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Unity in Variety: Theoretical, Practical and Aesthetic Reason in Kant

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Towards the end of the eighteenth century, the young Friedrich Schlegel wrote: “The end of humanity is...to achieve harmony in knowing, doing and enjoying” (*On the Study of Greek Poetry*, *KA*, I: 627). Rather than an isolated remark, Schlegel here gives voice to a fundamental commitment of Kant’s fellow Romantics to the unity of knowledge, action, and pleasure.

The German Romantics’ concern with this unity largely explains their fascination with Kant’s third *Critique*. For it is in this work that Kant introduced theoretical, practical and aesthetic judgments as the signature judgments of the three “high” or “intellectual” faculties of the mind: the understanding, reason, and the power of judgment.¹ On the view he presented in this text, the understanding grounds the faculty of theoretical cognition, reason grounds the faculty of desire, and the power of judgment grounds the faculty of pleasure and displeasure.² Thus, knowing appears as the achievement of theoretical reason, doing as the achievement of the will or practical reason,³ and enjoying or the capacity to feel pleasure and displeasure as the achievement of a third peculiar rational capacity: the power of judgment, whose *a priori* principle grounds the faculty of pleasure and displeasure.

Of course, Kant had been concerned with the unity of knowing and doing, that is, with the unity of theoretical and practical reason, long before the writing of the third *Critique*.⁴ Yet, it

¹ I focus on *this* distinction of judgments, rather than the better-known distinction between reflecting and determining judgments (e.g., 5:179), because the passages I will shortly introduce demonstrate that, even though aesthetic judgment is an exercise of reflecting judgment and theoretical and practical judgments are exercises of determining judgment, it is these three judgments that are *the* three signature judgments of the mind. This means also that Kant takes *aesthetic* judgment (rather than the other varieties of reflecting judgment) to be both the paradigmatic exercise of the power of judgment, and the proper analogue of theoretical and practical judgments. (Cf. Konstantin Pollok, *Kant’s Theory of Normativity* (Cambridge, UK: Cambridge University Press, 2017), Ch. 9.) Here I cannot fully explain why Kant regards these three as exhausting “all our judgments,” and how he consequently views the relations of the other varieties of judgment to these three. Suffice it to say that (1) it is fundamentally through the forms of these three judgments that human beings constitute themselves as the rational beings that they are, and that (2) any other kind of judgment in Kant’s corpus is understood in relation to these three. (For example, “the logical judging of nature” (5:169) and teleological judgment are exercises of “the theoretical part of philosophy” (5:170).)

² E.g., *KU*, FI, 20:208, 5:167-9. On the importance and non-psychological nature of Kant’s so-called “faculty talk,” see my *A Matter of Form: The Significance of Kant’s Judgment of Taste* (ms.).

³ Practical reason is still a source of a peculiar kind of *knowing*: practical knowledge (e.g., *KU*, 5:167, *KPV*, 5:58).

⁴ E.g., “Letter to Christian Garve, 21 September 1798,” *KRV*, Axiii and A642/B670-A668/B696.

is only in the third *Critique* that Schlegel's "enjoying" comes onto the stage. Here it appears both as that which has to be unified with the theoretical and practical uses of reason into one "system of all the faculties of the human mind" (20:205)—of rationality as it is irreducible to "rational cognition" (5:171, 20:195)—and as the key to the unity of the other two.⁵ The power of judgment and the faculty of pleasure and displeasure, which the former grounds—primarily in exercising aesthetic judgment—now appear as crucial for the unity of seemingly irreconcilable realms: the realm of freedom, the domain of practical reason, and the realm of nature, the domain of theoretical reason (e.g., FI, 20:202).

Interestingly enough, though, it is exactly where Kant explains and emphasizes the unity of the theoretical, the practical, *and* the aesthetic aspects of rationality that he also stresses their irreducibility to one another and their categorical differences. He claims, for example, that although theoretical judgment, practical judgment, and the judgment of taste are all *judgments*, since they belong to formally different faculties, each functions differently even as a judgment, and none of them can be reduced to any of the others: "The judgments that arise in this way from a priori principles peculiar to each of the fundamental faculties of the mind are theoretical, aesthetic and practical judgments" (FI, 20:246).⁶ The attempt to "explain this distinction as merely illusory and to reduce all the faculties to the mere faculty of cognition . . . this attempt to bring unity into the multiplicity of faculties" (*KU*, FI, 20:206), while ignoring their categorical differences, is 'futile' [*vergeblich*].

The main task of the paper is to explore Kant's understanding of what unites the three signature judgments of the fundamental faculties of the mind *in a way that preserves their fundamental differences*; differences, as we will see, in *kind* not only in degree; or, as I explain below, differences in *form*. This means that, rather than focusing on what harmonizes the theoretical and practical uses of reason—like the bulk of the literature on the so-called problem of the "unity of reason"—this paper raises a different, though related, set of questions both about the unity and about "the multiplicity" of reason. The overarching aim of the paper is twofold: I hope to show that (1) the Schlegelian unity of knowing, doing, and enjoying is not only inspired by Kant, but is *in* Kant's own writings, and that (2) (perhaps in contradistinction to the Romantic imperative) Kant understands this unity as a unity within a categorical variety. Even though reason, for him, has only two material applications and thus two stems of knowledge, he also holds that theoretical judgment, practical judgment, and aesthetic judgment are the paradigmatic judgments of three formally different and irreducible rational capacities.

To understand the unity in this multiplicity we need to appeal to the imagination. This is because lawfulness turns out to be an essential mark of rationality, or of the "high" aspects of the mind. But, for Kant, *human* beings can be lawful, thus rational, in and of their world, only insofar as they are also imaginative. It is the imagination that allows us to be rational in our empirical world: to be *rational animals*.

I. Unity

⁵ Cf. Pauline Kleingeld, "Kant on the Unity of Theoretical and Practical Reason," *Review of Metaphysics* (1998) 52/2:500-528.

⁶ For the sake of simplicity, I will refer to the "judgment of taste" as "aesthetic judgment," even though Kant does not restrict the term "aesthetic" only to judgments of beauty, sublimity and beautiful art but regards judgments of the agreeable as "aesthetic judgments of sense." Additionally, I will focus only on judgments of beauty and beautiful art (to the exclusion of judgments of sublimity), and ignore their differences.

Kant's faith in both reason's identity with itself⁷ and its "perfect unity" (*KRV*, Axiii) had been long lasting. For example, while arguing for the primacy of practical reason, Kant stresses that this is not the primacy of one reason over another, but of one rational "perspective" over another in one and the same reason (*KPV*, 5:121). In this passage, just as in the preface to the first edition of the *Critique of Pure Reason* (of *theoretical* reason, 5:167), Kant emphasizes not only the identity of reason but also, "the union of pure speculative with pure practical reason in one cognition . . . union [that] is not *contingent* and discretionary but based a priori on reason itself and therefore *necessary*" (ibid.).

Yet, what exactly we are talking about when we speak of the "unity of reason" is not fully clear. The unity of reason, in Kant, is said in many ways, and what needs to be explained, when one tries to explain the unity of reason, depends on the particular sense of unity at stake.

For example, in the passage from the second *Critique* I just introduced, Kant seems to explain the unity of reason primarily in terms of a certain kind of *coordination*. The thought seems to be this: since reason is an identity, it cannot be in conflict with itself. This is not because it may violate the principle of non-contradiction *per se*, but something like the transcendental principle of non-contradiction: the worry is not that the propositional contents of two different kinds of judgment should contradict each other, but that the interests of these two "uses" (e.g., *KPV*, 5:15) or "applications" of rational cognition should contradict each other. It is the principles that contain the conditions of the possibility of exercising these two kinds of cognition that should not "contradict one another" (*KPV*, 5:120).

The worry about this coordination is central in the third *Critique* too, where Kant is concerned primarily with the possibility of *harmony* between two opposing realms or aspects of the self—nature and freedom. May nature and freedom harmonize so as to constitute one cooperative and systematic whole?

Unsurprisingly, commentators exploring the unity of reason tend to focus on the worries regarding consistency and harmony. After all, Kant's repeated concerns regarding these related senses of unity are grounded in the specter awaiting us if these kinds of unity turn out to be unfeasible. If harmony between theoretical reason and practical reason⁸ is unachievable, not only would the empirical self as we know it be threatened with disunity, but the absolute demand of reason—the demand to strive after the highest good—would turn out to be empty, and the moral law would "in itself be false" (*KU*, 5:114).

Yet, urgent as this worry is, what Kant means by "unity" when he speaks of the "unity of reason" cannot be reduced to "harmony" and "consistency." More is at stake.

In this paper, I will focus on a different sense of unity: unity as a *commonality*. The unity at stake provides the beginning of an answer to the question: what do the different 'perspectives' of reason (the two material perspectives and the one formal perspective) share *in common*? What is it that makes them different capacities of *one reason*, different exercises of *rationality*?

This question about the unity of reason comes into focus as a pressing question only when one recognizes the categorical differences between the three paradigmatic exercises of reason. Before exploring their unity, then, the next two sections will introduce and explain the variety within this unity.

⁷ See Stephen Engstrom, "The Identity of Reason" (ms.).

⁸ The former as the realm of the law of nature (of mechanical, conditioned causality), and the latter as the realm of freedom (of autonomous, unconditioned causality).

II. Kant's (formal) anti-reductionism

No matter how little Kant discusses the division of the mind to three main faculties in the major published works, this much is clear: for him, “the faculty of cognition, the faculty of feeling pleasure and displeasure, and the faculty of desire” (Letter to Carl Leonhard Reinhold, C, 10:514, [1787]) are the three “fundamental faculties of the mind” (20:246).⁹ Since 1787, he has argued that these three same faculties are based on the *a priori* principles of the intellectual aspects of each, namely, of the understanding, reason, and the power of judgment, respectively.¹⁰

In the passage from the Introductions to the third *Critique* that I introduced at the outset, Kant argues against what I am going to call faculty and judgment “reductionism.” There and elsewhere, he criticizes the tendency to reduce practical and aesthetic judgments to theoretical judgment, and, correspondingly, to reduce reason (understood as the will—a practical cognitive faculty—not as the capacity of rationality as such) and the power of judgment to the understanding. This is one of the central tenants of Kant’s *critical* revolution, his “farewell to rationalist perfectionism.”¹¹ Against his rationalist predecessors, Kant argues that the faculties and their signature judgments are categorically, formally, different. They are not different only in terms of their contents and degree of clarity and distinctness, as his predecessors argue, but also in kind, in terms of their *form*.¹²

To understand in what sense these three kinds of judgments differ in *form*, recall Kant’s distinction between ‘general logic’ and ‘transcendental logic.’ From the perspective of general logic, logical form stands for the inferential relations *among* judgments: relations of implication, consistency, inconsistency and so on (*KRV*, A56/B80).

All judgments share *this* kind of merely general or inferential form insofar as they can enter into relations of logical implication, consistency and so on with one another. For example, as long as the judgment, ‘Picasso’s *Guernica* is beautiful’ is inconsistent with the judgment ‘none of Picasso’s paintings is beautiful,’ aesthetic judgment shares a ‘general form’ with theoretical and practical judgments. But it does not share with them a ‘transcendental form.’

From a transcendental point of view, the form of a judgment refers to the specific ways in which any exercise of this kind of judgment *must* relate to its object if it is to be about objects at all.¹³ And this specific mode of relating to objects manifests itself in (a) the specific *unity* of

⁹ This does not mean that Kant’s division is always clear cut. For the most part in the third *Critique* and in the lectures on *Anthropology*, Kant regards the understanding as grounding the faculty of cognition, reason as grounding the faculty of desire, and the power of judgment as grounding the faculty of pleasure and displeasure. Still, in the first *Critique*, he regards the understanding as the “faculty for judging” (*KPV*, A69/B94), and he sometimes regards reason, rather than the understanding, as the “entire higher faculty of cognition” (A835/B863). He seems to explain and justify this apparent inconsistency in *KU*, 5:167-68. See also, Konstantin Pollok, 2017, 59, and Stephen Engstrom, “The Identity of Reason” (ms).

¹⁰ As his writings and student’s notes suggest, Kant seems to have been committed to this tripartite distinction from at least 1763/4 and way into the late 1790’s.

¹¹ This is Pollok’s phrase. See, *Kant’s Theory of Normativity*, Ch. 1.

¹² For a discussion of the details of the rationalists’ view and Kant’s response, see my *Matter of Form* (ms.). Cf. Pollok op. cit., and Wuerth, *Kant on Mind, Action and Ethics* (Oxford, UK: Oxford University Press, 2013), 201.

¹³ While ‘General logic abstracts . . . from any relation of it to the object, and considers only the logical form in the relation of cognitions to one another,’ Kant claims, transcendental logic ‘contain[s] merely the rules of pure thinking of an object . . . It would therefore concern the origin of our cognitions of objects insofar as that cannot be ascribed to the objects’ (A55/56-B80).

those judgments,¹⁴ (b) their characteristic *activity*,¹⁵ and (c) their *normative standards* (in Kant's terms, their *a priori* grounds).¹⁶ Transcendentally, then, a form of a judgment is the condition that enables this judgment to 'apply' to objects *a priori*.¹⁷ And this enabling condition lies in the specific unity, activity, and normativity of this specific kind of judgment. Accordingly, theoretical, practical, and aesthetic judgments will be shown to be formally different insofar as they (1) exhibit categorically different unities, (2) are made in and through categorically different acts,¹⁸ and (3) are grounded in different *a priori* principles.¹⁹

III. Formal Variety

(a) Constitutive Act

The act constitutive of aesthetic judgment differs from the acts constitutive of the other two kinds of judgment insofar as it is an act made in and through a feeling of pleasure or displeasure: "Taste is the faculty for judging an object . . . through a satisfaction or dissatisfaction" (5:211). To make an aesthetic judgment is to *feel* a specific kind of pleasure, not simply to report that one has felt pleasure or that one ought to feel pleasure. The judgment includes a demand or a (subjective) "ought" (e.g., 5:216, 5:237), which is made in and through the feeling that one is conscious of as required from everyone (e.g., 5:194). One judges aesthetically when one actually feels a disinterested pleasure in an object, the same pleasure that one finds to be called for by everyone from the same object. In short, aesthetic judgment is *affective*.

Theoretical judgment on the downstream—ordinary, empirical—level categorically differs from (ordinary) aesthetic judgment in that it is made in and through an act of believing.²⁰

¹⁴ On "form" as a principle of unity or organization, consider, for example, the forms of sensibility that are responsible for the ways in which what is given to the senses is spatially and temporally ordered (e.g., *KRV*, A20/B34), and the form of the understanding that is responsible for the unity of any given manifold (e.g., B164).

¹⁵ See especially Kant's understanding of form as "determination [*Bestimmung*]" of matter, and the latter as the "determinable in general [*das Bestimmbare überhaupt*]" (*KRV*, A261/B317), thus, as a kind of act or activity.

¹⁶ For Kant thinks of form as the condition of the possibility of that which it is a form, e.g., A267/B324.

¹⁷ A56/B80-81.

¹⁸ In A79/B105, Kant suggests that the unity of judgments can be understood in terms of their (1) acts, and (2) in terms of their contents. He distinguishes the latter according to their (a) predicative unity and (b) the unity of their single representation. (b) will be discussed only in brief in section IV.

¹⁹ For reasons of space, I will not discuss the differences regarding the *a priori* principles in this paper.

²⁰ I use the phrase "downstream level" to mark a distinction that Kant makes within the notion of theoretical judgment; a distinction that I take to apply to aesthetic judgments too. In the *Transcendental Analytic* of *KRV*, Kant characterizes how theoretical judgment operates upstream from ordinary, empirical, factual judgments, namely, from the kind of judgment that I describe in the body of the text (which is the same kind of theoretical judgment that philosophers today tend to be interested in). Understood on this upstream level, theoretical judgment is not an act of ascribing a property to an object (by predicating a property of the logical subject of the judgment). It is not an act determining the relation between a representation and an object, an act that can thus be true or false in light of whether it represents the relation correctly or not (*KRV*, A75/B82). Rather, from the transcendental perspective, theoretical judgment is an act that determines anything that may be brought before the mind as a possible object of representations, that is, as a thing that could either bear predication or be predicated. In and through this determining act, we constitute that which "can be cognized through [a] concept (A69/B94), and thus realize our capacity to represent, cognize or "think an object" (A80/B106). Theoretical judgment, on this fundamental level, does not concern the content of cognitions—the truths about certain objects—but the form of cognition insofar as cognition's form is its relation to its object. It is the condition of the possibility of cognizing objects: those about which it is possible to make true or false propositions (e.g., *KRV*, A57/B82-A60/B85). As such, theoretical judgment is an act

To make a theoretical judgment on this level—as distinguished from the transcendental level—is to believe that an object has a certain property, not only to report that one so believes or that one ought to so believe. To so judge is to commit oneself to the truth of the proposition so expressed; it is “taking something to be true” or “assenting” [*Das Fürwahrhalten*] (A820/B848). The judgment includes a demand or an “ought” that is made in and through a belief, which one is conscious of as required from everyone. One judges theoretically when one actually believes that the object has a certain property, the belief that one also believes to be required by everyone (A820/B848-A/823/B851). In short, theoretical judgment (in its ordinary, empirical incarnation) is *doxastic*.

Finally, the act constitutive of practical judgment is made in and through an intention. To make a practical judgment *is* to intend to act in a certain way—and to so act when all goes well—not only to report an intention. Nor does it report a *belief* about a property of the object: *practically* judging an action to be good, which is to judge it to be required, may be said to ascribe a certain property to the action at stake only in the sense that it is an act of committing oneself to so acting—in similar conditions—namely, of intending to bring about this action.²¹ (This is still a *cognitive* judgment—a form of knowing the action to be required (*KRV*, A823/B851, *KPV*, 5:58)—but a *practical* rather than a theoretical form of knowledge.) In this sense, practical judgment is not only *practical* but also *efficacious*—a judgment that *brings about* its object since, when all goes well, practical judgment materializes in an action. This is why practical judgment *determines the will*. It represents its “object as an effect possible through freedom,” as an object that “would be made real (*KPV*, 5:57). Thus, while it applies a universal to a particular (*KPV*, 5:67), like all cognitive judgments, practical judgment also “brings with it necessity with respect to the existence of an action and is thus a practical law . . . a law of freedom in accordance with which the will is to be determinable” (*KPV*, 5:67-8). The particular action that is judged to fall under the “practical rule of reason” (*ibid.*) is the same one that, in so judging, the judgment determines the will to bring about. The object of practical judgment is a “way of acting” and “not a thing” (*KPV*, 5:60). And its concepts are *practical* rather than theoretical cognitions: they do not determine the properties of objects given through intuitions, but “themselves produce the reality of that to which they refer (the disposition of the will), which is not the business of theoretical concepts” (*KPV*, 5:66).

Like the two other kinds of judgment, practical judgment also includes a demand or an “ought,” but the act constitutive of this practical demand is made in and through the intention to act. And one is conscious of this intention as demanded from everyone. One judges practically,

of determining an intuition as an object of cognition *rather* than an act that constitutes an intuition as an object of feeling (*KU*, 5:206). While theoretical judgment (so understood) is the condition of the possibility of representing anything in the predicative sphere (and as such, as an object rather than a subject), the judgment of taste (understood transcendently) is the condition of the possibility of experiencing anything in the affective sphere, and of communicating anything at all. Theoretical judgment is a determining, “objective”—literally opposing—act, while the judgment of taste is a non-determining, or more accurately, a non-objectively determining (not “opposing”) affective act. If the latter is determining, it is *subjectively* determining. The judgment of taste is an act that determines *the subject, not the object* (20: 223), as that which can feel objects.

²¹ Kant does speak of “moral beliefs,” but suggests that, in contrast to theoretical beliefs, they are not stances towards propositions, but attitudes of agents (of being interested in certain things, or letting them matter, rather than speculating about them): “I must not even say ‘It is morally certain that there is a God,’ etc., but rather ‘I am morally certain’ etc.” (A282/B856).

then, when one intends to act, knowing that this intention is required from everyone in the same conditions.

(b) Interlude

Notice that the “ought” or universal demand is different in form in these three cases (and not only in virtue of the different acts that constitute it). In all these cases, the universal demand, as a demand that everyone judges similarly, is a subjective demand: a demand on every subject. In the theoretical and practical cases, this subjective universality or demand is grounded in objective universality: it is because, say, every body is extended and because every action with the same features is good (conditionally or unconditionally), that everyone ought to judge this body to be extended and, if found in similar circumstances, to pursue this action. But as Stephen Engstrom emphasizes, there is one important difference here: it is only in the practical case that subjective universality and objective universality coincide.²² The object of practical judgment is the subject: a free will.

What about aesthetic judgment? Kant famously claims that this judgment is only subjectively (or intersubjectively) universal, but not objectively universal. Why is aesthetic judgment subjectively universal but not objectively universal? Kant wishes to stress two points: the *singularity* of beautiful objects and the *affective* nature of proper responsiveness to them. When I judge this sunset or this poem to be beautiful and demand that everyone agree with me and feel a similar pleasure, my demand is grounded in the singular beauty of *this* sunset and *this* poem, not in a property shared by all sunsets and all poems (not even by all sunsets in the same conditions and all poems with comparable features). Moreover, on my reading, when Kant claims that beauty is not a “property” of objects, he does *not deny* that beauty is a characteristic of beautiful object, but rather means above all to stress that, while it metaphysically resides in beautiful objects, whether they are experienced or not, *axiologically*, beauty is a kind of feature that makes a claim on everyone’s *feeling* (5:281-2). Beauty is not an objective property to the extent that the *proper response to it is affective*. In this sense, beauty is not independent of the judging subject’s “subjectivity”: just as facts call for beliefs and goods call for actions, *beauties call for feelings*. To that extent, beauty is essentially subjective, and aesthetic judgment’s universal demand—a demand grounded in one’s own subjectivity, that is, one’s actual feeling of pleasure—puts pressure on everyone’s subjectivity.

(c) Predicative Unity

Unsurprisingly, the (so-called) predicative unity in aesthetic judgment is a unity of the logical subject of a judgment not with a (standard) predicate but with the mental representation that Kant calls a feeling of pleasure (or displeasure) (*KU*, 5:288-9). This is no mere combination of two representations, but rather (as in the case of the predicative unities of the other two kinds of judgment) a unity grounded in a transcendental principle. (This is, Kant argues, the principle of the –subjective– unity of “judgment in general.”)²³ Correspondingly, what is claimed in the judgment is not that a particular feeling of a particular subject is thereby combined with a certain intuition of an object, but that this object merits the very sort of feeling that this particular judgment exemplifies (e.g., 5:289). To judge aesthetically is “the same as merely to repeat [the

²² Stephen Engstrom, *The Form of Practical Knowledge: a Study of the Categorical Imperative* (Cambridge, Mass: Harvard University Press, 2009).

²³ 5:287

object's] own claim to everyone's satisfaction" (5:281-2); it is, again, to feel pleasure that one is aware of as required for the object, even though this "requiredness" is not captured by any general principle or concept. This is one reason why Kant claims that the judgment of taste, though grounded in no laws, is nonetheless *lawful*. Its predication is a lawful connection of those that *must* be united together. Thus, when we judge aesthetically, we do not report a merely psychological combination of representations, but make a claim that the relevant object should be judged through the same feeling. Though lawful, then, aesthetic predication is also *immediate*, constituted in and through a feeling of pleasure, and mediated by no objective law (5:289). But it is nonetheless an affective predication, rather than mere association because aesthetic pleasure is a mode of self-consciousness—it is aware of itself as fitting to its ground, a ground which is the relation between the object and the free harmony of the faculties (e.g., 5:222).²⁴

Kant famously stresses that the predicative unity of theoretical judgment should not be understood as the "representation of a logical relation between two concepts" (B140). Rather, theoretical judgment fundamentally is "the way to bring given cognitions to the **objective** unity of apperception" (B142). This is a notoriously obscure claim, which could here only be explained as follows: Kant regards the unity of apperception as *the* fundamental form of theoretical judgment. It determines intuitions as belonging together in one consciousness *necessarily* insofar as they are those that must be cognized together if they are to be cognized at all. The objective unity of apperception is not a psychological act of associating representations according to some habit of the mind, however tempting this interpretation of "unity" or "synthesis" is. Rather, it is the condition of the possibility of cognizing intuitions as possible objects. Without it, nothing can be present to the mind as a possible bearer of properties or modifications of such bearers. Not only is this unity lawful, but it is the source of all theoretical laws—the condition of the possibility of any concept and of any judgment:

Only in this way does there arise from this relation **a judgment**, i.e., a relation that is **objectively valid**, the ground of a claim such as 'It, the body, **is** heavy,' which would be to say that these two representations are combined in the object, i.e., regardless of any difference in the conditions of the subject. (B142)

What is here determined is not the relation between an intuition and (everyone's) feeling, or a desire as an object of the will, but the intuition itself as that which can present objects to the mind. This is a transcendental principle for lawfully determining *an object*.

In a practical judgment, predication is efficacious insofar as it is the predication of the concepts of "good" and "evil" that Kant understands not as "thing[s]" but as "way[s] of acting" (*KPV*, 5:60). To say of an action that it is good is to commit oneself to bring it about in an action. "Good" and "evil" are not represented as objects that are independent of me, but as those that are to be brought about by my agency.

Kant emphasizes that the unity of consciousness required for such efficacious predication is distinctively practical: while practical judgment presupposes the categories and must conform to them, it does not do so "with a view to a theoretical use of the understanding, in order to bring *a priori* the manifold of (sensible) *intuition* under one consciousness, but only in order to subject

²⁴ On this as a mark of the rationality, see my "Pleasure as an Exercise of Rational Agency? a Kantian Proposal" in *Pleasure: a History*, ed. Lisa Shapiro (Oxford UK: OUP, 2018).

a priori the manifold of *desires* to the *unity of consciousness of a practical reason*” (KPV, 5:65; the final italic is my own). Because practical judgment does not determine intuitions so as to have objective purport but rather determines desires as objects *of the will* (free actions), its unity is the unity of the consciousness of *practical* reason: a unity of lawfulness or universality as such. Here too the relevant unity is not a matter of psychologically associating different representations, but of necessarily uniting an act, its goal and its reasons, according to a law.²⁵

The three varieties of judgments at stake are thus categorically different: different in form. Yet, Kant also stresses their crucial unity. Early on he writes, “the very close relationship of the materials under examination [of knowledge and action] leads us at the same time, in the *Critique of Reason*, to pay some attention to the *Critique of Taste*, that is to say to *aesthetics*.”²⁶ Later on, after his discovery that the faculty of pleasure and displeasure is grounded in the *a priori* principles of the power of judgment, Kant came to recognize that, though not a capacity for rational *cognition* (KU, 5:171), like theoretical and practical cognition, taste *is* rational, a “*rationalizing* taste.”²⁷ The long-recognized affinity between these three was discovered to be an affinity of reason: of three rational capacities of the mind.

What makes these three judgments *the* three signature judgments of the “higher” faculties of the mind, the three dimensions of *reason*? While the answer to this question is complex, here I focus on only one of its aspects: lawfulness.

IV. Lawfulness

Though Kant notices the affinity between theoretical, practical and aesthetic judgments earlier on, it is only his 1787 discovery of the *a priori* principles of the power of judgment that finally allows him to think of aesthetic judgment as analogous to the two other kinds of judgment at least in the following respect: *though constituted by a feeling of pleasure*, aesthetic judgment is neither explained nor justified by any merely psychological conditions, but by a universal and necessary capacity of the mind. Kant claims to have both discovered and “shown” that “there are grounds for satisfaction *a priori* . . . even though they cannot be grasped by determinate concepts” (5:347), grounds that are also “independent of the determination of the faculty of desire” (20:207). The crux of the discovery is a feeling of pleasure, whose *a priori* grounding cannot be explained by the *a priori* grounds of either theoretical or practical reason. It is because judgments of taste are constituted by *this* kind of “special feeling and distinctive receptivity that requires a special section under the properties of the mind” (20:207), that they are, like the other two kinds of judgments, both universal and necessary. It is because aesthetic pleasure is special in the way I gestured towards above that it can constitute a judgment that is both necessary and universal. While made through feeling, aesthetic judgment constitutes a necessary unity between this feeling and the representation of the object, and issues a claim on everyone to feel and judge similarly. This judgment is lawful, and so are the other two varieties of judgment.

The lawfulness of these three judgments consists both in their necessary demand on others—in their normativity—and in their *necessary unity*: they demand that others unite the representations at stake in the same way (i.e., that they predicate similarly), since the unity they constitute is necessary, independently of any subjective conditions. Perhaps in contrast to

²⁵ On this necessary unity, see section IV.

²⁶ *Immanuel Kant's Announcement of the Program of his Lectures for the Winter Semester 1765-66*, Ak. 2:311-12.

²⁷ *Anthropology from a Pragmatic View*, 7:240.

judgments of agreeableness (if these even count as judgments), the signature judgments of the mind are lawful insofar as they are presented as (1) either laws that others ought to follow or as exemplars that others ought (independently of any objective duty or concept) to emulate, and as (2) the products of judging subjects *qua* legislators—*qua* rational subjects. And this is because their respective predications are *lawful*—predicated *necessarily* not in light of any psychological or merely empirical rules of association or reproduction, but by the acts of self-consciousness briefly mentioned above.

In his theory of knowledge, Kant explains the urgency of lawfulness by demonstrating that it would not be possible for us to experience anything either as an object or as an event unless we experience what is given to the senses as lawfully unified independently of any subjective conditions; unified in the object. Here he explains lawfulness as a *transcendental condition* on the mind, without which nothing could even be experienced.

If, for example, I purported to experience the freezing of water not as lawfully unified, that is, not as unified according to a necessary order that *differs* from the private order of my perceptual history and associations, I would not even be able to experience it as the freezing of water. In order to experience it as the event that it is, I must be constrained to experience the representation of fluidity as *necessarily* preceding the representation of solidity; otherwise, I might experience it as a co-existing object (say, as an ice cube). I (like anyone else) can experience the freezing of the water as consisting in this order of representations, that is, as the event that it is, only if what is given to the senses is experienced as *lawful*, particularly, as constrained by the understanding's category of causality—by a law of the understanding. Only as such—as constrained by a law of the understanding—can I present any judgment about this event as a necessary judgment, a judgment that everyone must make in the same circumstances.

Kant's discussion of the lawfulness of practical reason has a different emphasis, but here too, it is clear that lawfulness is not optional, but rather a transcendental condition. To be permissible, our actions must be lawful in two respects. In the moral sphere, those actions that are determined by the moral law are lawful insofar as they are necessary: "duty is the necessity of an action from respect for law" (*G* 4:400). They are *necessary* in the sense that they and other instantiations of them (in these specific kinds of circumstances, for these kinds of agents) are required independently of any subjective needs, inclinations, and ends. It is the unconditional necessity of these actions that exhibits them as *lawful actions*. Such moral actions are lawful in being according to *laws*, not according to "counsels" or mere "principles," which involve a merely contingent necessity (*G*, 4:416; 4:420).

Moral actions are not only necessarily required; they must also exhibit a necessary unity. Moral actions must have the form of the law insofar as their acts, ends, and motives must be unified in a universalizable way. This universalizability consists in "the necessity that the maxim be in conformity with this law [which means in conformity with] the universality of the law as such" (4:420-21). Kant emphasizes that "this conformity alone is what the imperative properly represents as necessary" (4:421). An action is permissible only if it is possible for everyone to act in the same way for the same kind of end and for the same reason in the same kind of circumstance. While the understanding requires that human representations and experiences be lawfully unified in order to be anything at all to the mind, practical reason requires that human actions be lawfully unified in order to be permissible. The form of a permissible action (which is

roughly, the unity between the act, end, and reason for acting comprised under the maxim of such an action) is the form of a law: the form of universalizability as such.²⁸

I propose two ways of thinking about aesthetic lawfulness. First, the judgment of beauty involves a kind of necessitation in virtue of the distinctive nature of beauty: “[Beauty] has a necessary relation to satisfaction.”²⁹ Beauty *calls for* pleasure: it merits one’s feeling of pleasure in making a “claim to everyone’s satisfaction.”³⁰ Perhaps Kant suggests that beautiful objects, in contrast to other human beings, do not make objective claims on us. Yet, in making an aesthetic judgment we take ourselves to be responsive to them as we ought to be—to repeat a claim that is independent of our private conditions.³¹ The predicative unity of these judgments is thus also necessary. Though it is not grounded in any law—neither in rules of art nor in empirical generalizations or practical principles that indicate that this object must be pleasing—we present the unity between the representation of the object and our feeling as necessary, independently of any subjective conditions (e.g., 5:236-7). And so in making these judgments, we present ourselves as sources of laws: as those whose judgments constitute a necessary predicative unity and a universal demand. We present our aesthetic judgments as exemplars to be emulated.³²

Kant stresses here too that this lawfulness is not optional, but a transcendental condition on aesthetic judgment. To fail to present one’s pleasure as lawfully united with the representation of the object independently of any subjective conditions results in a judgment of the agreeable (e.g., 5:212-13), not in a judgment of taste. One cannot make a judgment of taste independently of this lawfulness.

Second, beautiful objects present themselves, and are exhibited by the imagination as lawfully unified in that they look as if each of the parts that composes their beauty ought to be just the way it is—they present themselves as necessary unities. Imagine that we replace even just one particular shade of color in a beautiful painting. If we do that, the beauty of the whole painting might be lost.³³ When we judge, say, Jean-Etienne Liotard’s painting, *The Chocolate Girl* to be beautiful, we regard the particular shade of pink of the chocolate girl’s cap as “necessary” for the beauty of the painting, for if it were changed, the painting as a whole would be different, and perhaps no longer beautiful.³⁴ But a slightly different shade might fit perfectly in composing the beauty of another painting. This aesthetic necessity is not “general,” like the necessity of an ordinary, empirical (non-aesthetically considered) object and of a required action; it is not a necessary characteristic of *all* beautiful objects, not even of all beautiful paintings, or,

²⁸ *G*, 4:499-400, 4:414.

²⁹ 5: 236.

³⁰ 5:281-82.

³¹ Again, this is partly in virtue of the nature of aesthetic pleasure as a mode of affective self-consciousness. Aesthetic pleasure involves an awareness of itself as fitting its ground.

³² Again, this unity is called for by the *beauty of the object*, beauty that merits pleasure. But no concept, principle, or proof—no law—can prove that pleasure is necessary for the object at stake. Only our judgment itself can be presented as a lawful exemplar to be emulated.

³³ For the differences between this holistic unity and other kinds of holistic unity (e.g., of organisms), see my “Tale of Two Faculties,” in *The British Journal of Aesthetics*, 51.4 (2011): 415-436.

³⁴ The painting is part of the permanent collection in Dresden’s *Old Masters Picture Gallery*.

say, of all of Liotard's beautiful paintings. Rather, as singularly characterizing a particular object (indeed, an *individual*), it is a "singular" necessity "without a law."

Thus, although the unity that the imagination exhibits in aesthetic judgment is neither based on general rules and concepts nor does it generate one, it is nonetheless a "necessary" unity, characterized by a non-rule-governed sort of singular necessary unity and a distinctive kind of normativity. Even though, when engaged with a beautiful object, the imagination is guided by no given law of the understanding—by no principle of unification and determination—it nonetheless succeeds in presenting what is given to it both as necessarily unified, and as that of which pleasure should be predicated. I take it that this is, in extreme brevity, what Kant means by the imagination's "free lawfulness" or "lawfulness without a law" (5:240).

V. Lawfulness and Imagination

Much ink has spilled over Kant's pithy characterization of the imagination as "a blind though indispensable function of the soul without which we would have no cognition at all" (A78/B103). In this section, I claim that the imagination is crucial not only for theoretical cognition but more broadly for *human rationality*. It plays a central role in our overall rational life as knowers, actors, and appreciators, who must experience and act in their world lawfully. What is the nature of the imagination such that it plays this key role in our lives?

Very briefly, Kant indicates that without invention (5:244) or imposition, the imagination is capable of apprehending and exhibiting things as other than they would have otherwise appeared. It presents, Kant famously claims, even what is absent from an intuition: "[the imagination is] the faculty for representing an object even without its presence in intuition" (B151).³⁵ Initially, this characterization may seem to best fit the reproductive imagination insofar as this empirical and partially psychological function of the imagination (the reproductive one) presents, minimally, what has already been sensed but is no longer sensed, in present intuitions. But Kant ascribes this presentation power to the imagination in the section of the *Transcendental Deduction of KRV* titled "On the application of the categories to objects of the senses in general," a section where he introduces the non-empirical and non-reproductive "transcendental synthesis of the imagination," under the heading of the "productive imagination" (B152). Thus, the capacity to present what is absent from a given intuition must characterize both the reproductive and the productive exercises of the imagination. Presumably, as I will explain shortly, the latter is capable of presenting a sensible intuition as exhibiting a lawful, *conceptual* unity: it is capable of presenting what is absent from a sensible intuition, when this intuition is thought of *independently* of the understanding.

Reflection on metaphor can shed light on this trait of the imagination, and on its capacity to present things as they would have not otherwise appeared. For metaphors also present both (1) that which is absent from an intuition, and (2) objects as they would have not otherwise appeared. For example, a famous metaphor presents Julia as the sun, even though the sun is absent from the intuition of Julia, and even though Julia might not have appeared as the sun independently of the metaphor. If indeed metaphoric in the way that Arthur Danto claims it is,

³⁵ Cf. *Dohna-Wundlacken Logic* 701-02.

then Thomas Gainsborough's painting, *St. James's Mall*, presents the transient nature of time and beauty, even though transience is not (literally at least) present in the painting.³⁶

Like metaphors, the imagination allows us to see things in a different light—to see what is in front of us all the time, but see it anew, see it as never before. The power of the imagination is not just a power of invention but of seeing, or more accurately, of “recognizing”—a term that retains the term “cognizance,” suggesting not mere sensory seeing, but *seeing with sense or understanding*. The imagination recognizes or construes what it intuits in different terms.³⁷ It is this metaphorical, construing power of the imagination that plays a crucial role in our being lawful in the human world, as we *have to be*.

This is particularly clear in the case of the theoretical variety of lawfulness. Again, in the *KRV*, Kant takes himself to have established that experience is possible only if what is received by the senses is *lawfully* unified and constrained by the pure concepts of the understanding:³⁸ by an act of “synthesis according to a law.”³⁹

However, if sensible representations can be experienced only as unified and constrained by the forms of the understanding, they must be recognized and “exhibited”⁴⁰ in terms of the understanding.⁴¹ According to Kant, only the transcendental imagination suits to serve this task.⁴² Thanks to the dual, sensible and intellectual, character that Kant attributes to it, the transcendental imagination allows the mind to exhibit the sensible manifold in terms of the requirements of the understanding: in this particular case, in terms of its requirement for lawfulness. For example, the imagination is responsible for our capacity to experience the sensible representations that constitute the freezing of the water in the lawful order mentioned above, and thus as lawful in light of the category of causality.

If not for the imagination's capacity to present what is absent from a given intuition, we would not have been able to *experience* any aspect of the world.

In the aesthetic case, we need the imagination, *not* “as subjected to laws of association” but as “productive and self-active” (5:240). We need it as a free capacity to recognize and present beautiful objects as those which “can provide it with a form that contains precisely such a composition of the manifold as the imagination would design in harmony with the lawfulness of the understanding” (5:240-41), *independently* of both the laws of the understanding and the subjective rules of association. We need the “free lawfulness of the imagination” (5:240) to apprehend beauty in the way it must be apprehended: as lawful in both senses explained above.

The imagination's role in sensibly exhibiting the practical variety of lawfulness is significantly more intricate since Kant famously claims, in the “Typic of Pure Practical Reason,” that the moral law admits of no imaginative schema. Claiming that “the moral law has no cognitive faculty other than the understanding (*not the imagination*)” by means of which it can

³⁶ Arthur Danto, *The Transfiguration of the Common Place: a Philosophy of Art* (Cambridge, Mass: HUP, 1981), 216. The painting is part of the permanent collection in the *Frick Collection*.

³⁷ Cf. J. Michael Young, “Kant's view of the Imagination,” *Kant-Studien* 79 (1988): 140-64.

³⁸ E.g., *KRV*, A 97, B133-36.

³⁹ E.g., *KRV*, A 97, B-140-68, *KU*, 5:242.

⁴⁰ *darstellen*, A137/B176. For accounts of the schemata as forms of translations or specifications of the categories, see J. Michael Young, “Kant's View of the Imagination”; Rudolf Makkreel, *Imagination and Interpretation in Kant* (University of Chicago Press: Chicago, 1990), 26-44; and Henry Allison, *Transcendental Idealism* (Yale University Press: New Haven, 2nd ed. 2004), 202-218.

⁴¹ I leave aside the requirement that the categories be exhibited in sensible terms.

⁴² B15, A137/B176-A147/B187.

be applied to objects of nature (*KPV*, 5:70; my italics), Kant seems to suggest that the practical variety of lawfulness cannot be imaginatively exhibited. While I cannot in this paper prove the imagination's key role with regard to the practical form of lawfulness, suffice it to say that I take Kant's account of the role of the imagination vis-à-vis practical reason in the third *Critique* to be, not an emendation of the claims in the *Typic*, but nonetheless their expansion. Though Kant has not changed his mind about the imagination's inability to provide a sensible schema of the moral law (5:341), he did come to appreciate, as his discussion of fine art, genius and aesthetic ideas indicate, that the imagination can render rational ideas, including moral ideas, in sensible terms (5:314-15). He also came to hold that the imagination is a key for our capacity to symbolize the practical good: to present it indirectly, by means of an analogy (5:352-3). This presentation is required if the good is to be an object of practical judgment—if the subject could determine itself to bring about a required lawful action in the sensible world. Here, then, Kant suggests that the imagination *does* have a role to play in rendering practical lawfulness in sensible terms. A central feature of the imagination's relevant symbolization—namely, of the analogy it draws between the beautiful and the morally good, an analogy, on which, Kant claims, moral judgment *depends*—is the free lawfulness of the imagination (5:354). It is in part the imagination's ability to accord, even in its freedom from laws, with reason's requirement of lawfulness, that allows it to present practical judgment as analogous to the judgment of taste in a way that renders the former sensibly applicable—a judgment that can determine the will to act in the sensible world. It is highly plausible, then, that the imagination is crucial not only for the theoretical and aesthetic varieties of lawfulness, but also for the sensible symbolization of practical lawfulness.

Conclusion

It is the imagination, then, the imagination alone, that can allow us to cognize, act in, and appreciate the empirical world in accord with the transcendental requirement of lawfulness.

It is only the imagination that can exhibit the world as lawful, even when it does not follow any specific law; even when no determining law could be applied, as in the case of beauty. Only the imagination can exhibit the sensibly given as embodying necessity and necessary unities, and allow us to judge things as those which we ought to so judge: as, say, the freezing of the water and not an ice cube, as a beautiful rose rather than an ugly one, as an action to perform rather than one to refrain from performing. The understanding, reason, and the power of judgment could not function lawfully in their worldly pursuits independently of their interaction with the imagination.

No doubt, the imagination itself is the author of no laws, not even of subjective laws, like the laws of the power of judgment. The imagination might be a source of subjective rules of association and reproduction, but these are not subjective *laws* since they involve no normativity either for the particular associating subject or for anyone beyond her. It is partly for that reason that the imagination is not one of the three “high” faculties of the mind: not fully belonging to our intellectual, *a priori* capacities. But nor does it *fully* belong to sensibility. As Kant likes to put it, the imagination belongs to both sensibility and the intellect (or perhaps to neither).⁴³ Though issuing no laws, the imagination is still (freely) lawful. It is in this capacity that it transcends the sensible in and through being sensible. As a capacity for *presentation*, the

⁴³ As I'd like to put it, Kant's view of the imagination is a key for perspicuously grasping how radically he transcends both rationalism and empiricism—how, while insisting on the categorical difference between the sensible and the intellectual, he also forgoes any thought about their actual separation and denies any gap between them.

imagination is sensible: it *presents* the *sensible* world as lawful. But it is exactly in so presenting what is given to the senses that the imagination goes beyond the senses; that it is, like the understanding, reason, and the power of judgment, lawful. Thus, it is the imagination—this “indispensable function of the soul”—that is a key for our capacity to be rational beings *in and of the* empirical world, of *our* world. The imagination is central to our being rational animals.