflective but not both’ (*ibid*).

(2007, 72).²² What both Guyer and Zuckert seem to overlook (if not deny) is the potential heterogeneity of the respective roles of determining and reflecting judgment.

3. From the ‘moment of reflection’ to the determinative ideal

In contrast to the commentators just mentioned, Longuenesse maintains that there is ‘no strict dichotomy’ between determining and reflecting judgment (2005, 214). Not only this, she thinks that they are in fact ‘complementary’ and ‘inseparable’ (1998, 231). Though her account is not explicitly framed in terms of the problem of the relationship between the two, it is certainly motivated by such concerns. Longuenesse sees no major change in Kant’s conception of judgment from *KrV* to *KU*, but instead a deep continuity between the two texts.²³ And yet, as I will show, her account achieves the unification of determining and reflecting judgment only by making determination the telos of reflection. Longuenesse boldly claims that ‘*all* reflection is geared toward concept formation’ (2003, 146; her emphasis). For this reason, she speaks of aesthetic—i.e., *merely* reflecting—judgment as a case of ‘reflection failing to reach determination under a concept’ (1998, 164). On Longuenesse’s account, then, all acts of the power of judgment have what I will refer to as a *determinative ideal*. After discussing her view in more detail, I will show why this cannot be squared with Kant’s larger systematic and critical aims in *KU*.

²² Similarly, Allison observes that the text suggests that these capacities share ‘a common concern of connecting universals to particulars, which they attempt to do in diametrically opposed ways’—though this turns out not to be his considered view, as the next section will reveal (2001, 17-18).

²³ Longuenesse speaks of a ‘profound accord between the first and third *Critique* in respect of their conception of judgment,’ despite the reflective aspect being ‘somewhat obscured’ due to the former’s ‘determinative focus’ (1998, 197). Likewise, Allison writes: ‘Notwithstanding the lack of an explicit formulation of this distinction in the first *Critique*...the contrast that Kant draws in the Introductions to the third *Critique* [does not mark] a major change in his conception of judgment’ (2001, 17).

Longuenesse's position departs from the observation that Kant refers to aesthetic and teleological judgments as 'merely' [*bloß; nur*] reflecting, which suggests that the proper contrast is with those that are both determining *and* reflecting. By reading the Amphiboly chapter's concepts of comparison in light of the logical forms of judgment, she demonstrates that reflection is already present in *KrV*: 'at the heart of the first *Critique* we find a concept of judgment in which *reflection* plays an essential role' (1998, 163). She articulates this role as follows: 'All determinative judgments must have a reflective component: even if we have available the relevant concepts under which to subsume individual objects, there is always an initial stage at which we apprehend what is given to our senses and grope...for the relevant concept' (2003, 145). In other words, determining and reflecting judgment cannot be entirely pulled apart because the empirical concepts that function as rules for the former are produced by the latter.²⁴ Allison, who follows Longuenesse in this regard, makes the point succinctly: All determining judgments contain a 'moment' of reflection (2001, 18).

Not only does the application of determinate concepts presuppose reflection, but all reflection is 'geared toward' concept formation (2003, 146). Longuenesse describes reflecting judgment as 'the use of the power of judgment by means of which empirical concepts and empirical laws are formed'—while *merely* reflecting judgment is 'the use in which the play of imagination and understanding does not lead to a concept' (2005, 288). So, while all empirical cognition presupposes reflecting judgment, 'not all reflective judgment leads to cognition, namely to the formation of a concept' (2003, 145). Hence, Longuenesse sees concept formation as intrinsically directed at facilitating cognition.

²⁴ Longuenesse also sees reflection as essential aspect of our acquiring the *pure* categories. However, I will not discuss this aspect of her position here because it is both controversial and not directly related to my concerns.

The crux of our disagreement lies in the idea that *all* reflection aims at determination. Longuenesse's account may unify the power of judgment, but one might fear what this means for those instances where 'reflecting can never arrive at conceptual *determination*' (1998, 164; her emphasis). Of merely reflecting judgments, Longuenesse says: 'the effort of the activity of judgment to form concepts *fails*' (*ibid*; also her emphasis). This normative language has implications for the status of aesthetic judgments, the paradigm case of merely reflecting judgment. Longuenesse is committed to saying that these are failed attempts at making theoretical judgments—a less than ideal outcome of the activity of reflection.²⁵ She does not seem troubled by this consequence, though she tries to soften it by saying that there can be fruitful or 'welcome' failures (2003,146).

It should be noted that even Allison, despite being generally on board with Longuenesse's account of Kant's theory of judgment, expresses some hesitancy at the idea of aesthetic judgment as a 'failed cognition,' along with what he sees as a fundamental assumption of Longuenesse's—'that reflection is always initially motivated by a cognitive aim' (2003, 183). However, like Longuenesse, Allison describes the activity of reflection as 'primarily directed toward the formation of concepts' (2001, 45). What's more, regarding the unity of the power of judgment, Allison follows Longuenesse in affirming that 'reflection and determination are best seen as complementary poles of a unified activity of judgment (*the subsumption of particulars under universals*), rather than as two only tangentially related activities' (*ibid*, 44; emphasis

²⁵ To carry forward a point made earlier: Since Makreel does not see logical reflection as an instance of reflecting judgment, he rejects the idea—which I happen to share with Longuenesse—that reflecting judgment is already present in all acts of determining judgment. It is *reflection*, he thinks, that precedes and contributes to determining judgment, whereas reflecting judgment only ever follows determining judgments. Nonetheless, we both agree that Longuenesse is wrong to see aesthetic judgment as 'a deficient version' of reflecting judgment (2006, 224).

mine). All of this suggests that he too sees the subsumption of a particular under a universal as the ultimate aim of all acts of judgment.

Nonetheless, Allison seems to want to resist the idea of a determinative ideal for the power of judgment: ‘The suggestion of a failure is out of place here, since the free play of the faculties in such reflection does not aim at such determination, and where there is no aim there can be no failure’ (2001, 353-354). Allison stops short of asking the question of what aims reflection might have apart from determination—that is, what it might mean for aesthetic judgments to be a *success*. Still, one senses in his remarks the implicit realisation that one cannot simply conclude from the fact that an activity is aimed at concept formation that it is also aimed at conceptual determination.

Now, we need not take issue with the view, held by both Longuenesse and Allison, that cognitive judgments are both determining and reflecting. In the context of *KrV*, reflecting judgment aims at determining some object through a concept. But what is true of its operations here cannot be said of its activity in general. As we will see, on the view that I defend, the claim that ‘there is no determination without reflection’ is also true, but for very different reasons (2005, 231). Instead of making reflecting judgment subservient to determining judgment, as merely a necessary condition on it, I will argue that reflecting judgment in fact takes precedence over determining judgment.

What we *should* take issue with is the idea that reflecting judgment *just is* an activity aimed at forming empirical concepts and nothing more—that these efforts exhaust its capacities and ends. This treats the power of judgment as a mere handmaiden of the understanding, serving its needs but with no legitimate needs of its own. This would simply make it a species of the

understanding.²⁶ Moreover, limiting it merely to this function indexes its normativity to the normativity of another faculty, making its aims only whatever the aims of that faculty are. But this is incompatible with the fact that the power of judgment is an independent and autonomous faculty with its own *a priori* principle that governs its activity.

Longuenesse makes much of a passage from *KU* where Kant tells us that reflection is operative in *KrV* with ‘no special principle,’ receiving all of its ‘directions’ from the laws of the understanding (*FI* 20:212). Yet if in *KU* it continues to receive its orders thusly, then it cannot be considered as the truly self-sufficient capacity of the mind that it is. In sum, Longuenesse’s account cannot be squared with Kant’s larger systematic and critical aims in *KU*. For it struggles to explain the necessity of *KU*—that is, a critique of the power of judgment. At stake, then, is nothing less than the very meaning of the notion of a higher cognitive faculty, for Kant.

4. Reflection as a kind of subsumption: the autonomy of reflecting judgment

I have argued that casting reflecting judgment only in terms of its contribution to determining judgment results in the prioritisation of the latter over the former. I now want to argue for the inverse: reflecting judgment takes precedence over determining judgment—in particular, by laying exclusive claim to being the autonomous higher cognitive faculty called ‘the power of judgment.’²⁷ After making the case for this view, I discuss (in §5) what this means for the status of determining judgment.

²⁶ I have focused here on theoretical/cognitive judgments, where the understanding is legislative and affords us cognition of nature, since this is the relevant faculty for Longuenesse. Yet one should expect that what I say here equally applies to practical/moral judgments, where it is the faculty of reason that tells us how to use our freedom. This is important for my discussion of the *heteronomy* of determining judgment in the next two sections, where what is salient is that another faculty gives the rule to the power of judgment.

²⁷ The uniquely reflecting nature of the power of judgment has not gone entirely unnoticed. Most recently, Teufel (2012) has argued that the power of judgment which undergoes critique in 1790 is the reflecting

We can start by looking at Kant's notion of a higher cognitive faculty. As early as the first edition of *KrV*, Kant recognises three higher cognitive faculties: understanding, the power of judgment, and reason (A131/B169). Though he does not develop an account of what a higher cognitive faculty is there, by *KU* he is committed to the following claim: insofar as something is a higher cognitive faculty, it has its own *a priori* principle—which we discover through a critique of this faculty. Moreover, if something is a higher cognitive faculty, then it is autonomous—giving itself its own law and so only beholden to it in its pure activity (*KU* 5:196). In short, 'a faculty has a higher form when it finds *in itself* the law of its own exercise' (Deleuze 1984, 4).

Kant declares at the outset of the *KU* that the present task is to discover whether the power of judgment, as the 'intermediary' between understanding and reason, might also have 'its own special principle,' which would give it 'a well-founded claim to a place in the general critique of the higher faculties of cognition' (*KU* 5:168; *FI* 20:244). Once such a task has been proven to be warranted, Kant then proceeds to affirm that, 'The division of a critique of the power of judgment...must be grounded on the distinction that it is not the determining but only the reflecting power of judgment that has its own principles *a priori*' (*FI* 20:248).

Unsurprisingly, Kant then concludes this final section of *FI*, concerning the division of the text, by describing what will follow as 'The critique of the *reflecting* power of judgment'—divided

power of judgment alone. However, despite our convergence on this view, we diverge in many other respects—though I cannot deal directly with these here. In addition to seeing reflecting judgment as a relatively late addition to Kant's theory of judgment (see my footnote 20), Teufel also contends that it always acts 'in the service of conceptual cognition,' which it has 'the aim of enabling' (323). This leads me to think that his view fares no better than Longuenesse's, ultimately committing him likewise to a determinative ideal. Still, his paper is helpfully shifts us away from the mainstream view. Nuzzo does not provide an argument for this, though she does affirm that 'the *Urteilstkraft* that occupies the third *Critique* can only be the *reflective* faculty of judgment,' even going on to describe it as 'an autonomous cognitive faculty' (2005, 166). See also Macmillan (1912, 39-59).

into two parts: aesthetic and teleological (*FI* 20:251; emphasis mine). Kant says that the former kinds of judgments, which he takes to be paradigmatic of merely reflecting judgment, must be based ‘in a rule of the higher faculty of cognition, in this case, namely, in the rule of the power of judgment, which is thus legislative with regard to the conditions of reflection *a priori*, and demonstrates autonomy’ (*FI* 20:225).

Kant distinguishes the autonomy of reflecting judgment from the autonomy of the other two higher cognitive faculties—even introducing a special term to mark the distinctive self-legislation of the power of judgment: *heautonomy*. Though Kant only uses this term twice in *KU*, his remarks on it are instructive. The power of judgment ‘prescribes a law, not to nature (as autonomy), but [solely] to itself (as *heautonomy*)’ (*KU* 5:185-186; *FI* 20:225). Unlike understanding and reason, the power of judgment ‘can claim no field of objects as its domain’ (*KU* 5:177). Thus the idea of purposiveness ‘serves as a principle, merely for the subject’ (*FI* 20:205). The principle of purposiveness is not a principle for judging about objects, but instead only governs the subject’s own activity of judging. As Floyd observes, what is distinct about the autonomy of reflecting judgment is that it ‘can only be exercised relative to itself’ and its own activities (1998, 205). It is with this in mind that we can approach Kant’s rather cryptic assertion that in mere reflection, the power of judgment is ‘itself, subjectively, both object as well as law’ (*KU* 5:288). For as we are about to see, this refers to the kind of subsumption that takes place in reflection, whereby it provides the principle under which to subsume its own free activity.

The special autonomy of reflecting judgment gets invoked elsewhere in *KU*. In both the Antinomies of Aesthetic and Teleological Judgment, Kant notes that such conflicts *only* arise for the merely reflecting power of judgment because *only* it (and not determining judgment) is a higher faculty of the mind. In his discussion of the aesthetic case, Kant goes as far as to describe

antinomial conflict as such as arising from each of the three higher cognitive faculties with respect to their unique principles: ‘That there are three kinds of antinomy is grounded in the fact that there are three cognitive faculties—understanding, the power of judgment, and reason—each of which (as a higher cognitive faculty) must have its *a priori* principles’ (*KU* 5:345). In his resolution to these antinomies, Kant notes that the appearance of a conflict disappears when we no longer confuse the *autonomy* of reflecting judgment with the *heteronomy* of determining judgment, ‘which has to conform to the laws given by the understanding’ (*KU* 5:389).

The distinction between the autonomy of reflecting judgment and the heteronomy of determining judgment can be traced back to two different ways in which the imagination and understanding relate to each other in an act of judgment. When the understanding provides the rule (either in the form of a pure category or an empirical concept), the imagination apprehends the sensible given in a way that allows it to be subsumed under the rule. This is determining judgment. When no rule is provided, the faculties are in free play: The imagination does not connect what it combines in intuition to a determinate concept, but instead freely engages with the understanding. This is reflecting judgment. A synthesis of the manifold occurs in both instances, though it is only in the former that it is subsumed under a concept.

What also occurs in both instances is subsumption. In the broadest sense, subsumption is the act of bringing one thing under another, and it is always a ‘function’ of the power of judgment (*KrV* A132/B171, A247/B304). In *KrV*’s Schematism, the power of judgment enables the manifold of intuition to be brought under the pure concepts of the understanding (A137/B176-A142/B181). In *KpV*’s Typic, the power of judgment subsumes a possible action under the moral law (5:68). Since a universal is given in both cases, the power of judgment is

determining.²⁸ Indeed, one might be inclined to think that only determining judgment involves subsumption—for there must be two things present for such an act to occur. In addition, Kant shifts from defining the power of judgment as the faculty of ‘subsuming’ a particular under a universal in *KrV* to that of ‘thinking’ the former under the latter in *KU*.²⁹

Yet in *KU* Kant also speaks of reflection as also involving subsumption. Call this *reflection-subsumption* in contrast with the more familiar *determination-subsumption*. Unlike *determination-subsumption*, *reflection-subsumption* is not the subsumption of an intuition under a concept. As a first pass at understanding the notion of *reflection-subsumption*, we can recall Kant’s general definition of reflection—as the comparison and holding together of one’s representations either with each other (logical) or with one’s cognitive faculties (transcendental)—and think of it this as an instance of the latter.

The most detailed description of the nature of *reflection-subsumption* appears in section 35 of *KU*, where Kant lays out the special principle of aesthetic judgment. These judgments lack an objective principle under which to bring a representation of an object, yet a subsumption still occurs:

Now since no concept of the object is here the ground of the judgment, it can consist only in the subsumption of the imagination itself (in the case of a representation by means of which an object is given) under the condition that the understanding in general advance from intuition to concepts (5:287).

²⁸ Kant also discusses subsumption in the case of the inferences of reason—specifically, in the minor premise, where the power of judgment subsumes the condition of a possible judgment under a universal rule (i.e., the major premise) (*KrV* A330/B386; cf. A300/B357).

²⁹ It is also worth noting that in the unpublished introduction to *KU*, as well as both logic and metaphysics lectures from the early 1790s, Kant continues to define the power of judgment in general as a faculty of ‘subsumption’ (*FI* 20:201; *LL* 28:703; *LM* 28:693).

It is not immediately clear how we should make sense of the idea of subsuming one faculty under another. In general, Kant's notion of subsumption is not well understood.³⁰ As Guyer observes, subsumption usually pertains to representations (e.g., intuitive representations under discursive ones; lower-level representations under higher or more general ones, and so on) (1997, 80). But what this passage suggests is that the distinction between determining and reflecting judgment cannot be between subsumptive and non-subsumptive judgments, but rather between two kinds of subsumption. The task, then, is to understand what it means for reflecting judgment to have a subsumptive structure or function.

Before attempting to solve this problem, we must complicate it a bit further. When describing this peculiar subsumption, Kant affirms that an aesthetic judgment is 'grounded only on the subjective formal condition of a judgment in general' (*KU* 5:287). This in fact echoes a remark that Kant makes earlier, in *FI*: that when no determinate concept is available, we 'subsume' the representation of an object under the 'subjective conditions' of the power of judgment (20:225). There, Kant describes the 'subjective conditions' of judgment as the agreement of the imagination and understanding in mere reflection. In section 35 (in the sentence immediately following the above quote), he establishes an identity relation between these and the power of judgment itself: 'The subjective condition of all judgments is the faculty for judging itself [*das Vermögen zu urteilen selbst*], or the power of judgment [*Urteilkraft*]' (5:287).

³⁰ Despite Kant's employment of the concept of subsumption throughout *KU*, commentators generally refer to it only when discussing *KrV* and determining judgment. For example, the entry on 'subsumption' in *A Kant Dictionary* only cites *KrV*, leaving the false impression that it is only a relevant notion for judgment in the cognitive context (Caygill 1995, 381). Some commentators have even gone so far as to conflate determination and subsumption (Allison, 2001, 5). While the former is an instance of the latter, they are not coextensive for Kant. One notable exception is Bacin, whose recent entry on 'subsumption' in the *Kant-Lexicon* acknowledges that in *KU*—specifically, in the judgment of taste—a 'non-logical' [*nicht-logische*] subsumption takes place (2015, 2213-2214).

Unfortunately, this only raises further questions—among them, how can the condition of a judgment be the same as the power of judgment?

For now, however, this set of identity claims forms the basis of a transitive argument—starting with Kant’s identification in *FI* of merely reflecting judgment with the subjective conditions of judgment (‘of the objective use of the power of judgment in general’): the latter is ‘constituted’ by the free play of the imagination and understanding (20:223-224). From section 35, we know that Kant identifies the subjective conditions of judgment with the power of judgment itself. This would suggest that the merely reflecting power of judgment *is* the power of judgment. Of course, the identity claim in section 35 is made through the intermediary concept of the faculty of judging; that is, Kant seems to think *this* is the same as the power of judgment. Conveniently, Kant elsewhere equates the faculty of judging with reflecting judgment: ‘The reflecting power of judgment is that which is also called the faculty of judging’ [*Beurteilungsvermögen*] (*FI* 20:211). Accordingly, we can conclude that the reflecting power of judgment and the power of judgment are identical.

We should now look at the remainder of what Kant says in section 35, where the subjective conditions of judgment are again described in terms of the harmony of the faculties. In the absence of a concept (i.e., an *objective* condition), the imagination’s combination of a manifold agrees with the understanding’s presentation of unity in a concept. Thus, Kant says, reflecting judgment also has a ‘principle of subsumption, not of intuitions under concepts, but of the faculty of intuitions or presentations (i.e., of the imagination) under the faculty of concepts (i.e., the understanding)’ (*KU* 5:287).³¹ With no discursive rule at our disposal, we judge by

³¹ cf. Remark in section 38: subsuming not the imagination under the understanding, but our representation of an object under the ‘relation’ of the imagination and understanding (*KU* 5:290). See also a passage from the metaphysics lectures, where Kant describes the activity of the ‘merely reflecting’ power of judgment as follows: ‘We subsume merely under our faculty of concepts’ (*LM* 28:675-676).

means of a feeling that the product of the free imagination is purposive for the understanding in its lawfulness. The autonomous nature of the activity of reflecting judgment consists in the fact that it must ‘subsume under a law that is not yet given and which in fact is only a principle for reflection on objects’ (*KU* 5:385). Because it cannot be lawless, it must provide itself with its own principle. This, of course, is in contrast with determining judgment, which Kant says ‘merely subsumes under given laws or concepts’ (*ibid*). But what are we to make of the distinction between the ‘mere’ subsumption of determining judgment and the subsumption that takes place in reflection?

Kant’s first mention of ‘mere’ subsumption appears in *FI* by way of a contrast with the reflecting judgment’s efforts to find the universal for the particular (20:210). Within a matter of pages, Kant seems to make contradictory statements regarding subsumption. First, after motivating that the idea that because judgment mediates the understanding and reason, each with their own *a priori* legislative principle, ‘by analogy,’ it might too have its own, Kant asserts: ‘Yet the power of judgment is such a faculty of cognition, not at all self-sufficient, that it provides neither concepts, like the understanding, nor ideas, like reason, of any object at all, since it is a faculty merely for subsuming under concepts given from elsewhere’ (*FI* 20:202). However, only two sections later, Kant claims that the power of judgment *does* have its own transcendental principle, which is to say that ‘[it] is not merely a faculty for subsuming the particular under the general (whose concept is given), but is also, conversely, one for finding the general for the particular’ (*FI* 20:209-210).

Out of context, these statements are flatly opposed. However, taken in context, there is a clear way of reconciling them. Kant is here motivating the project of *KU*, and the necessity of a critique of the power of judgment. I take his first claim to be the default view based on a

‘systematic representation’ of the three higher cognitive faculties (*FI* 20:201). An *a priori* attempt to provide an exhaustive taxonomy of the mind would never arrive at the notion of a special principle for the power of judgment. A conceptual analysis of the capacity to subsume one thing under another does not suggest a special law, especially insofar as this capacity sits ‘in between’ the faculty of rules and principles; from this solely mediating function, it generates no lawful content of its own. However, when considered concerning the problem of how experience of nature as an interconnected system of empirical laws is possible for human beings, the power of judgment reveals that it *does* have its own principle: the presupposition that nature admits of being comprehended by us in its thoroughgoing unity. Such an assumption—a transcendental principle—only comes into view when we consider how particular experience, for us, is possible.

Recall that Longuenesse emphasises the ‘merely’ in merely reflecting judgment to show that the proper contrast is with those judgments that are both determining and reflecting. In a similar way, then, we can contrast ‘merely’ subsumptive judgments with this more fundamental kind of subsumption at play in reflection. This allows us to confer new meaning on the initial idea that reflection is a condition on determination: The activity of reflecting judgment includes but is not limited to those which serve to bring about cognition. On my account, the reflecting power of judgment is a capacity for purposive subsumption which, insofar as it constitutes the subjective condition for all acts of judgment, underlies even those acts of judgment which aim at determination. It is to these acts of the power of judgment that I now turn.

5. Heteronomy and ‘mere’ subsumption: the status of determining judgment

One may still wonder where this gets us with respect to the original problem regarding the relationship between determining and reflecting judgment. In arguing that the power of

judgment *just is* reflecting judgment, it may seem that I have rejected the problem altogether. To be sure, I motivated the problem by showing how commentators tend to treat these as two co-equal species of the power of judgment. But even in rejecting the idea that they are on par with each other, I must still say something about how they *are* related to each other—and thus the status of determining judgment on the account I have advanced, where reflecting judgment uniquely characterises the faculty of the mind that Kant calls ‘the power of judgment.’ In short, my claim is that determining judgment is the result of the co-operation of the reflecting power of judgment with another higher cognitive faculty.

Kant opens the Critique of Teleological Judgment by noting that if we were to employ the concept of a natural end constitutively rather than as a merely regulative principle, then it would be a determining judgment—‘in which case, however, it would not in fact properly belong to the power of judgment at all’ (*KU* 5:361). This is because, in this instance, the faculty of reason would be providing the law. Instead, Kant insists, we should take it to be a concept of the power of judgment, akin to the concept of natural beauty in the aesthetic case.

Determining judgment always requires the contribution of another higher cognitive faculty. In the case of cognitive judgments, it requires the understanding, which Kant defines in *FI* as ‘the faculty for the cognition of the general (of rules)’ (20:201). The specific contribution is in the form of a law or principle to guide the subsumption of a particular. As I have already noted, Kant says that determining judgment ‘*merely* subsumes under given laws or concepts’ (*KU* 5:385; emphasis mine). Because it does not have its own principle, it has ‘no autonomy’ (*ibid*; cf. *KU* 5:183, 5:389). For this reason, the very idea of a critique of the power of judgment, Kant says, must be based on the fact that ‘it is not the determining but only the reflecting power

of judgment that has its own principles *a priori*; [and] that the former operates only schematically, under laws of another faculty (the understanding)' (*FI* 20:248).³²

This is true for both the transcendental and the empirical power of judgment. In the first case, judgment has 'nothing to do' but 'provide the condition of subsumption under the *a priori* concept of the understanding that has been laid down for it' (*KU* 5:183). The transcendental power of judgment, which Kant discusses in *KrV*, 'contains the conditions for subsuming under categories,' and is thus that which 'merely named the conditions of sensible intuition under which a given concept, as a law of the understanding, could be given reality' (*KU* 5:385). Similarly, when an empirical concept—the product of the 'moment' of reflection discussed above—is given, the power of judgment merely subsumes: 'the underlying concept of the object prescribes the rule to the power of judgment and thus plays the role of the principle' (*FI* 20:211). For example, the understanding provides the concept of a flower as a rule for the imagination, which synthesises a given manifold in such a way that allows it to be subsumed under that concept.

Still, it may seem as if the power of judgment plays a markedly different role in the case of determining judgment. One may even see here a new instance of the original problem: what is it about both reflection-subsumption and determination-subsumption that merits the name 'subsumption'? I suggest that we understand determining judgment as a species of the capacity for purposive subsumption—characteristic of the power of judgment in general, which I have argued is reflecting. Here too I hold up my representations (in this instance, a concept and an

³² In one unpublished note, Kant distinguishes between 'inferences of the understanding' and 'inferences of the power of judgment' (*Refl* 3200, 16:709). The former always proceed from the universal to the particular, and never from the particular to the universal, Kant says, 'because they are supposed to provide determining judgments'; the latter, by contrast, go from the particular to the universal and are 'thus kinds of reflecting judgment' (*ibid*). See also *Refl* 3282 (16:757), the only other unpublished note where Kant explicitly discusses the distinction between determining and reflecting judgment.

intuition) and perceive their agreement; that is, I see whether they go together. For example, I recognise that my intuition of a flower ought to be subsumed under the concept ‘flower’—rather than, say, the concept ‘dog.’ And, indeed, there is no rule to tell me how to subsume in this way. It is in this sense that the power of judgment is reflecting even when determining.

It is also in this sense that reflecting judgment enjoys a priority over determining judgment. I have spoken of reflecting judgment taking precedence over determining judgment, mainly to denote the way the former functions as a condition of possibility for the latter. Though I have rejected what I claim is Longuenesse’s subordination of reflecting judgment, and even characterised my own position as the inverse, this should not be taken to imply a subordination of determining judgment in the sense of being inferior to reflecting judgment.

To summarise these past two sections: determining judgment does not meet the criteria for being a higher cognitive faculty. For as we have seen, a higher cognitive faculty is autonomous, giving itself its own law. Kant is clear that determining judgment is heteronomous, for its law is always given by another higher cognitive faculty. It is thus not on par with reflecting judgment. By contrast, reflecting judgment, in providing itself with its own principle, demonstrates autonomy. Hence, it alone can lay claim to being the higher cognitive faculty that Kant calls ‘the power of judgment.’

6. Purposive unity and the aims of mere reflection

I have shown that if Kant is committed to the idea that the reflecting power of judgment is a higher cognitive faculty in its own right, then it must have aims irreducible to those of the understanding—interests that are independent from any ideal of determination. Its contribution to the genesis of empirical concepts must therefore be understood within the larger aim of attaining

purposive unity; we must ‘zoom out’ and view acts of determining judgment as but one species of its purposive activity. For we can only have insight into the activity of merely reflecting judgment when we examine it solely under the guidance of the law that it gives itself—removing the influence of the other higher cognitive faculties, which place demands on it in the form of rules and principles for it to follow.

The foregoing account yields new questions regarding the nature of the reflecting power of judgment, which form the basis for further investigations. First, how should we formulate the transcendental principle that governs mere reflection? While I have discussed merely reflecting judgment as a kind of subsumption, I have not yet said much about what it means for such an activity to be *purposive*. That is, I have focused on the nature of the activity itself, and not yet on the rule that governs such an activity. This is a tricky matter, owing in no small part to the paradox that lies at the heart of the very idea of a rule for the power of judgment—a faculty that is fundamentally not governed by any rules. Still, Kant contends that reflection ‘requires a principle just as much as determining’ (*FI* 20:211).

It is important to note, as a consequence of my account, what the formulation of this principle *cannot* be: a principle merely to guide reflection in its efforts to form empirical concepts. To be sure, Kant sometimes leads one to believe that this articulation of the principle is exhaustive (*FI* 20:211). And it should not be surprising, given her commitment to a determinative ideal, that Longuenesse takes this *logical* purposiveness to be the principle of *all* reflection (2003, 145). That aesthetic judgments are equally governed by logical purposiveness explains, for her, why they fail. If my account here is correct, then this cannot be correct—and our articulation of the principle of purposiveness must be broad enough to explain how aesthetic

judgments and logical acts of reflection alike can be explained as successful exercises under its guidance.³³

On my view, what it means for the power of judgment to be guided by the principle of purposiveness is for it seek out purposive unity—or, the suitability of two things for each other. This it can do only affectively and never discursively (for there can be no rules for how to apply rules), which is to say, it bottoms out in a feeling that two things belong together. In reflection-subsumption, I hold up a product of the imagination, which has not been synthesised according to a determinate concept, against the understanding's condition that such a product be unified in the idea of an object in general. Still, since no concept facilitates this subsumption, it rests only on the feeling that what is presented is purposive for both faculties. The object thus occasions them to discern a particular form in it that suggests it was designed with our judging power in mind: 'the understanding and imagination mutually agree for the advancement of their business, and the object will be perceived as purposive merely for the power of judgment, hence the purposiveness itself will be considered as merely subjective' (*FI* 20:221).

Finally, what are the aims and ends that reflection pursues when it acts solely under the guidance of this principle? As we saw, Longuenesse's view precludes the possibility that there could be anything like *successful* aesthetic judgments. Hence, it is crucial to spell out the intrinsic interests that, I take myself to shown, reflecting judgment must have. For now, we can simply consider the way Kant describes the relationship between the imagination and understanding when they are in free play. We hold together and perceive their agreement, and we

³³ Ginsborg has been criticised for assimilating the norms of aesthetic judgment to those governing cognition—in large part due to her preoccupation with showing the insights the former provides for the latter (Gorodeisky 2011, 421fn28). Similarly, Zuckert describes the principle of purposiveness ultimately as that which 'governs, justifies, and makes possible our aspirations to empirical knowledge, from its most basic form—our ability to formulate any empirical concepts—to its most sophisticated form—a complete, systematic science of empirical laws' (2007, 12; cf. 42-43).

witness their reciprocal animation, which serves to ‘strengthen’ and ‘entertain’ our mental powers (*FI* 20:223-224, 241; *KU* 5:238, 359). Such activity, when not producing concepts to be employed in determinate cognition, is ‘merely for the sake of perceiving the suitability of the presentation for the harmonious (subjectively purposive) occupation of both cognitive faculties in their freedom’ (*KU* 5:292).

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