

CAN KANT'S DEDUCTION OF JUDGMENTS OF TASTE BE SAVED?

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The task of a “deduction of judgments of taste”, as Kant presents it, is to answer the following question:

How is a judgment possible that, merely from one's *own* feeling of pleasure in an object, independently of concepts of it, would judge this pleasure *a priori*—that is, without having to wait for the concurrence of others—as attaching to the representation of the object *in every other subject?* (§ 36, 5:288)¹

In other words, given that one makes a pure judgment of taste from no other basis than the pleasure one finds in the contemplation of a given object, by what right can one require, as one does in such a judgment, that everyone else who contemplates the object should share this pleasure?

Kant's answer to this question, briefly stated, is that a judgment of the specified character must be founded on the subjective formal condition of a judgment in general. Because this condition is the same for everyone, a judgment based on it must be valid for everyone.

This is, in outline, Kant's argument in the section expressly entitled “Deduction of Judgments of Taste”—§ 38 of the *Critique of Judgment*. The well-known difficulty with the argument is, again in outline, the following: on the one hand, if the subjective condition of judging is a sufficient condition for the occurrence of the pleasure of taste, then the argument entails the absurd conclusion that every object of experience *must*

1. I refer to Kant's writings according to the *Akademie* edition, *Kants gesammelte Schriften* (Berlin: Walter de Gruyter, 1902–). Citations not otherwise identified refer to the *Critique of Judgment*. “EE” refers to the posthumously published *First Introduction (Erste Einleitung in die Kritik der Urteilskraft)*. All translations are my own. My title alludes to Karl Ameriks's paper “How to Save Kant's Deduction of Taste”, *The Journal of Value Inquiry* 16 (1982): 295–302. I wish to thank Professor Ameriks, as well as Ted Cohen, Michael Forster, and Lauren Tillinghast, for comments on earlier versions of this paper.

give rise to that pleasure; on the other hand, if the subjective condition of judging is not a sufficient condition of the pleasure of taste, then the universal validity of that condition does not entail the universal validity of the pleasure.

Can Kant's deduction of judgments of taste be saved from this dilemma? In a strict sense, yes. In § 21 of the *Critique of Judgment*, Kant offers a version of the "Deduction" argument that, thanks to the occurrence of a premise not used elsewhere in the text, can be shown to entail the universal validity of the pleasure of taste without entailing that such a pleasure must accompany every cognition. There are, however, two qualifications to the success of this argument. First, as I shall show, it faces a problem structurally similar to the old one. Second, and more serious, even if the new problem can be solved, the argument still does not provide us with any reason to accept its conclusion. To do that, an argument must not only be logically valid, but must have premises that are either supported by further arguments or, failing that, are in themselves at least as plausible as the conclusion. Kant's deduction, I shall argue, fails to meet this condition.

These findings necessitate a reconsideration of what exactly the deduction is supposed to prove. Kant's programmatic statements imply that it is supposed to prove that we have the right to make judgments of taste. But other statements suggest that it is only supposed to prove the adequacy of a hypothetical explanation of the possibility of judgments of taste, their legitimacy being taken for granted. Only under the second reading can the deduction be counted a success. The point may be clarified by distinguishing between the logical and the dialectical aims of the deduction. Its logical aim is to prove—i.e., to derive from certain premises—the conclusion that judgments of taste are legitimate. But since the premises themselves are unsupported and without intrinsic plausibility, they do nothing to prove the conclusion in the dialectical sense of giving doubters reason to assent to it. But the dialectical aim of the deduction, I suggest, is not to prove its ostensible conclusion, but rather to prove that Kant's theory of the subjective conditions of judgment is adequate to explain the *presumed* possibility of judgments of taste. It does this by showing that, when that theory is granted as a set of premises, the legitimacy of judgments of taste follows. So understood, the deduction may be regarded as a success.

1. THE ARGUMENT OF THE "DEDUCTION"

Kant's official "Deduction of Judgments of Taste" is contained in a single paragraph—albeit a paragraph that merely summarizes the arguments of the preceding text:

If it is granted that in a pure judgment of taste the liking for the object is conjoined with the mere judging of its form, then it is nothing but the subjective purposiveness of that form for the power of judgment which we feel as conjoined in our mind with the representation of the object. Now the power of judgment, with regard to the formal rules of judging, apart from

any matter (whether sensory sensation or concept), can only be directed at the subjective conditions of the use of the power of judgment in general (which is restricted² neither to the particular mode of sense nor to a particular concept of the understanding); hence at that subjective thing which one can presuppose in all human beings (as requisite for a possible cognition in general): so the agreement of a representation with these conditions of the power of judgment must allow of being assumed to be valid for everyone *a priori*. That is to say, the pleasure, or the subjective purposiveness of the representation for the relation of the powers of cognition in the judging of a sensible object in general, will allow of being rightfully expected of everyone. (§ 38, 5:289 f.)

Unfortunately for the interpreter of this passage, Kant makes his argument turn on two of the most widely ambiguous terms in the “Critique of Aesthetic Judgment”: “form” and “purposiveness.” But despite their ambiguities, their meaning can be clarified within certain limits.

To take the term “form” first, Kant’s opening premise that “in a pure judgment of taste the liking for the object is conjoined with the mere judging of its form” suggests that he is employing the conception of form as “figure” and “play” that he offers in the exposition of the judgment of taste (§ 14, 5:225). He derives this conception from his distinction between the matter and the form of appearance in the *Critique of Pure Reason*, according to which the matter of appearance is that which corresponds to sensation, the form that which allows the matter to be ordered in spatial and temporal relations (A 20/B 34). The idea that taste can only be a response to shape, movement, and the like is one of the more dubious parts of Kant’s analysis of taste, and it would be unfortunate if the argument of the deduction relied on it.³

It is notable, however, that in the remainder of the paragraph Kant speaks of “formal *rules of judging*”, by contrast with the “matter” of judging, which he identifies not with sensations alone but with “sensations and concepts.” Similarly, in his recapitulation of the argument in the footnote to the paragraph, what he speaks of as “formal” are the “conditions of the power of judgment” (§ 38, 5:290 n.). He says that these must be the sole thing of which the pure judgment of taste takes account if the claim of the judgment to universal agreement is to be legitimate. Hence the kind of “form” that is relevant to the argument is not the form of intuition but the form of judging. Kant has argued (or at any rate, asserted) earlier in the text that this consists in judging the object by “mere reflection”, an operation in which the cognitive faculties of imagination and understanding harmonize without any definite conceptualization

2. *Eingeschränkt*, following the first edition. In the second edition, the word is *ingerichtet*, which in this context would make no sense.

3. See Paul Guyer’s examination in *Kant and the Claims of Taste*, 2nd ed. (Cambridge: Cambridge University Press, 1997), 199–210. Guyer argues that this particular kind of “formalism” is not essential to Kant’s position.

of the object.⁴ He repeats this claim in the footnote to § 38, as we shall see in a moment.

As for the term “purposiveness”, for now it is enough to say by way of explanation that it signifies a certain favorable relation of the given intuition of an object to the subjective formal conditions of judging. Kant also describes this relation as “agreement.” Whether this means merely that the said conditions are fulfilled, or whether it means something more than that, is a question best left open for the moment. Whatever exactly the purposiveness consists in, Kant’s fundamental claim about it, made in both the first and the last sentences of § 38, is that it is identical with the pleasure that we take in judging the mere form (or, as I have suggested, in the merely formal judging) of an object.⁵

The footnote that Kant appends to the main paragraph, though apparently intended as a mere recapitulation of the argument, in fact adds an important premise.

In order to be justified in laying claim to universal concurrence with a judgment of the aesthetic power of judgment resting merely on subjective grounds, it is enough that one grant the following: 1) that in all human beings the subjective conditions of this faculty, in what concerns the relation of the cognitive powers set into activity for a cognition in general, are the same—which must be true, for otherwise human beings could not communicate their representations, or even communicate cognition; and 2) that the judgment has taken account only of this relation (hence of the *formal conditions* of the power of judgment) and is pure, that is, mixed with neither concepts of the object nor sensations as determining grounds. If a mistake is made in this regard, that only concerns the incorrect application to a particular case of the warrant that a law gives us, whereby the warrant itself is not abolished. (§ 38, 5:290 n.)

The second numbered proposition repeats what is argued in the body of the section, adding only an explanation of the term “pure judgment of taste” (namely that it signifies a judgment made from a pleasure independent of sensory and conceptual determinants). The first proposition, however, introduces the premise that cognition

4. Sec. VII, 5:189 f.; § 9, 5:217 f.; § 35, 5:287.

5. Some readers take it to be Kant’s considered position that the pleasure is identical, not with the subjective purposiveness itself, but with the *consciousness* thereof, as stated at § 12, 5:222.20–23. But there are several passages, besides the statements at the beginning and end of § 38, in which Kant identifies the liking for the beautiful specifically with subjective purposiveness: § 11, 5:221.21–27; § 31, 5:280.26–29; § 39, 5:293.3–6; and *EE*, sec. XII, 20:248.27–29. It stands to reason that Kant conceives of subjective purposiveness as itself a mode of consciousness, just as he conceives of pleasure (according to the definition at § 10, 5:220: “the consciousness of the causality of a representation with regard to the state of the subject, to maintain it in that state”); so there is no reason why he should not hold the two to be identical in judgments of taste. Nevertheless, one can, if one wishes, substitute “consciousness of subjective purposiveness” for “subjective purposiveness” in my analysis of Kant’s argument without affecting my principal claims.

is universally communicable. This is the basis for the claim that the subjective conditions of judgment are subjectively universally valid. To be sure, the argument involves a certain amount of slippage among the concepts of universal validity, universal communicability, and uniformity among human beings. For reasons that I have presented elsewhere⁶, I take Kant to be always concerned, whether he speaks of universal validity or universal communicability, with the universality (among judging subjects) of a normative claim, a requirement for a certain way of judging an object or responding to it. Accordingly, I shall use the terms “universal validity” and “universal communicability” equivalently. However, as I shall show later in this paper (section 4), the status of Kant's argument is not affected by which kind of universality one takes him to be concerned with.

To return to the main point, Kant identifies the subjective conditions of judging as “the relation of the cognitive powers set into activity for a cognition in general.” His reasons for holding that there are some such conditions, and for identifying them with a relation of the cognitive powers, are given elsewhere in the text and will be considered later in this paper (section 2). Taking account of the elucidations offered so far, but otherwise following Kant's own presentation, we may recapitulate his argument as follows:

- (1) In a pure judgment of taste, the pleasure for which we claim subjective universal validity is a pleasure in the mere judging of the form of the object.
- (2) Therefore, it is identical with the purposiveness of the given intuition for the subjective formal conditions of judgment.
- (3) Cognitions and representations (i.e., at least some of these) are universally communicable.
- (4) Therefore, the subjective formal conditions of judgment are the same for everyone.
- (5) Therefore, the pleasure in a pure judgment of taste is universally valid.

Presenting Kant's argument in this fashion leaves obvious logical gaps between its steps. The gaps, however, are not the principal source of difficulty. Let us grant the first three steps of the argument, and attend closely to the last two. The question that must be posed concerning them is: Is the “subjective purposiveness of the representation for the relation of the powers of cognition” something that is required for the judging of any empirical object whatever, or is it required only for the judging of some—presumably, the ones that we find beautiful? To put the question another way: Is this purposiveness equivalent to the mere *satisfaction* of the subjective formal condition of judgment, or is it something more than that?

6. Miles Rind, “What Is Claimed in a Kantian Judgment of Taste?”, *Journal of the History of Philosophy* 38 (2000): 63–85.

This question leads to a dilemma for Kant's argument that was first formulated about twenty years ago by Paul Guyer and by Ralf Meerbote (independently of each other, so far as I know).⁷ The dilemma is as follows. Either the purposiveness of an object for the relation of the powers of cognition is identical with the subjective condition required for the judging of any empirical object, or it is not. If the two are identical, then the pleasure of taste, which he identifies with subjective purposiveness, is likewise required for the judging of any empirical object. From this it follows that all objects of experience are beautiful and all judgments on them contain or are accompanied by the pleasure of taste. If, on the other hand, the purposiveness is required only for the judging of some objects, then it cannot be a universal subjective condition of the use of the power of judgment; for manifestly, we use our power of judgment with respect to all manner of objects, not just beautiful ones; and if the purposiveness is not a universal subjective condition of judging, Kant has no basis for concluding that it is valid for everyone. To put the point another way: either all objects of experience are purposive for the relation between the cognitive faculties, or else being purposive for the relation between the cognitive faculties is not a condition of the judging of empirical objects. In the first case, all objects of experience are objects of the pleasure of taste; in the second case, the purposiveness of an object for the relation between the cognitive faculties cannot be required of everyone. Kant's argument, in sum, either entails an absurdity or rests on a *non sequitur*.

It is worth taking a moment to make clear exactly what the absurdity is here. It is *not* merely the implication that everything is beautiful. Such a position has had its proponents.⁸ The implication here is rather that we must *find* a thing beautiful, or more precisely, that we must experience the pleasure of taste in contemplation of it, in order to have any empirical cognition of it at all—a position that, presumably, no one would defend.

Several passages in the “Critique of Aesthetic Judgment” suggest that Kant does not even accept the first of these two implications.⁹ In the first “definition of the

7. Guyer, *Kant and the Claims of Taste* (cited above, n. 3; 1st ed. published 1979), 262–64 and 284–88; Ralf Meerbote, “Reflection on Beauty”, in Ted Cohen and Paul Guyer, eds., *Essays in Kant's Aesthetics* (Chicago: University of Chicago Press, 1980), 55–86; at 81–83. So far as I know, the first commentator to note that Kant is threatened with the consequence that every judgment of cognition must be accompanied by the pleasure of taste is Victor Basch, in *Essai critique sur l'esthétique de Kant* (Paris: J. Vrin, 1896), 215–17, 245–47.

8. See, e. g., Heraclitus, fragment 102; Arthur Schopenhauer, *Die Welt als Wille und Vorstellung*, § 41; George Santayana, *The Sense of Beauty*, § 31; R. G. Collingwood, *Outlines of a Philosophy of Art*, § 5; E. F. Carritt, *The Theory of Beauty* (London: Methuen, 1962), 17.

9. My attention was first drawn to these passages by the paper by Hud Hudson cited below (n. 18).

beautiful", he defines taste as "the faculty of judging an object or a mode of representation by means of a liking *or a disliking* without any interest" (5:211, emphasis altered). Elsewhere, he says that "a judgment of taste, [. . .] when it is pure, conjoins liking *or disliking* [. . .] immediately with the mere contemplation of the object" (Remark after § 22, 5:242, emphasis altered). He speaks of "[distinguishing] whether something is beautiful *or not*" (§ 1, 5:203, emphasis added), and even speaks of how "fine art [. . .] describes things that in nature would be ugly or displeasing" (§ 48, 5:312). Kant apparently wants to allow that there can be unfavorable pure judgments of taste, be they judgments of ugliness or merely judgments of the not-beautiful. If that is so, then by implication he rejects the idea that everything can or must be found beautiful.

The difficulty is whether Kant's analysis of the judgment of taste will permit him to reject that idea without undercutting the argument of his "Deduction." He can avoid the undesired implication just mentioned only if he distinguishes the subjective condition of cognition (i.e., the state of mind *necessary* for cognition) from the subjective condition of the pleasure of taste (i.e., the state of mind *necessary and sufficient* for the occurrence of such a pleasure). But the argument of the "Deduction" seems to turn on the identification of the two: only if the state of mind necessary for cognition is sufficient for the pleasure of taste can the universal validity of the former be attributed also to the latter.

2. THE SUBJECTIVE CONDITION OF JUDGING

There can be no doubt that Kant distinguishes between the state of mind required for cognition and the state of mind characteristic of judgments of taste. *How* exactly he distinguishes them, however, is not so easily determined. Kant says that cognition requires a certain "relation" between the imagination and the understanding¹⁰, or a "proportion" or "proportioned attunement" of those faculties.¹¹ He also says that cognition requires that the relation between the cognitive faculties be a harmonious one. Now in judgments of *taste*, according to Kant's characterizations, there is also a harmonious relation and a proportioned attunement between the imagination and the understanding, but with this difference, that the two faculties are, or at least the imagination is, in what Kant calls *free play*.¹² The following passage contains Kant's

10. "Relation": *Verhältnis*. See § 9, 5:218.4–6; § 38, 5:290.27–31 n.; § 40, 5:295.31; *EE*, sec. VII, 20:220.26–30, 223.9–10, 223.30–224.2.

11. "*Proportion*", § 21, 5:238.34; "*Proportionierte Stimmung*", § 9, 5:219.20.

12. Contrary to the claims of some commentators, Kant never says that a free play of the cognitive faculties is required for cognition, though he says some things that invite such a reading. For a discussion of Kant's ambiguities, see Manfred Baum, "Subjektivität, Allgemeingültigkeit und Apriorität des

most explicit account of this matter.

The ability of human beings to communicate their thoughts [. . .] requires a relation of the imagination and the understanding, in order to associate intuitions with concepts and concepts with intuitions, which flow together into a cognition; but in that case the harmony [*Zusammenstimmung*] of the two mental powers is *law-governed* [gesetzlich], under the constraint [*Zwang*] of definite concepts. Only in the case where the imagination in its freedom arouses the understanding, and the latter without concepts sets the imagination into a regular play, does the representation communicate itself not as a thought but as the inner feeling of a purposive state of mind. (§ 40, 5:295 f.)¹³

In sum, judgments of cognition and judgments of taste alike require a state of harmony, proportion, or attunement between the imagination and the understanding, but whereas in cognition this relation is constrained by concepts, in the exercise of taste it is free of all such constraint.

On the other hand, one can justify a contrary view by citing a passage in which Kant mentions the “concord or discord [*Einbelligkeit oder Mißbelligkeit*]” of the cognitive powers, with the implication that both states can enter into judgments of taste (§ 34, 5:286, emphasis added). There is also a passage in the later *Anthropology from a Pragmatic Point of View* (1794) in which he says: “The judging of an object through taste is a judgment upon the agreement or conflict [*die Einstimmung oder den Widerstreit*] of the freedom in the play of the imagination and the lawfulness of the understanding [. . .]” (§ 67, 7:241, emphasis added). These passages suggest that it is only in *favorable* judgments of taste (judgments of beauty) that the relation between the cognitive faculties is harmonious, and that in unfavorable judgments of taste (judgments of ugliness, presumably), the relation is discordant.

But even beyond their inconsistency with the passages cited previously, there is a systematic reason why such statements cannot be taken to express Kant's considered, or consistent, view. The sole basis that Kant has for claiming that some sort of relation

Geschmacksurteils bei Kant”, *Deutsche Zeitschrift für Philosophie* 39 (1991): 272–84, at 277.

13. The quoted passage is not unique: Kant says in several other places that cognition requires a harmony of the cognitive powers. Thus: “[I]n a judgment of taste [. . .] the imagination and the understanding [. . .] harmonize with each other, as is requisite for a *cognition in general* [*unter einander, wie es zu einem Erkenntnis überhaupt erforderlich ist, zusammen stimmen*] [. . .]” (§ 9, 5:217 f.); “The subjective condition of all judgments is the very faculty of judging, or the power of judgment. This, employed with regard to a representation whereby an object is given, requires the harmony [*Zusammenstimmung*] of the two cognitive powers [. . .]” (§ 35, 5:287); “[In an aesthetic judgment of mere reflection] the power of judgment [. . .] perceives a relation of the two faculties of cognition which constitutes the subjective condition, capable only of being felt, of the objective use of the power of judgment (namely the harmony [*Zusammenstimmung*] of those two faculties with each other)” (*EE*, sec. VIII, 20:223 f.).

between the imagination and the understanding is a condition of cognition is the fact that, according to his basic epistemological conception, cognition requires a harmony between an intuition, which is the product of the imagination, and a concept, which is the product of the understanding. This is evident from his reasoning in §§ 9, 21, and 35: in each case, the idea that a relation between the imagination and the understanding is required for cognition is derived from the fact that a relation, specifically a harmonious one, between an intuition and a concept is required for cognition.

To be sure, the reasoning is quite dubious. Kant seems to assume that when we take the idea of a harmonious relation between the imagination and the understanding and subtract from it the idea of a harmony of intuition and concept, we still have something left, namely the idea of a free and non-cognitive harmony of the imagination and the understanding. He offers no reason why the difference should be anything greater than zero. But this defect in his reasoning is not our present concern. The relevant point is that a state of discord between the imagination and the understanding, if there can be such a thing, must be a state making a harmony of intuition and concept, and therefore cognition of the object, impossible. If an ugly object were necessarily the object of such a discord, it would be an object of which we could have no cognition. But this is not a possibility that Kant can allow, for in his view, if something is not a possible object of cognition then it is not a possible object of experience. If Kant's epistemology allows there to be such a thing as a discordant relation of the imagination and the understanding, it would have to be a kind of mental aberration, not a possible basis for a judgment possessing universal subjective validity.¹⁴

One might fancy that Kant can account for judgments of ugliness by other means. For example, one might propose that such judgments are based on a state of the cognitive faculties in which there is not a disharmony but merely a low degree of harmony. But it is difficult to understand why such a state should give rise to a feeling of *displeasure*, rather than merely to a low degree of pleasure. More to the point, since harmoniousness in *some* degree remains a necessary condition of cognition, the only way for Kant to avoid the implication that the pleasure of taste is a necessary concomitant of all cognition is for him to suppose that in some cases a feeling of displeasure arises *despite* the harmonious state of the cognitive faculties. But as we have seen, the logical connection between the harmony of the cognitive faculties and the pleasure of taste is essential to the argument of the "Deduction": one cannot break that connection without introducing a fatal logical gap into the argument. As long as that connection stands fast, the only way to accommodate judgments of ugliness within Kant's theory

14. To be sure, Kant holds that judgments of sublimity involve a certain disharmony between the cognitive powers, but this presents no incompatibility with his epistemology: the cognitive powers in question are imagination and reason, not imagination and understanding, hence not the cognitive powers whose harmony is required for empirical cognition. Besides that, the disharmony, according to Kant's account, leads ultimately to a harmonious relation.

would be to introduce the idea that, although the harmony of the cognitive faculties always does give rise to a pleasure, in some cases the pleasure gets as it were drowned out by a displeasure that arises from some other source. But of course, to make such a move is precisely to concede that judgments of ugliness are *not* pure judgments of taste as understood by Kant, since the displeasure on which they are based would not arise from the mere reflective contemplation of the form of an object. In fact, such judgments would have to be illegitimate so far as they pretend to oppose judgments of beauty, for according to this adaptation of Kant's position, everything, strictly speaking, *is* beautiful, though some things may be less beautiful than others.¹⁵

Such an adaptation of Kant's account of judgments of taste does not escape the dilemma posed earlier, but rather entangles itself on both horns. It accepts the implication that the pleasure of taste is an accompaniment of all cognition while at the same time allowing the *non sequitur* back into the argument. For if we account for divergent estimates of the relative beauty of objects by invoking differences in the degree of harmoniousness in the relation of the cognitive faculties, there is no reason why any one degree of harmoniousness should be valid for all judging subjects with respect to a particular object. From the universal validity of cognition, all that follows is that whatever relation of the cognitive faculties is required for cognition (granted that any is) is universally valid. This relation, as Kant says, is law-governed and constrained by concepts. It does not follow that a relation that is unconstrained by laws and concepts, or a feeling arising from such a relation, is also universally valid. The objection stands.

3. RESCUE ATTEMPTS

Various attempts have been made to extricate Kant from the dilemma posed by Guyer and Meerbote. Consider, for example, Manfred Baum's response.¹⁶ Baum distinguishes

15. Other commentators have argued that for Kant pure judgments of taste can only be judgments of beauty, not judgments of ugliness: see Reinhard Brandt, "Die Schönheit der Kristalle und das Spiel der Erkenntniskräfte: Zum Gegenstand und zur Logik des ästhetischen Urteils bei Kant", in Reinhard Brandt and Werner Stark, eds., *Autographen, Dokumente und Berichte. Zu Edition, Amtsgeschäften und Werk Immanuel Kants* (Hamburg: Felix Meiner, 1994), 19–57, esp. 34; and David Shier, "Why Kant Finds Nothing Ugly", *British Journal of Aesthetics* 38 (1998): 412–18. Christian Wenzel, in a reply to Shier ("Kant Finds Nothing Ugly?", *British Journal of Aesthetics* 39 (1999): 416–22), asks rhetorically: "Why should a given representation not be 'referred' to cognition in general by means of a *disharmonious* free play? [...] Why should we not similarly reflect with *displeasure* and find the form of the object *unsuitable* for cognition?" (422). I believe that the considerations presented here answer such questions. I should mention, finally, that I do not consider the implication that only favorable judgments of taste are legitimate to be an absurd one. (I do not consider it plausible either, but that is not the point.)

16. "Subjektivität, Allgemeingültigkeit und Apriorität des Geschmacksurteils bei Kant", cited above, n. 12.

between the unfree determination of the imagination by the understanding in the empirical cognition of objects, on the one hand, and the harmonious free play of those cognitive powers in a judgment of taste on the other; and he maintains that an "inner purposiveness" in the relation of the two faculties is common to these two states. Given that cognition is universally communicable, he reasons, this inner purposiveness, being required for cognition, must likewise be universally communicable. Since the harmonious free play, however, rests on the same inner purposiveness of the cognitive faculties, it, too, Baum reasons, must be universally communicable. He concludes that no dilemma arises, because "Kant does not maintain that the free play of the cognitive faculties is on the one hand a subjective condition of the liking for beautiful objects and on the other hand a necessary condition of empirical cognition".¹⁷

Now we have seen that Kant distinguishes between the free play of the cognitive faculties that underlies judgments of taste and the unfree state of them that underlies judgments of cognition, just as Baum claims. We have also seen that what these two states of mind have in common, according to Kant, is their harmoniousness. Kant never says or implies that both states involve an inner purposiveness, but neither does he assert or imply the contrary. Let us therefore put aside the question whether this part of Baum's interpretation is defensible on textual grounds, and ask only whether the interpretation succeeds as a defense of Kant's argument.

The answer to this question must be negative. From the fact, supposing it to be such, that an inner purposiveness of the cognitive powers is universally communicable, it does not necessarily follow that a harmonious free play that "rests on" that purposiveness is likewise universally communicable. To be more exact: depending on how this "rests on" (*beruht auf*) is interpreted, the desired conclusion either does not follow or only follows at the cost of absurd consequences. If "rests on" means that the purposive relation of the cognitive faculties necessarily gives rise to their free play, then the conclusion that the free play and the associated pleasure are universally communicable follows; but so does the implication that the harmonious free play and the associated pleasure are necessary for cognition, which is absurd. On the other hand, if "rests on" means merely that the purposiveness *can* in some cases give rise to a free play and a pleasure, then the universal communicability of the purposiveness does not entail the universal communicability of the pleasure: the fact that the purposiveness gives rise to pleasure in *me*, say, may be idiosyncratic and without significance for the judgments of others. In sum, the connection between the purposive state of the cognitive faculties and the associated pleasure is either logically too tight to avoid making the pleasure a necessary accompaniment of cognition, or too loose to allow the universal communicability of cognition to carry over to judgments of taste. Hence the dilemma remains.

Hud Hudson offers an answer to the dilemma as part of a larger project of explaining how Kant's account of pure judgments of taste can accommodate judgments

17. Baum, 277; my translation.

of ugliness as well as judgments of beauty.¹⁸ Like Baum, Hudson draws a distinction between the state of mind required for cognition and the state required for judgments of taste, but he draws it on different lines. On Hudson's interpretation, the subjective condition of judgment is not the subjective purposiveness of the cognitive powers, but rather what Kant terms their attunement (*Stimmung*); what is specific to the judgment that something is beautiful, by contrast, is what Kant calls the harmony (*Zusammenstimmung*) of the cognitive powers.¹⁹ Hudson uses this distinction to make room for the possibility of unfavorable pure judgments of taste, specifically judgments of ugliness, based on *contrapurposiveness* (*Zweckwidrigkeit*)²⁰ of the object for the subjective conditions of judgment, or a disharmony of the cognitive powers, and a resultant feeling of displeasure. On his proposal, pure judgments of taste, be they judgments of beauty or judgments of ugliness, and cognitive judgments too, are all based on some attunement or other of the faculties of cognition. Such an attunement is, generically, the necessary subjective condition of cognition. But a different kind of attunement of the faculties is present in each of the three kinds of judgment. In judgments of beauty, it is a harmony; in judgments of ugliness, a disharmony; in judgments of cognition, presumably the attunement is neither harmonious nor disharmonious, though Hudson is not clear on the point.²¹ Kant says that the attunement of the cognitive powers "varies in its proportion" (§ 21, 5:238), a statement that Hudson takes to mean that there are different "degrees of attunement."

Now we saw in the previous section, first, that Kant explicitly claims that judgments of cognition rest on a harmony of the cognitive powers, and second, that for systematic reasons Kant cannot allow a disharmonious relation of the cognitive powers to occur as anything but an aberration. But even if we ignore these facts, Hudson's interpretation does not allow Kant to avoid the *non sequitur* in the "Deduction." Here is Hudson's defense of the heart of Kant's argument:

[T]he determining ground of judgments of taste (of reflection) consists in a subjective relation

18. Hudson, "The Significance of an Analytic of the Ugly in Kant's Deduction of Pure Judgments of Taste", in *Kant's Aesthetics*, ed. Ralf Meerbote (Atascadero, Ca.: Ridgeview Publishing Co., 1991), 87–103.

19. Hudson, 98–100. In rendering these two terms I follow Werner Pluhar's translation of the *Critique of Judgment* (Indianapolis: Hackett, 1987), as does Hudson. Hudson expresses reservations about the use of "attunement" to translate *Stimmung*, because it conflicts with the idea that the state of the cognitive faculties so named can be disharmonious (Hudson, 100). I shall argue below that the conflict here is not merely with the implications of a word but with Kant's explicit claims.

20. Kant uses the term *zweckwidrig* in the following places: Remark after § 22, 5:242.4; § 23, 5:245.21 and 29; and § 27, 5:259.9.

21. Hudson, 99.

of the cognitive powers, namely, in a certain degree of attunement. Now, these degrees of attunement (or subranges of degrees) are universally communicable mental states (i.e., they satisfy one condition for a successful deduction), for if the different degrees of attunement were not *themselves* universally communicable, then cognition, which depends on their universal communicability, could never arise.²²

Let us grant that cognition requires an attunement of the cognitive powers within some range of degrees, and that judgments of taste require some other range of degrees of attunement. Granted that cognitions are universally communicable, it follows that the attunements required for cognition are universally communicable. It does *not* follow that any *other* degrees of attunement are universally communicable. *A fortiori*, it does not follow that attunements required for taste are universally communicable, since Hudson insists (as he must, to avoid the other horn of the dilemma) that these are not required for cognition. In sum, from the premise that cognitions are universally communicable, it does not follow that the specific attunements involving subjective purposiveness or contrapurposiveness, or the resultant feelings, are themselves universally communicable.²³

Another way of defending Kant's deduction of judgments of taste is to take § 21, rather than § 38, as its principal statement. This is the strategy of Karl Ameriks. I shall examine § 21 later in this paper, and shall argue that it does indeed contain a valid argument for the legitimacy of pure judgments of taste without entailing that the pleasure of taste is a necessary accompaniment of all cognition of objects of experience. For now, however, I wish only to point out that Ameriks fails to identify such an argument. The argument that he finds in the passage is as follows:

- 1) Cognitive judgments are communicable (sentence 1).
- 2) Each cognition has an accompanying subjective state (sentence 2).
- 3) If cognitions are communicable, then so are their accompanying subjective states (sentences 2 and 3).
- 4) These subjective states involve various proportions in the activities of our faculties, and there is some such proportion which is "most beneficial" for the relation of imagination and understanding (sentences 2–5).
- 5) States with such a proportion are communicable (entailed by above).
- 6) They are aesthetic (from (4) and other remarks).

22. Hudson, 100.

23. Hudson addresses the objection that the universal communicability of the attunements does not entail the universal communicability of the resultant feelings (Hudson, 100 f.). My objection, however, is that he has begged the question of the universal communicability of the attunements themselves.

7) Therefore aesthetic judgment is valid (from above).²⁴

If this is indeed Kant's argument, then it fares no better than those which we have considered; for once again, from the fact that "each cognition has an accompanying subjective state" (2), all that follows is that those subjective states which accompany cognitions are universally communicable. It does not follow that subjective states that do *not*, or do not necessarily, accompany cognitions are also universally communicable. Now the state of mind in a judgment of taste is not a cognition but a feeling of pleasure: this is presumably what Ameriks means by describing such a state of mind as "aesthetic" (cf. Kant's use of that term in § 1). Therefore, the universal communicability of states of mind that accompany the cognition of particular objects does not entail the universal communicability of an "aesthetic" state of mind: Ameriks's reconstruction repeats the now familiar *non sequitur*.²⁵

4. WHY THESE ATTEMPTS CANNOT SUCCEED

There may be a temptation to think that the objection pressed here rests on a particular interpretation of the concepts of universal validity and universal communicability, or on a particular way of drawing the distinction between the state of mind required for cognition and the state of mind required for judgments of taste, or on a particular interpretation of the connection between the state of mind required for judgments of taste and the associated pleasure. To show that this is not the case—that no matter how one interprets Kant's position on the points in question, his argument still either commits a *non sequitur* or entails that the pleasure of taste is a necessary accompaniment to all empirical cognition of objects—I shall present the objection in a fashion that abstracts from all differences of interpretation on these points.

First, in order to remain neutral with regard to the nature of the universality claim that the "Deduction" is supposed to legitimate, I shall use the vague term "subjectively universal" as a dummy either for "subjectively universally valid" or for "universally communicable", depending on which of the two one takes to be crucial to Kant's argument. The dummy term can be interpreted to signify any of the kinds of

24. Ameriks, "How to Save Kant's Deduction of Taste" (cited above, n. 1), 295 f. The text of § 21, to which Ameriks refers, is quoted in section 6 below.

25. Hannah Ginsborg, in *The Role of Taste in Kant's Theory of Cognition* (New York: Garland Publishing, 1990), has offered a defense of Kant's argument that merits special attention. Unfortunately, this very fact makes it impracticable to give her account adequate treatment here. My excuse for the omission is that what she offers is not so much a reconstruction of Kant's "Deduction" as a new argument based on a novel interpretation of Kant's conception of judgments of taste. I intend to present my assessment of her views in another publication.

epistemological status that are thought to be at issue in the "Deduction." Thus, to claim subjective universality for one's state of mind with respect to some object may be taken, according to one's interpretative preference, to mean "Anyone who contemplates this object *will* share my state of mind" (with Guyer), "Anyone who contemplates this object *can* share my state of mind" (with Hudson), or "Anyone who contemplates this object *ought to* share my state of mind" (with the present writer).²⁶

Second, to remain neutral with regard to the manner in which the cognitive and the aesthetic states of mind are to be distinguished, I shall use the dummy term "G" (for "generic") for that subjective state, whatever exactly it may be, which constitutes the universal subjective condition of cognition or of judging, and the dummy term "S" (for "specific") for that subjective state, whatever exactly it may be, which is necessary and sufficient for making a judgment of taste. In other words, S is a state of mind such that if you are in it, then you either are making or are at least in a position to make a judgment of taste about the object with respect to which you are in that state of mind.

Finally, there is the question of how the state of mind S is related to the associated feeling of pleasure. On some interpretations, the relation will be a causal one; on others, an identity of some kind. In order to remain neutral with regard to this point, I shall simply take it for granted that if Kant can prove that S—the state of mind whose occurrence is necessary and sufficient for one's making or being in a position to make a judgment of taste—is subjectively universal, it follows that the resultant judgment of taste is subjectively universal.

What is in question, then, is whether Kant's deduction of judgments of taste can be defended by an argument of the following form:

- (1) Cognitions are subjectively universal. (Premise.)
- (2) G is required for cognition. (Premise.)
- (3) If a certain state of mind is required for a mode of representation that is itself subjectively universal, then the state of mind is likewise subjectively universal. (Implicit premise.)
- (4) Therefore, G is subjectively universal. (From (1), (2), and (3).)
- (5) S is a species of G. (Premise.)
- (6) Therefore, S is subjectively universal. (From (4) and (5).)

I have added step (3), which I take to be an unobjectionable premise, in order to close an obvious logical gap; and I have omitted the further steps to the conclusion that the judgment of taste has subjective universality because, as I said earlier, I am granting Kant the license to make that further inference. The crucial steps are (4) through (6).

Some defenders of Kant's argument might deny that they are committed to step (5), the premise that S is a species of G. Let me make clear that by this premise I mean

26. See the paper cited in n. 6 above.

only that whatever is an instance of S is also an instance of G. This allows the possibility that S and G are identical, though of course such a possibility would entail the undesired conclusion that S must accompany every cognition. On the other hand, if one denies (5), then none of Kant's claims about the status of G can have any consequences for the status of S; in other words, Kant then has no way to argue from claims about the subjective conditions of cognition to conclusions about the subjective universality of S. I take it, therefore, that any attempt to defend the argument of Kant's "Deduction" as stated in § 38 must fundamentally have this structure.

The inference to (6) purports to turn on the logical principle that what is true of a genus is true of all species of that genus: if generic subjective state G is subjectively universal (4), then specific subjective state S, being a species of G (5), is likewise subjectively universal (6).²⁷ But this inference has two faults. First, if we suppose that it is valid, then, by parity of reasoning, and using steps (2) and (5) of the above argument as premises, we can argue as follows:

- (7) G is required for cognition. (= (2).)
- (8) S is a species of G. (= (5).)
- (9) Therefore, S is required for cognition.

Since S is the state of mind that constitutes or gives rise to the pleasure of taste, this entails the very conclusion that the distinction between S and G was supposed to avoid, namely that the pleasure of taste is a necessary accompaniment of all cognition.

However—and this is the second point—the inference is *not* valid. Kant, or his defenders, may have the impression that the inference has the same form as an argument like the following:

- (1) Headache is disruptive.
- (2) Migraine is a kind of headache.
- (3) Therefore, migraine is disruptive.

The first premise can be paraphrased as "Anything that is a headache, is disruptive"; and if it is so paraphrased, then, given the minor premise (2), the conclusion (3) follows. But Kant's inference is more like the following:

27. Thus, for example, Ameriks says that the special proportion of the cognitive powers is universally communicable because "it occurs simply as a special species (namely a "harmonic" one) of a proportion that must always exist in *some* form in any cognition (viz., as that *general* 'proportion' or agreement of faculties that is necessary in any coherent experience)" (*op. cit.* at n. 1 above, 299). Besides the logical error that I criticize here, this statement commits the interpretative error, criticized in section 2 above, of supposing that the harmony of the cognitive faculties is peculiar to judgments of taste. I shall consider Ameriks's defense of Kant's argument further in the last section of this paper.

- (1) Headache is a common occurrence.
- (2) Migraine is a kind of headache.
- (3) Therefore, migraine is a common occurrence.

This is plainly invalid, as is shown by the fact that the premises are true and the conclusion false. The argument, like Kant's, turns on a fallacy of division. The conclusion would only follow if the first premise could be paraphrased as "Anything that is a headache, is a common occurrence." But that is plainly a misconstrual; the first premise predicates being-a-common-occurrence not of everything belonging to the kind "headache", but of headache as an entity in its own right. By the same token, to say that the state of mind G is subjectively universal is not to say that every mental state that is of kind G is subjectively universal; it is to say that if your state of mind in relation to some object is of kind G, then (depending on which interpretation of "subjectively universal" is adopted) everyone else will be, or can be, or ought to be in a state of mind of kind G in relation to that object. Nothing whatever follows about more specific states of mind of kind G, such as S. In sum, from the sort of premises that have been considered so far, there is no logical route to the conclusion that Kant needs, except at the cost of absurd consequences.

5. KANT'S OTHER ARGUMENT

Kant has, however, another argument for the legitimacy of judgments of taste that proceeds on slightly, but crucially, different lines. It occurs in § 21:

Cognitions and judgments must, together with the conviction that accompanies them, allow of being communicated universally; for otherwise no agreement with the object would be owing to them: they would be collectively a merely subjective play of the powers of representation, just as skepticism would have it. But if cognitions are to allow of being communicated, then so must the mental state as well, that is, the attunement of the cognitive powers for a cognition in general, namely that proportion which is appropriate for making cognition out of a representation (whereby an object is given to us); for without this, as the subjective condition of cognizing, cognition, as the effect, could not arise. This actually happens every time that a given object, by means of the senses, brings the imagination into activity for the composition of the manifold, while the imagination brings the understanding into activity for the unity of the same²⁸ in concepts. But this attunement of the cognitive powers has various proportions

28. Kant's published text has "*derselben*", referring back to *die Zusammensetzung* (the composition). The *Akademie* edition alters this to "*desselben*" in order to make it refer back to *das Mannigfaltige* (the manifold), an alteration that has been followed in English translations. Though little turns on the point, it is evident that Kant means the unity of the composition, not the unity of the manifold, for in a parallel passage he says that the imagination is required "for the intuition and the composition of the manifold

according to the variety of the objects that are given. Nevertheless, there must be a proportion in which this internal relation is most advantageous for the enlivening of both mental powers (one by the other) with a view to cognition (of given objects) in general; and this attunement itself must allow of being communicated universally, and hence likewise the feeling of it (in a given representation); the universal communicability of a feeling, however, presupposes a common sense; one therefore has reason to assume such a sense, and to do so without relying on psychological observations on that account, but rather as the necessary condition of the universal communicability of our cognition, which must be²⁹ presupposed in every logic and every principle of cognition that is not skeptical. (§ 21, 5:238 f.)

For present purposes, we may take the argument to begin from the premise that “cognitions and judgments must, together with the conviction that accompanies them, allow of being communicated universally”, and to end with the claim that the feeling of a special “enlivening” attunement of the cognitive powers is universally communicable. Kant’s further inference that we are entitled to presuppose the existence of a common sense, and his attempt to derive the first premise from the mere presumption that cognitions are not “collectively a merely subjective play of the powers of representation, [. . .] as skepticism would have it”, are not relevant here. Also, although Kant never says specifically that the feeling of the special attunement of the cognitive powers is one of pleasure, the considerations presented in section 2 above should make it clear that it must be.

The crucial difference between the argument of § 21 and that of § 38 is Kant’s claim that the “proportion [of the cognitive powers] which is appropriate for making cognition out of a representation (whereby an object is given to us)” varies “according to the variety of the objects that are given.” The idea seems to be that a particular proportion of the cognitive powers is required for the cognition of each object.³⁰ Kant makes this claim nowhere else in the text, and he offers no argument for it or explanation of it, here or elsewhere.³¹ So let us simply consider it granted for now.

thereof” and the understanding “for the concept as representation of the unity of this composition [*als Vorstellung der Einheit dieser Zusammensetzung*]” (§ 35, 5:287).

29. *Werden muß*, following the first edition. The second edition drops “*muß*”, leaving the sentence ungrammatical.

30. Ameriks takes Kant’s statement to mean that for each *cognition* an attunement of the cognitive powers in a particular proportion is required (*op. cit.*, 295). This construal of the claim, as we have seen (section 3 above), makes the argument invalid.

31. In fact, at § 39, he makes an assertion that seems to be quite incompatible with it, namely that “the proportion of these cognitive faculties [viz., the imagination and the understanding] which is required for taste is also requisite for the common sound understanding that one may presuppose in everyone” (5:292 f.). This seems to imply that there is just *one* proportion of the cognitive faculties, required as much

It is by means of this claim that Kant avoids the dilemma presented earlier. That he avoids the implication that the pleasure of taste must accompany every cognition should be evident. The pleasure of taste arises, not from every kind of attunement of the cognitive powers, but only from the special “enlivening” attunement. This would be identical with that special variety of harmonious relation between the cognitive faculties which Kant elsewhere distinguishes by the fact that the faculties are in “free play”³². Kant also avoids the *non sequitur* that vitiated the versions of his argument that we considered earlier. To make clear that this is so, it will help to present the argument in a fairly explicit form, with the addition of several premises necessary for filling logical gaps:

(1) Some cognitions of objects are universally communicable with respect to those objects. (Premise.)

(2) For making a cognition out of the intuition of any given object, an attunement of the imagination and the understanding in a particular proportion is required. (Premise.)

(3) If a certain state of mind is required for a mode of representation that is itself universally communicable, then the state of mind is likewise universally communicable. (Implicit premise.)

(4) Therefore, any attunement required for the cognition of a given object is universally communicable with respect to that object. (From (1)–(3).)

(5) For some objects, the attunement of the cognitive powers required for cognition has a proportion that is especially advantageous for their mutual enlivening. (Premise.)

(6) Any such attunement is universally communicable. (From (4) and (5).)

Some further steps are needed to get to the conclusion that the pleasure arising from the special attunement of the cognitive powers is likewise universally communicable, but I wish to postpone that for a moment. The point to notice here is that the inference from genus to species in steps 4–6 is valid in this case because in step 4 the predicate “universally communicable with respect to an object” is applied, not to the genus “attunement required for cognition” as an entity in its own right, but to each and every such attunement, these being individuated by the proportion of imagination and understanding in them. A species of this genus is the set of attunements required for the cognition of objects in which the proportion of the cognitive powers is such as to give rise to a free play. Granted that all attunements belonging to the genus are universally

for ordinary cognitive judgments as for judgments of taste. Given, however, the extent of Kant’s credit for inaptness of expression, one could always draw on it here to claim that what he means is merely that in both cases *some* proportion of these cognitive faculties is required.

32. E.g., § 9, 5:217–19; § 40, 5:295 f.

communicable with respect to their objects, it follows that all attunements belonging to the species are universally communicable with respect to their objects.

6. A FINAL PROBLEM

Unfortunately, this is not the end of our difficulties. It remains to be shown that the *pleasure* arising from the special attunement of the cognitive powers is also universally communicable. Kant moves rather casually from “this attunement itself must allow of being communicated universally” to “hence likewise the feeling of it (in a given representation).” An obvious way to fill out this transition is as follows (beginning with a restatement of the previous conclusion):

(6) Any attunement of the cognitive powers in which their proportion is especially advantageous for their mutual enlivening is universally communicable with respect to its object.

(7) Any such attunement gives rise (necessarily) to a feeling of pleasure. (Premise.)

(8) Any feeling arising necessarily from a universally communicable state of mind is itself universally communicable with respect to its object. (Implicit premise.)

(9) Therefore, the feeling of pleasure arising from the special attunement of the cognitive powers is universally communicable with respect to its object. (From (6)–(8).)

Such an argument, however, has a problematic implication analogous to the implication with which the argument of § 38 was threatened. In the case of § 38, the implication was that the pleasure of taste must accompany every cognition. In the present case, the implication is that the pleasure of taste must accompany every cognition of any object of the special proportion of the cognitive powers. For according to step 7, if an object is such that the attunement of the cognitive powers required for cognition of it is of the sort that gives rise to a free play, then that attunement must also give rise to the pleasure of taste. In other words, Kant's argument, as construed above, leaves no room for the possibility of having cognition of a beautiful object *without* appreciating its beauty and feeling the pleasure of taste, something that is surely a common occurrence. On the other hand, if, contrary to step 7, we loosen the connection between the special attunement of the cognitive powers and the resultant pleasure so as to allow for this possibility, there seems to be no logical path to the conclusion of the argument. We have, in sum, a dilemma analogous to the one that faced the argument of § 38.

A passage in Ameriks's paper suggests a way out of this difficulty. At one point, Ameriks proposes that states of mind in which the cognitive powers enliven each other “would not be states necessarily involved in the perception of *every* object, but rather would be states had *whenever* the particular object (or one like it) that produced them

in an ordinary perception is again perceived in a normal way"³³. To shift Ameriks's emphasis, the claim is that the special proportion of the cognitive powers necessarily attends the *normal* perception of certain objects, rather than being required for *any* cognition of those objects whatever.

Such a construal of Kant's position escapes the dilemma just considered by doing two things. First, it introduces a certain looseness of connection, not between the special proportion of the cognitive powers and the associated feeling of pleasure, but between the cognition of the object of such a proportion and the proportion itself. This allows for the possibility of having cognition of the object without having the pleasure, namely in the case where one's cognitive powers are not in the special proportion. At the same time, the connection between the object and the special proportion, though it is not a necessary connection, remains a normative one: you may perceive the object without noticing its beauty, but only by dint of some abnormality of perception. If you perceived the object in a normal fashion, you would do so with your cognitive faculties in the appropriate proportion, and would accordingly be pleased with the object and find it beautiful.

The difficulty with Ameriks's proposal is how to ground the use of terms like "normal" and "abnormal" in this context. Obviously, they cannot be explained in terms of whether some perception of an object includes the perception of its beauty, for then the conclusion of Kant's argument becomes the trivial proposition that anyone who perceives the beauty of the object will perceive its beauty. Nor do we fare much better if we define "normal perception" as a perception that includes or is accompanied by the special proportion of the cognitive faculties, for then the claim of the judgment to universal concurrence is pertinent only to those who happen to judge the object with their faculties in the special proportion. If we say that a "normal" perception is any perception out of which a cognition may be made, then to say that the special proportion of the cognitive powers attends any "normal" perception of a given object is to say that it is required for any (perceptual) cognition of that object; which returns us to our initial predicament. Clearly the only way to avoid such difficulties is to explain "normal perception" in terms that are completely independent of Kant's particular account of judgments of taste. One would have to identify a source of normativity for judgments of taste other than the mere power of judgment itself.

Such a move, however, would clash with Kant's declared philosophical project in such a way as to make it questionable whether it would constitute a genuine defense of his argument. One reason why an examination of judgments of taste is part—indeed, according to Kant, the most important part³⁴—of a critique of the power of judgment is the fact that, as he strives to show, such judgments are made possible by our bare

33. Ameriks, *op. cit.*, 299.

34. Preface, 5:169; cf. sec. VIII, 5:193.

possession of a power of judgment. This claim is made in one of the sections leading up to the § 38 “Deduction”:

The judgment of taste [. . .] is founded on nothing but the subjective formal condition of a judgment in general. The subjective condition of all judgments is the very faculty of judging, or the power of judgment. (§ 35, 5:287)

Further, Kant argues in the two versions of the Introduction that judgments of taste are the operations in which the power of judgment exhibits its autonomy. To explain this briefly, the autonomy—or as Kant also calls it, “heautonomy”—of the power of judgment consists in its governing itself by a principle that is independent of the legislation of the other higher cognitive faculties, understanding and reason.³⁵ This is the principle of what Kant terms the subjective purposiveness of nature (secs. IV and V; *EE*, sec. V). Beautiful objects, he claims (though it is one of the murkiest of all his claims in the third *Critique*), are concrete instances, or exhibitions (*Darstellungen*), of this same purposiveness (sec. VIII, 5:193).³⁶ For this to be the case, judgments of taste must be acts in which we exercise the power of judgment under the governance of none but its own principle of the subjective purposiveness of nature; and for that to be the case, they must derive their normativity from nowhere but the mere power of judgment itself.

Even if this problem can be solved, Kant’s deduction has a more fundamental difficulty. Kant offers no justification for holding that the subjective formal condition of a judgment in general is a state of proportionate attunement or harmonious play between one’s cognitive faculties. In fact, he offers no reason to believe that judgments have a subjective formal condition in the first place, whatever such a condition may be taken to consist in. Likewise, his crucial thesis that each object of experience requires a specific proportion of the cognitive faculties comes out of thin air. Hence, even if one can make the argument “work”—that is, make its conclusion follow from its premises without unacceptable collateral consequences—the fact remains that crucial premises are unsupported by argument and have little to recommend them to our assent on their own account. It is less contentious to assume outright that judgments of taste are legitimate than it is to assume that all judgments about objects of experience rest on a

35. See sec. V, 5:185 and *EE*, sec. VIII, 20:225. In strictness, heautonomy and autonomy are not the same. A cognitive faculty is autonomous just in case it is governed by its own law and no other; it is heautonomous just in case it is autonomous and its law governs nothing other than itself. The application of this distinction is the following: while the principles of the understanding are laws of nature, and the principles of reason laws of free action, there is no domain of objects to which the principle of judgment applies; judgment merely governs itself by it.

36. For other passages on the connection between judgments of taste and the autonomy of judgment, see sec. IX, 5:196 f. and *EE*, sec. VIII, 20:225.

proportionate attunement of our cognitive faculties, whatever exactly that means, in order to “prove” that judgments of taste are legitimate.³⁷

7. THE TASK OF THE DEDUCTION RECONSIDERED

Kant's deduction therefore does not and cannot achieve its declared aim of providing the judgment of taste with a “legitimation of its pretension” or a “guarantee of legitimacy”.³⁸ But it may be doubted whether such expressions best represent what the deduction is really supposed to do. Commentators have often noted that the Kantian task-setting question “How is X possible?” (as in the passage from § 36 quoted at the beginning of this paper) is ambiguous. It may be taken as a request for a proof that X is possible, or as a request for an account of conditions that would explain X, where the possibility, or even the actuality, of X is taken for granted. The fact that Kant's deduction fails as an answer to the question “How are pure judgments of taste possible?” taken in the first way does not mean that it must fail as an answer to that question taken in the second way.

The deduction fails to prove that we have the right to make judgments of taste; but it may yet succeed as an *explanation* of that right, *granted* that we have it. If the problem discussed in the preceding section—that of making the argument of § 21 consistent with the possibility of experiencing a beautiful object without appreciating its beauty—can be solved within the limits of Kant's project, then the deduction shows that Kant's premises concerning the subjective formal conditions of judging are adequate to explain the possibility of judgments of taste. Taken together with the *presumption* of that possibility, this fact would give one reason to accept Kant's premises, in the absence of a better explanation of the possibility of judgments of taste. Given that Kant's animating concern in the *Critique of Judgment* is rather with the nature and scope of our cognitive faculties than it is with the nature of taste specifically, such a result would be no great disappointment of his aims.

In fact, there are two passages that suggest that this is precisely the task that Kant had in mind for the deduction of judgments of taste, however much he may overstate

37. Jens Kulenkampff makes the similar charge that Kant's ostensible deduction of judgments of taste is in essence a mere recapitulation of the exposition of such judgments in §§ 1–22 and therefore no genuine deduction of them at all: *Kants Logik des ästhetischen Urteils*, 2nd ed. (Frankfurt am Main: Vittorio Klostermann, 1994), 113–116.

38. “Legitimation seiner Anmaßung”: § 30, 5:279; “Gewährleistung der Rechtmäßigkeit”: § 31, 5:280.

its pretensions elsewhere. One of them occurs at the end of § 35.³⁹ After he has argued (or anyway asserted) that the basis of a judgment of taste must be the subjective condition of all judgments, and that this condition must be the harmony of imagination and understanding, Kant says:

In order now to find out this ground of right by means of a deduction of judgments of taste [*Um diesen Rechtsgrund nun durch eine Deduktion der Geschmacksurteile ausfindig zu machen*], we can only use the formal peculiarities of judgments of this kind as a guiding thread, hence we can consider nothing about them but their logical form. (§ 35, 5:287)

Kant says that the logical peculiarities of judgments of taste must alone guide us in “finding out” the state of mind from which judgments of taste may legitimately be made. What is odd about this statement is that Kant speaks as if he were *about* to reveal, by means of a deduction, what he has *already* claimed to discover, namely that the basis of judgments of taste is (a variant of) the subjective condition of judgments in general. This suggests that the deduction is intended as a mere recapitulation of what has already been “discovered”—or rather conjectured, since Kant has no independent argument for his theory of the subjective condition of judgments. This could be explained by the supposition that the purpose of the deduction is merely to show that that theory is adequate to explain the *assumed* fact that we have the right to make judgments of taste. It does this by demonstrating that, given that theory as a set of premises, the conclusion that we have the right to make judgments of taste follows. Thus, although the deduction, logically speaking, has the appearance of trying to prove this conclusion, its real (or at any rate, its most defensible) philosophical purpose is to lend credibility to Kant's theory of the subjective condition of judgments.

The other bit of evidence for this reading is the text of § 38 itself. It is a striking feature of this, the official statement of the “Deduction of Judgments of Taste”, that it opens with a conditional premise: “*If it is granted* that in a judgment of taste”, etc. (5:289). It has not been commonly noted that the conclusion of the argument is stated in an equally, if less explicitly, conditional fashion:⁴⁰

39. Also worthy of mention is a passage that suggests a task even more modest than the one that I have proposed here. At the end of § 31, Kant says that the resolution (*Auflösung*) of the logical peculiarities (*logische Eigentümlichkeiten*) of the judgment of taste—these being (1) its claim to validity for all judging subjects (“first peculiarity”, § 32, 5:281) and (2) its incapability of proof (“second peculiarity”, § 33, 5:284)—“will by itself be sufficient for the deduction of this peculiar faculty [namely taste]” (5:281). This statement suggests that the deduction is merely supposed to show how a judgment having the logical characteristics of a pure judgment of taste is coherently conceivable, not how a judgment having those characteristics can be legitimate. That, surely, can only be *part* of the task of the deduction, on any construal. This is noted by Kulenkampff, *op. cit.*, 112.

40. The neglect of this feature of the text among English-speaking commentators may be explained, though not excused, by the fact that none of the English translations of the *Critique of Judgment*

That is to say, the pleasure, or the subjective purposiveness of the representation for the relation of the powers of cognition in the judging of a sensible object in general, *will* allow of being rightfully expected of everyone [*wird jedermann mit Recht angesonnen werden können*]. (§ 38, 5:289 f., emphasis added)

Why does Kant say that the pleasure attaching to the contemplation of the mere form of an object *will* allow of being rightfully expected of everyone, rather than simply saying that it *does* allow of this? I suggest that the reason is that the philosophical point of the argument is not to prove its ostensible conclusion, but rather to recommend its *premises* to our assent by showing that they are logically adequate to explain (by entailing) a fact that we accept independently, namely that we have the right to make judgments of taste. To be sure, this is not a proof, even an indirect one, that the premises are true: they remain merely hypothetical. But as long as no one has produced an alternative hypothesis that is equally adequate to explain the possibility of judgments of taste, Kant's "Deduction" places the burden of proof, or rather disproof, upon those who would reject his explanation.

available hitherto have retained Kant's use of the future tense in this sentence.