What is orientation in judgment?:

an essay on Kant's theory of *Urteilskraft*

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Abstract (EN)

In this thesis I provide an account of the faculty of the mind that Kant calls 'the power of judgment' [*Urteilskraft*]. While there is an abundance of literature on various aspects of Kant's theory of judgment in the Critical philosophy, there has been no sustained treatment of the nature of the faculty that is the subject of the third *Critique* (1790). I argue that the power of judgment is a fundamentally reflective, affective, and orientational capacity that occupies a central place within Kant's account of the human mind. To this end, I trace the development of Kant's thinking on judgment—from the pre-Critical to the Critical period, as well as from the first to the third *Critique*—to show how it continues to gain prominence within Kant's taxonomy of the mind.

The first two chapters set the stage. In chapter 1, I discuss Kant's pre-critical conception of judgment against the backdrop of his German Rationalist predecessors—in particular, Wolff and Meier. For these thinkers, judgment is construed as the logical act of connecting concepts in the mind. I show that the early Kant follows his tradition in putting forward a merely logical conception of judgment, but I draw attention to two striking features of his view at this point, as articulated in the *False Subtlety* essay (1762) and his 1770s logic lectures. First, Kant already prioritizes judgment within his conception of the mind, even before the power of judgment appears as a distinct faculty. Whereas his predecessors see judgments as composed of concepts (as more basic units of the mind), Kant argues that concepts themselves depend on an act of judgment. Despite only recognizing two higher cognitive faculties (understanding and reason), he describes these as nothing but two different ways of judging (immediate and mediate). Indeed, he even goes as far as to describe them as jointly comprising 'the capacity to judge' [*Vermögen zu urteilen*] (*FS* 2:59)—a clear forerunner to his Critical view (*KrV* A69/B94). Second, Kant already recognizes the limits of logic, as the science of the rules of the understanding, in furnishing a complete account of judgment: there can be no rules for the application of rules (*Refl* 2173, 16:258).

In chapter 2, I turn to Kant's faculty psychology in the Critical period, where the power of judgment emerges as a third (and intermediate) higher cognitive faculty, whose primary task is to determine whether a particular rule applies in a given case (*KrV* A132/B171)—a task that Kant initially assigns to the 'healthy understanding' [*gesunder Verstand*]. Notably, it appears in the first *Critique* (1781) alongside (or between) the understanding and reason—all three of which now constitute 'the capacity to judge.' However, the relationship between this new 'power' and the ostensibly broader 'capacity' of which it is a part is hardly clear. To this end, I aim to situate the power of judgment within Kant's taxonomy of the mind. I argue that Kant is motivated by an explanatory gap in his initial division of the higher cognitive faculties, only hinted at in the idea of a healthy understanding. More particularly, I claim that the power of judgment should be understood not merely as an actualizing force but as performing an essential mediating function. In short, the capacity to judge *needs* the power of judgment.

Even then, the power of judgment plays only a subservient role in the first *Critique*—carrying out the tasks of the understanding, but with no special principle of its own. It is only in 1787 that Kant comes to recognize that, like the understanding and reason (which legislate for the fundamental faculties of cognition and desire), the power of judgment as the intermediate higher cognitive faculty legislates for the intermediate fundamental faculty of feeling of pleasure and displeasure (*Corr* 10:513-516). Hence, like the other two higher cognitive faculties, the power of judgment

must also undergo critique. Thus the remainder of the thesis occupies itself with the nature of this faculty, as spelled out in the third *Critique*, along with the nature of its special principle.

The central argument comes in chapter 3, where I consider Kant's distinction between the 'determining' [*bestimmend*] and 'reflecting' [*reflectirend*] power of judgment (*KU* 5:179). There is no consensus among commentators as to what this distinction amounts to—or even as to whether it was present in any way in the first *Critique*. I argue that reflecting judgment enjoys a priority over determining judgment in exclusively characterizing the power of judgment. I argue against a prominent view that adheres to what I call a *determinative ideal*, according to which determination is the telos of all acts of the power of judgment (Longuenesse 1998). On this view, reflecting judgment primarily aims at generating empirical concepts for the sake of cognition. I claim that this subordinates 'merely reflecting' judgment [*bloß reflectirend*] as a failed or incomplete act of judgment, which is incompatible with the independence of the power of judgment as a faculty of the mind with its own *a priori* legislative principle. Instead, I argue that we should invert this picture: in reflecting, judgment pursues its own ends, which derive from its status as a higher cognitive faculty. I focus on the subsumptive structure of reflecting judgment itself, exhibited in the activity of mere reflection, to show that only those acts that are guided solely by the principle of purposiveness express the *autonomy* of the power of judgment (which Kant calls 'heautonomy'). By contrast, determining judgment is not on par with reflecting judgment, for its principle is always provided by another higher cognitive faculty (either the understanding or reason).

Chapters 4 and 5 deal with questions that arise from the foregoing account, which entails that the power of judgment has intrinsic interests and ends that are irreducible to the needs of another faculty. To this end, I specify both the structure of this activity, as well as what it means for it to operate under the guidance of a principle. On my view, the power of judgment 'in general' should be understood as a capacity for purposive subsumption—a view that both unifies the power of judgment and discloses the significance of its critique.

In chapter 4, I focus on the nature of the transcendental principle of the reflecting power of judgment. I argue that the notion of subjective purposiveness can be understood in terms of three distinctive features: subjectivity, indeterminacy, and affectivity—in contrast to the norms of understanding and reason (i.e., objective, determinate, and discursive). I draw on the notion of the 'free lawfulness' of the imagination—its contingent agreement with the understanding—in order to consider what it means for merely reflecting judgment to operate under the guidance of a principle. I suggest that there is in fact a second notion of subjective purposiveness, more fundamental than the suitability of nature for our faculties—namely, the suitability of our cognitive faculties for each other. Thus what it means for the power of judgment to legislate to itself just is for it to take the structure of its own activity to be something that could hold for the world.

I conclude, in chapter 5, by arguing that we should understand the aims and activity of the power of judgment in orientational terms. Drawing on Kant's 1786 essay, 'What is orientation in thinking?,' I highlight the affective dimension of orientation—that is, its link to feeling. I argue that this allows us to see a new role for the power of judgment both as a mediator, as well as in its relation to the method of critique.

Abstract (FR)

Dans cette thèse de doctorat, je fournis une lecture de la faculté de l'esprit que Kant appelle la faculté de juger (*Urteilskraft*). Bien qu'il y ait une littérature abondantes sur différents aspects de la théorie kantienne du jugement dans la philosophie critique, il ne se trouve aucune interprétation systématique de la nature de la faculté qui est le sujet de la troisième *Critique* (1790). Je défends que la faculté de juger est une capacité fondamentalement réflexive, affective et orientationnelle qui occupe une place centrale dans la manière dont Kant comprend l'esprit humain. Pour cela, je retrace le développement de la pensée kantienne du jugement – de la période pré-critique à la période critique et de la première à la troisième *Critique* – pour montrer comment elle gagne en importance à l'intérieur de la taxonomie kantienne de l'esprit.

Les deux premiers chapitres mettent la table. Dans le premier chapitre, je situe la conception kantienne du jugement de la période pré-critique dans le contexte du rationalisme allemand, en insistant en particulier sur deux de ses prédécesseurs, Wolff et Meier. Pour ceux-ci, le jugement est un acte logique de liaison des concepts dans l'esprit. Je montre que, dans son œuvre de jeunesse, Kant s'inscrit dans cette tradition en réduisant lui aussi le jugement à sa dimension logique. J'attire toutefois l'attention sur deux caractéristiques frappantes de sa pensée à cette époque, tel qu'il l'articule dans l'essai sur *La fausse subtilité* (1762) et ses cours des années 1770 sur la logique. Premièrement, Kant priorise déjà le jugement dans sa conception de l'esprit, même avant que la faculté de jugement ne s'impose comme une faculté distincte. Alors que ses prédécesseurs conçoivent le jugement comme une combinaison de concepts (en tant qu'unités plus simples de l'esprit), Kant défend que les concepts eux-mêmes dépendent d'un acte de jugement. Malgré le fait qu'il ne reconnaisse que deux facultés supérieures de la connaissance (l'entendement et la raison), il les décrit comme n'étant rien d'autre que deux façons différentes de juger (immédiate et médiate). En effet, il va jusqu'à dire qu'ensemble, elles constituent le « pouvoir de juger » (*Vermögen zu urteilen*) (*FS* 2 :59) – une idée annonciatrice de son point de vue critique (*KrV* A69/B94). Deuxièmement, Kant reconnait déjà les limites de la logique en tant que science des règles de l'entendement pour rendre compte du jugement : il ne peut y avoir aucune règle pour l'application des règles (*Refl* 2173, 16:258).

Dans le deuxième chapitre, je me tourne vers la psychologie kantienne des facultés de la période critique, durant laquelle la faculté de juger émerge comme une troisième (et intermédiaire) faculté supérieure de connaitre, dont la tâche principale est de déterminer si une règle particulière s'applique à un cas donné (*KrV* A132/B171) – une tâche que Kant assigne initialement à un « entendement sain » (*gesunder Verstand*). La faculté de juger apparait notamment dans la première *Critique* (1781) à côté (ou entre) l'entendement et la raison – les trois constituant désormais le pouvoir de juger. Toutefois, la relation de cette nouvelle « faculté » à un « pouvoir » soi-disant plus large, duquel elle est une partie, demeure indéterminée. Mon but est de situer le pouvoir de juger à l'intérieur de la taxonomie kantienne de l'esprit. Je défends que Kant est alors motivé à combler un écart dans l'explication de sa division initiale des facultés supérieures de connaitre, jusqu'alors sous-entendue dans l'idée d'un entendement sain. Plus particulièrement, je prétends que la faculté de juger devrait être comprise non seulement comme une force active, mais comme performant une fonction essentielle de médiation. En un mot, le pouvoir de juger dépend de la faculté de juger.

Même dans un tel cas, la faculté de juger ne joue qu'un rôle subordonné dans la première *Critique* : elle accomplit la tâche de l'entendement, sans toutefois détenir son propre principe. Ce n'est qu'en 1787 que Kant en vient à reconnaitre que, comme l'entendement et la raison (qui légifèrent pour les facultés fondamentales de connaitre et de désirer), le jugement en tant que faculté de connaitre supérieure intermédiaire légifère pour la faculté fondamentale du sentiment de plaisir et de peine (*Corr* 10:513-516). Comme les deux autres facultés supérieures de connaitre, la faculté de juger doit donc aussi faire l'objet d'une critique. Le reste de ma thèse traite ainsi de la nature de cette faculté, telle qu'elle est élaborée dans la troisième *Critique*, et de la nature de son principe.

L'argument principal de cette thèse est développé au troisième chapitre, dans lequel je considère la distinction faite par Kant entre le jugement déterminant (*bestimmend*) et réfléchissant (*reflectirend*) (*KU* 5:179). Les commentateurs ne s'entendent ni sur la signification de cette distinction ni sur la question de savoir si elle était présente d'une façon ou d'une autre dans la première *Critique*. Pour ma part, je défends qu'en caractérisant de manière exclusive la faculté de juger, le jugement réfléchissant possède une priorité sur le jugement déterminant. Ce faisant, je m'oppose à un point de vue largement partagé qui adhère à ce que j'appelle un *idéal de détermination*, d'après lequel la détermination est le telos de tous les actes de la faculté de juger (Longuenesse 1998). Selon ce point de vue, le jugement réfléchissant vise principalement à générer des concepts empiriques pour la connaissance. Je prétends qu'un tel point de vue subordonne le jugement simplement réfléchissant (*bloß reflectirend*) en le concevant comme un acte de jugement raté ou incomplet, ce qui est incompatible avec l'indépendance de la faculté de juger en tant que faculté de l'esprit ayant son propre principe législatif a priori. Je défends plutôt que nous devrions inverser le tableau : en réfléchissant, le jugement poursuit ses propres fins, qui dérivent de son statut en tant que faculté supérieure de connaitre. J'insiste alors sur la structure subsumante du jugement réfléchissant telle qu'elle se présente dans l'activité de la simple réflexion pour montrer que seuls les actes qui sont uniquement guidés par le principe de finalité expriment l'autonomie de la faculté de juger (que Kant appelle « héautonomie »). Par contraste, le jugement déterminant agit à un niveau différent du jugement réfléchissant, puisque son principe est toujours fourni par une autre faculté supérieure de connaitre (que ce soit l'entendement ou la raison).

Le quatrième et le cinquième chapitre traitent des enjeux soulevés par ma lecture, laquelle implique que la faculté de juger possède des intérêts et des fins intrinsèques qui sont irréductibles aux besoins d'une autre faculté. À cette fin, je précise la structure de son activité, ainsi que ce que signifie pour elle d'être guidée par un principe. De mon point de vue, la faculté de juger « en général » doit être comprise comme un pouvoir de subsomption téléologique – un point de vue qui unifie la faculté de juger et qui éclaire l'importance de sa critique.

Dans le quatrième chapitre, je me concentre sur la nature du principe transcendantale du jugement réfléchissant. Je défends que la notion de finalité subjective peut être comprise à partir de trois caractéristiques distinctives : la subjectivité, l'indétermination et l'affectivité – par contraste avec les normes de l'entendement et de la raison (par exemple, l'objectivité, la détermination, la discursivité). La notion de « libre jeu » de l'imagination – son accord contingent avec l'entendement – me permet de considérer ce que signifie pour un jugement simplement réfléchissant d'opérer sous la direction d'un principe. Je suggère qu'il y a en fait une deuxième notion de finalité subjective, plus fondamentale que la compatibilité de la nature avec nos facultés, à savoir la compatibilité de nos facultés l'une pour l'autre. En légiférant pour elle-même, la faculté

de juger prend la structure de sa propre activité pour être quelque chose qui pourrait (aussi) être applicable au monde.

Dans le cinquième chapitre, je conclus en défendant que nous devons comprendre les visées et l'activité de la faculté de juger dans des termes orientationnels. À partir de l'essai de Kant de 1786, « Qu'est-ce que s'orienter dans la pensée? », je souligne la dimension affective de l'orientation, c'est-à-dire son lien au sentiment. Je défends que cette dimension nous permet d'accorder un nouveau rôle à la faculté de juger, d'une part, en tant que médiatrice et, d'autre part, dans sa relation à la méthode critique.

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Abbreviations

The following abbreviations are used for primary texts. Full bibliographic entries can be found at the end. All citations of Kant refer to Volume: Page # of *Kants gesammelte Schriften* [29 Vols.] (Berlin: de Gruyer, 1902-), with the exception of *KrV*, which follows the standard A/B pagination.

Kant

Anth = Anthropologie in pragmatischer Hinsicht / Anthropology from a pragmatic point of view

BL = Blomberg Logic

BuL = Busolt Logic

CA = Collins Anthropology

Corr = Correspondence

DWL = Dohna-Wundlacken Logic

DWM = Dohna-Wundlacken Metaphysics

FA = Friedländer Anthropology

FI = First Introduction to *KU*

FS = Die falsche Spitzfindigkeit der vier syllogistischen Figuren / The false subtlety of the four syllogistic figures

GMS = Grundlegung zur Metaphsik der Sitten / Groundwork of the metaphysics of morals

HM = Herder Metaphysics

Inq = Untersuchung über die Deutlichkeit der Grundsätze der natürlichen Theologie und der Moral / Inquiry concerning the distinctness of the principles of natural theology and morality

JL = Jäsche Logic

KpV = Kritik der practische Vernunft / Critique of Practical Reason

KrV = Kritik der reinen Vernunft / Critique of Pure Reason

KU = Kritik der Urteilskraft / Critique of the Power of Judgment

MA = Menschenkunde Anthropology

MFNS = Metaphysische Anfangsgründe der Naturwissenschaft / Metaphysical foundations of natural science

MdS = Metaphysik der Sitten / Metaphysics of morals

MM = Mrongovius Metaphysics

MvS = Metaphysics von Schön

PA = Parow Anthropology

PL = Philippi Logic

PM = Pölitz Metaphysics

Prol = Prolegomena zu einer jegen künftigen Metaphysik / Prolegomena to any future metaphysics

Refl = Reflections

RP = Preisschrift über die Fortschritte der Metaphysik / What real progress has been metaphysics made in Germany since the time of Leibniz and Wolff?

TP = Über den Gemeinspruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis / On the common saying: 'This may be true in theory, but it does not apply in practice'

VM = Volckmann Metaphysics

WL = Wiener Logik

WO = Was heißt; sic him Denken orientiern? / What is orientation in thinking?

Baumgarten

M = Metaphysics

Meier

AV = Auszug aus der Vernunftlehre / Excerpts from the Doctrine of Reason

V = Vernunftlehre / the Doctrine of Reason

Wolff

AN = Ausfürliche Nachricht von seinen eigenen Schriften

DL = Deutsche Logik / German Logic

DM = Deutsche Metaphysik / German Metaphysics

LL = Latin Logic

Introduction

Whatever one might say about our current social and political climate, many would likely agree that we are experiencing a crisis of judgment. The abilities of thinking for oneself, taking a critical stance, and refusing to rely on prejudice seem in short supply. For this reason, we would do well to turn to the eighteenth century, which has been called 'the age of judgment' (Soni 2010, 2016). Here, there is no more celebrated theorist of judgment than Immanuel Kant, whose *Critique of the Power of Judgment* (1790) is not only the first major text in aesthetics, but arguably the most sophisticated articulation of the human capacity to judge in general.

There has been a steady interest over the past fifty years in some of the central issues of the third *Critique* (e.g., beauty, sublimity, the feeling of pleasure, artistic genius, teleology, and biology). More often than not, however, these issues tend to be treated in isolation, rather than placed in the larger context of Kant's Critical philosophy (Allison 2001; Crawford 1974; Guyer 1997; McLaughlin 1990; Zumbach 1984). Moreover, commentators rarely step back to consider the precise nature of the faculty of the mind which both undergoes critique and is responsible for producing the various kinds of judgments that Kant discusses in the text. In short, very little attention has been paid to 'the power of judgment' [*Urteilskraft*] itself.

Contemporary philosophical accounts of judgment have generally focused on the nature of judgment in the context of theories of rationality in epistemology and the philosophy of mind—an emphasis that is reflected in the trends of Kant scholarship (Ball & Schuringa 2019; Moltmann & Textor 2017; Nuchelmans, 1984; Sosa 2015). Despite the widespread recognition that the notion of a 'judgment' [*Urteil*] is central to Kant's Critical philosophy as a whole, much of the secondary literature in the English speaking world over the past several decades has

concentrated on the importance of judgment for the main concerns of analytic philosophers—especially its significance for issues in logic and its relation to logicians such as Frege, Bolzano, and Russell (Lapointe 2019; MacFarlane 2000, 2002; Tolley 2007). More generally, Kant scholarship has tended to emphasize the importance of judgment for the main concerns of the *Critique of Pure Reason* (1781/1787), such as apperception and consciousness, synthesis and the categories, objectivity, and cognition (Brandt 1995; Longuenesse 1998; Kitcher 1990, 2011; Schulting 2017; Wolff 1995). So much so that the *Stanford Encyclopedia* entry on "Kant's Theory of Judgment" deals with judgment as if it were an exclusively cognitive notion (Hanna 2017).[1]

To be sure, some commentators have approached the third *Critique* with an eye towards its underlying unity, but almost never in terms of the nature of the power of judgment, and, along with this, Kant's distinction between its 'determining' [*bestimmend*] and 'reflecting' use [*reflectirend*]. Focusing on the introductory material, in which Kant sets out his aims for the text, an overwhelming number of these commentators see Kant's central concerns in the third *Critique* as epistemological (Ginsborg 2015; Zuckert 2007). As a result, most of this scholarship has focused on showing the relevance of the text for Kant's account of cognition, and, in particular, the first *Critique* (Kukla (ed.) 2006). Though this approach also tends to neglect the power of judgment, it nonetheless entails a view according to which it has fundamentally

[1] After mainly citing passages taken from Kant's theoretical philosophy, Hanna describes judgments as "essentially propositional cognitions" (2017, §1.2). He also says that judgments are objectively valid representations that are truth-apt, which is to say, they are related to objects and either true or false. There is no suggestion that this only applies to a subset of judgments in general (i.e., those that Kant considers in the first *Critique*) though this important qualification must be made. For as we will see, the judgments that Kant treats in the third *Critique*—paradigmatic products, no less, of what Kant takes the activity of judgment to consist in—are subjective and affective. That is, they are related not to objects but rather to the subject and their capacity for feeling. It is unclear what explains this general tendency to speak of Kant's account of judgment in the first *Critique* as if it were the sole expression of Kant's thinking on the nature of judgment.

cognitive aims and is therefore significant primarily for making cognition possible.[2] On this reading, reflecting judgment is chiefly directed at the formation of empirical concepts and laws to be employed in determining judgment. As a result, many of these commentators are committed to saying that the 'merely reflecting' [*bloß reflectirend*] judgments, which are treated in the body of the text, are failed or incomplete judgments. It is this overall preoccupation with the cognitive that I wish to challenge in what follows.

In this thesis I provide an account of the faculty of the mind that Kant calls 'the power of judgment' [*Urteilskraft*]. Despite the abundance of literature on various aspects of Kant's theory of judgment in the Critical philosophy, which has just been noted, there has been no sustained treatment of the specific faculty that is the subject of the third *Critique*.[3] I argue that the power of judgment is a fundamentally reflective, affective, and orientational capacity that occupies a central place within Kant's account of the human mind. To this end, I trace the development of Kant's thinking on judgment—from the pre-Critical to the Critical period, as well as from the first to the third *Critique*—to show how it continues to gain prominence within Kant's taxonomy of the mind.

That the power of judgment occupies a unique role among the faculties of the mind, for Kant, is not surprising. In the Preface to the third *Critique*, Kant draws attention to the role that the power of judgment plays as an "intermediary" between the other two higher cognitive faculties, namely, understanding and reason (*KU* 5:168, 177). There Kant notes that a critique of the power of judgment is necessary to complete what he had begun with the first *Critique*: a

[2] See Zammito, for whom Kant's account of reflecting judgment in the third *Critique* indicates a decidedly "cognitive turn" (1992, 151-177).

[3] To my knowledge, there is only one commentator in English that has taken up the specific question of the nature of the power of judgment (Teufel 2012). The situation is somewhat better in the German scholarship, which has two monographs on the topic (Jeng 2004; Wieland 2001).

critique of our cognitive faculties *in general*, which would thus encompass not only understanding and reason (the subjects of the first two *Critiques*, respectively) but also the power of judgment.[4]

What *is* surprising, however, is Kant's realization that such a critique would be necessary only a few years prior to the publication of the third *Critique*. In his famous 1787 letter to Reinhold, Kant describes working on a critique of taste *only* after recognizing "something systematic" (*Corr* 10:513-16)—namely, that each of the three fundamental faculties of the human mind have their own *a priori* principles.[5] Kant had initially held that a critique of aesthetic judgment was impossible, since he took feeling to be entirely subjective and thus incapable of grounding universally valid knowledge claims (*KrV* A21). Kant also indicates that he had previously thought that his first two critiques (of theoretical and practical reason, respectively) would be sufficient for the task of providing a unified and complete system of philosophy. But, after having established the reality of the domains of nature and freedom in the first two *Critiques*, there remained "an incalculable gulf…just as if there were so many different worlds" (*KU* 5:175-76). To combine these two parts of philosophy into a systematic whole was the final task, and it was a job that, he came to believe, could only be performed through an analysis of the faculty of mind that had not yet undergone critique: the power of judgment. Thus

[4] The Critical Kant recognizes the power of judgment as one of three higher cognitive faculties, alongside the understanding and reason (*KrV* A130/B169). Each of his three critiques focuses on one of these, whereby a critique of the faculty at hand yields a normative principle that governs its activity in its respective domain. For the understanding, the pure categories function as the laws of nature, which ground judgments of perceptual experience; in the case of reason, it is the moral law, which dictates how to use our freedom in making judgments about how to act. In the third *Critique*, Kant puts forward the principle of purposiveness as the principle of the power of judgment, aiming to unify the natural and moral worlds.

[5] The three higher cognitive faculties just mentioned are all part of the 'fundamental' faculty of cognition. Kant recognizes two other fundamental faculties: the faculty of desire and the faculty of feeling. What's more, he connects each of the higher cognitive faculties with a fundamental faculty: The laws of the understanding govern the faculty of cognition; the laws of reason govern the faculty of desire (i.e., the will); and, the principle of the power of judgment (purposiveness) legislates for the faculty of feeling. Feeling thus enjoys a special relationship to the power of judgment, as its corresponding fundamental faculty.

Kant concludes the Preface to the third *Critique* by declaring: "[W]ith this I bring my entire critical enterprise to an end" (*KU* 5:170). Such a bold statement invites us to ask: What is it about the power of judgment that allows and even demands it play this significant unifying role?

Answering this question requires, among other things, attending to the way in which Kant's conception of judgment changed over the course of the 1780s, between the first and third *Critiques*. In the first *Critique*, Kant defines the power of judgment *in general* as "the faculty of subsuming under rules," which is to say, "determining whether something stands under a given rule or not" (*KrV* A 133/B 172). Kant recognizes the need to distinguish the understanding, as the faculty of rules, from a faculty that would be concerned with applying rules. Insofar as rules are inherently general, which is to say, can be applied to more than one case, there must be a separate faculty that is responsible for recognizing when a rule applies in a given case. Importantly, this faculty cannot itself be governed by rules that would direct it in its application of rules, for this would only generate a regress problem. For this reason, Kant refers to the power of judgment as a "talent" or skill, which "cannot be taught but only practiced" (*KrV* A133/B172).

Kant provides a similar definition of the power of judgment in the Introduction to the third *Critique*: it is "the faculty for thinking of the particular as contained under the universal" (*KU* 5:179). This time, however, Kant makes a distinction between two uses of this faculty, which he refers to as 'determining' [*bestimmend*] and 'reflecting' [*reflectirend*]. In the former, a universal (a rule or a concept) is given, and the task of judgment is to subsume a particular under it. For example, if one takes the empirical concept of a couch and applies it to an object, thereby recognizing it as a couch, then one makes a determining judgment. In reflecting, however, there is no universal at hand which can be applied to a particular; instead, a particular is given for which we lack a concept under which to think it. For example, it might be the first time that one

is seeing a couch; in this instance, one must ascend *from* the particular to the universal, searching for a concept under which it could be placed. But Kant also takes aesthetic judgment to be paradigmatic of the power of judgment in its 'merely reflecting' use—that is, in which no concept is found.

Of central concern in what follows will be the precise relationship between these two uses of judgment. It is common to see reflection as merely a capacity to produce empirical concepts for determinate cognition; in this, judgment would only exist for the sake of the understanding. I think that this both instrumentalizes and marginalizes reflection. I will argue that reflection has its own aims and ends, which are irreducible to those of theoretical or practical reason. As an independent—indeed, autonomous—faculty, the power of judgment has its own *a priori* principle: the principle of purposiveness [*Zweckmässigkeit*], which is the formal principle of *all* judgments. Notably, of this purposiveness, Kant writes:

> [It] is not a concept of the object at all, but only a principle of the power of judgment for providing concepts in the face of this excessive multiplicity in nature (*in order to be able to be oriented in it*)… (*KU* 5:193; my emphasis).

Thus, more specifically, I argue that the primary aims of reflection are orientational. That is, the capacity to reflect is grounded in a fundamental need of human beings to feel at home in the world—cognitively, morally, and aesthetically. To this end, I make use of Kant's essay, 'What is orientation in thinking?' (1786)—not merely as a framing device, but also for the purpose of foregrounding the intimate relationship between judgment and feeling, highlighting the way that they mutually figure in our cognitive lives. In the 'Orientation' essay, Kant writes that "[T]o orient oneself means to use a given direction…in order to find the [other directions]" (*WO* 8:134). Kant uses this spatial notion, according to which, through a "feeling of a difference" (or, 'distinction') between left and right, one gains their bearings among empirical objects, in order to

show how one embarks on a similar task with respect to the 'space' of supersensible objects (e.g., God and the soul), which it cannot determine through objective grounds. Driven by the *feeling* of a need, we rely instead on subjective principles when it has exhausted those of the understanding (*WO* 8:136). I will push this analogy one step further in order to show how, in legislating the transcendental principle of the purposiveness of nature, the power of judgment seeks laws that go beyond the universals prescribed to nature by the understanding in order to orient, this time, supersensible creatures who inhabit a sensible world. Kant's remark, in the Introduction to the third *Critique*, to the effect that the understanding "could not find itself [in nature]" without this principle goes some way towards providing us with a clue as to what this orientation is like (*KU* 5:193).

In order to understand these various claims pertaining to the power of judgment, and to show what reasons there are for thinking that Kant held such views, our investigation of this sort must begin with an examination of the nature of judgment itself, which will also involve situating judgment within Kant's various divisions of the faculties of the mind. Of crucial significance here will be judgment's mediating role vis-a-vis our other cognitive powers—a function it first and most prominently performs for the pure categories of the understanding in the Schematism of the first *Critique*. What will become apparent is that a critique of this faculty takes on a similar role with respect to the parts of a system of philosophy in general, bridging the gap between the real but distinct worlds of nature and freedom. Judgment thus reveals itself to be indispensable not only for the proper functioning and harmony of all of the cognitive faculties, but also for critique itself.

For now, then, we can return to the theme that appeared at the outset, namely, the centrality of judgment for the critical project. Even though this faculty itself does not receive its

own critique until 1790, it makes its appearance in the earliest pages of the first *Critique* in 1781. In the Preface to the A-edition, Kant attributes to the power of judgment the demand that reason engage in a critique of itself and its claims. Indeed, up until the point, the rule of reason was despotic. In making claims it was not entitled to, it not only earned itself contempt but fell into disregard. However, this reigning "indifference" with respect to metaphysical questions was no cause for despair, Kant says. On the contrary, it indicated a "ripened" power of judgment that was not content with groundless principles (*KrV* A x-xi). In short, reason embarks on the task of critique only because it has been prompted and spurred by the power of judgment to secure only those claims to which it has a right. That judgment plays this crucial role in generating the project of the Critical philosophy itself—even when Kant failed, at the time, to see that this faculty itself would need to withstand critique—is striking. To be sure, we should want to know what causes him to realize that the only way to bring the whole Critical philosophy 'to an end' would be to investigate whether the faculty of judgment itself has *a priori* principles of its own.

Nevertheless, we can observe that from the beginning, Kant saw the very thing that impels reason to take up the task of criticism as the faculty that seeks to orient itself, that is, to find itself at home in the world. Kant invokes metaphors of travel and habitation throughout his writings. He speaks of reason, in its infancy, erecting edifices wherever it wished, without any concern for whether it had any right to the land. He speaks of reason growing up, going on to reject these dogmatic claims to a "permanent cultivation of the soil," tearing down groundless structures only to see its opponents rebuild them once again in the same foolhardy way (*KrV* A ix). He speaks of reason's skepticism as "nomadic"—and goes on to describe skepticism as merely a "resting-place" for reason, but not a "dwelling-place" (*KrV* A1761/B789). Thus reason must "make a survey of the region" in order to "choose its path" and thereby determine the

direction in which it ought to proceed (ibid). And it is only in critique that reason finds its place of permanent residency.

Chapter Summary

This thesis consists of five chapters. The first two chapters set the stage by providing important background and context for the core argument, which I present in the third chapter. The fourth and fifth chapters explore and unpack the consequences of the central argument.

In chapter 1, I discuss Kant's pre-critical conception of judgment against the backdrop of his German Rationalist predecessors—in particular, Wolff and Meier. For these thinkers, judgment is construed as the logical act of connecting concepts in the mind. I show that the early Kant follows his tradition in putting forward a merely logical conception of judgment, but I draw attention to two striking features of his view at this point, as articulated in the *False Subtlety* essay (1762) and his 1770s logic lectures. First, Kant already prioritizes judgment within his conception of the mind, even before the power of judgment appears as a distinct faculty. Whereas his predecessors see judgments as composed of concepts (as more basic units of the mind), Kant argues that concepts themselves depend on an act of judgment. Despite only recognizing two higher cognitive faculties (understanding and reason), he describes these as nothing but two different ways of judging (immediate and mediate). Indeed, he even goes as far as to describe them as jointly comprising 'the capacity to judge' [*Vermögen zu urteilen*] (*FS* 2:59)—a clear forerunner to his Critical view (*KrV* A69/B94). Second, Kant already recognizes the limits of logic, as the science of the rules of the understanding, in furnishing a complete account of judgment: there can be no rules for the application of rules (*Refl* 2173).

In chapter 2, I turn to Kant's faculty psychology in the Critical period, where the power of judgment emerges as a third (and intermediate) higher cognitive faculty, whose primary task is to determine whether a particular rule applies in a given case (*KrV* A132/B171)—a task that Kant initially assigns to the 'healthy understanding' [*gesunder Verstand*]. Notably, it appears in the first *Critique* alongside (or between) the understanding and reason—all three of which now constitute 'the capacity to judge.' However, the relationship between this new 'power' and the ostensibly broader 'capacity' of which it is a part is hardly clear. To this end, I aim to situate the power of judgment within Kant's taxonomy of the mind. I argue that Kant is motivated by an explanatory gap in his initial division of the higher cognitive faculties, only hinted at in the idea of a healthy understanding. More particularly, I claim that the power of judgment should be understood not merely as an actualizing force but as performing an essential mediating function. In short, the capacity to judge *needs* the power of judgment.

Even then, the power of judgment plays only a subservient role in the first *Critique*—carrying out the tasks of the understanding, but with no special principle of its own. It is only in 1787 that Kant comes to recognize that, like the understanding and reason (which legislate for the fundamental faculties of cognition and desire), the power of judgment as the intermediate higher cognitive faculty legislates for the intermediate fundamental faculty of feeling of pleasure and displeasure (*Corr* 10:513-516). Hence, like the other two higher cognitive faculties, the power of judgment must also undergo critique. Thus the remainder of the thesis occupies itself with the nature of this faculty, as spelled out in the third *Critique*, along with the nature of its special principle.

The central argument comes in chapter 3, where I consider Kant's distinction between the 'determining' and 'reflecting' power of judgment (*KU* 5:179). There is no consensus among

commentators as to what this distinction amounts to—or even as to whether it was present in any way in the first *Critique*. I argue that reflecting judgment enjoys a priority over determining judgment in exclusively characterizing the power of judgment. I argue against a prominent view that adheres to what I call a *determinative ideal*, according to which determination is the telos of all acts of the power of judgment (Longuenesse 1998). On this view, reflecting judgment primarily aims at generating empirical concepts for the sake of cognition. I claim that this subordinates 'merely reflecting' judgment [*bloß reflectirend*] as a failed or incomplete act of judgment, which is incompatible with the independence of the power of judgment as a faculty of the mind with its own *a priori* legislative principle. Instead, I argue that we should invert this picture: in reflecting, judgment pursues its own ends, which derive from its status as a higher cognitive faculty. I focus on the subsumptive structure of reflecting judgment itself, exhibited in the activity of mere reflection, to show that only those acts that are guided solely by the principle of purposiveness express the *autonomy* of the power of judgment (which Kant calls 'heautonomy'). By contrast, determining judgment is not on par with reflecting judgment, for its principle is always provided by another higher cognitive faculty (either the understanding or reason).

Chapters 4 and 5 deal with questions that arise from the foregoing account, which entails that the power of judgment has intrinsic interests and ends that are irreducible to the needs of another faculty. To this end, I specify both the structure of this activity, as well as what it means for it to operate under the guidance of a principle. On my view, the power of judgment 'in general' should be understood as a capacity for purposive subsumption—a view that both unifies the power of judgment and discloses the significance of its critique.

In chapter 4, I focus on the nature of the transcendental principle of the reflecting power of judgment. I argue that the notion of subjective purposiveness can be understood in terms of three

distinctive features: subjectivity, indeterminacy, and affectivity—in contrast to the norms of understanding and reason (i.e., objective, determinate, and discursive). I draw on the notion of the 'free lawfulness' of the imagination—its contingent agreement with the understanding—in order to consider what it means for merely reflecting judgment to operate under the guidance of a principle. I suggest that there is in fact a second notion of subjective purposiveness, more fundamental than the suitability of nature for our faculties—namely, the suitability of our cognitive faculties for each other. Thus what it means for the power of judgment to legislate to itself just is for it to take the structure of its own activity to be something that could hold for the world.

I conclude, in chapter 5, by arguing that we should understand the aims and activity of the power of judgment in orientational terms. Drawing on Kant's 1786 essay, 'What is orientation in thinking?,' I highlight the affective dimension of orientation—that is, its link to feeling. I argue that this allows us to see a new role for the power of judgment both as a mediator, as well as in its relation to the method of critique.

Methodology and other remarks

A number of smaller remarks are in order before we begin, regarding my methodological framework, as well as some qualifications and exclusions. First, I approach Kant's theory of judgment from the point of view of third *Critique* as not only the most mature expression of Kant's thinking on judgment, but also proceeding from the subject matter: a critique of *Urteilskraft* as a distinct cognitive faculty in its own right. In other words, I take the third *Critique* as a starting point for understanding Kant's remarks on judgment in the first *Critique* and other writings.[6] As already noted, a significant amount of scholarship restricts its focus to the

[6] As a peripheral point: I lean heavily on passages from the so-called 'First Introduction' to the third *Critique* throughout the thesis. Kant wrote two introductions to the third *Critique*, though only the second one was

first *Critique*, resulting in an incomplete account of many of the issues that are being treated—not only judgment, but also the imagination, schematism, and the notion of a faculty of the mind itself. Hence, a significant upshot of the present work is that it attempts to provide a unified view of judgment and other core ideas across the various domains of Kant's Critical philosophy.

Second, and relatedly, my approach takes the faculty psychology seriously. Kant's discussion of the capacities of the mind in terms of 'faculties' has been criticized, often seen as an unfortunate hangover from his rationalist predecessors—in particular, Baumgarten and Wolff. For this reason, many have thought that he would be better off without it, and have even sought to interpret him accordingly (Strawson 1966, 32, 97). By contrast, this project proceeds on the assumption that one cannot understand Kant's critical philosophy without a solid grasp of this conceptual framework—that it is, in fact, the key to unlocking the critical philosophy (Buchner, 1897, 67; Deleuze 1984). In this respect, I follow commentators who have seen Kant's faculty psychology as playing a crucial role in his overall philosophy (Falduto 2014; Kitcher 1990, 2011; Land 2018; Waxman 2014; Wuerth 2014).

It should also be noted that the following is by no means an exhaustive account of the power of judgment. Though it certainly goes beyond previous discussions in the literature to provide a reasonably thorough treatment of this faculty, nonetheless, the scope of the present work requires that some issues and aspects be set aside. The most notable gap will be the issue of practical judgment. The term 'practical' can be taken in two senses, both of which are apt. The first refers to Kant's way of describing his moral philosophy. Since my main focus is on the relationship of the third *Critique* to the first, and thus the relationship of the power of judgment

published. Given my purposes, I find that Kant's articulation of certain points in *FI* are often more helpful and more precise. This is not to suggest that the published Introduction is inadequate. Moreover, there is no sense among commentators that these are at odds with each other. Still, when possible, I cite a comparable or parallel passage from the published Introduction to try to maintain continuity.

to the understanding, I do not say much about the second *Critique* or the relation to the faculty of reason. This is, in part, due to my interlocutors, so many of whom see the third *Critique* as having predominantly cognitive import. However, it is also due to the more straightforward connection that the project of the third *Critique* bears to that of the first—including the extent to which Kant, in the latter, discusses the notion of judgment in general. This is not to say that the third *Critique* bears no relevance to the second *Critique*, or that reflection has no relevance for our ethical life—far from it. But, as a first step in understanding the centrality of the power of judgment for Kant's Critical philosophy, I focus on the account he provides in the first and third *Critique*.

The term 'practical' can also be understood in terms of its more common usage, which simply refers to the concrete dimension. In this sense, my account here is abstract and formal; it focuses on the place of the power of judgment in Kant's division of the faculties of the mind. This should not be confused with 'theoretical' (at least Kant's sense of the term), which refers exclusively to the cognitive domain. Rather, my account is concerned with articulating what the conditions of possibility of judging are, for it is only after this that one can take up the question of how one can acquire and refine their judgment. In his anthropology lectures, Kant declares that "The most outstanding main thing to be expected of every understanding, and which is required by everyone, is the power of judgment" (*PA* 25:538). Kant often speak of a judgment in its 'mature' and 'ripened' form, which is capable of discerning and discriminating (*Anth* 7:201; *Prol* 4:451). Thus, Kant clearly finds it to be of utmost importance that one come to possess and cultivate their capacity for judgment. What I do here will set the stage for such an inquiry.

I also generally leave aside the question of the relationship of the regulative use of reason to reflecting judgment. In the Appendix to the Transcendental Dialectic of the first *Critique*,

entitled ‘On the Regulative Use of the Ideas of Pure Reason,” Kant describes an act of ‘assuming’ and ‘inferring’ the universal from several particular cases—which he calls the “hypothetical” use of reason (*KrV* A646-647/B674-675). In both cases, we start with a particular that is known and seek out a universal rule (which has not been given) that can be said to hold for it. In the first *Critique*, Kant attributes this activity to the faculty of reason, which he defines there as “the faculty of deriving the particular from the universal.” Moreover, he says that this use is ‘regulative,’ rather than ‘constitutive,’ which is to say, it cannot afford us any knowledge of the object.

Commentators have observed the striking resemblance between the first and third *Critique* accounts, respectively attributed to the faculty of reason and the reflecting power of judgment. Most prominently, Guyer has argued that Kant reassigns the function initially associated with reason to the power of judgment in the third *Critique* (2005, 11-37). On the face of it, this position, which is shared by many commentators, seems compatible with the view I will defend here (Horstmann 1989; Rajiva 2006). In particular, it coheres nicely with the story I tell about the continued elevation of judgment. However, I do not deal with the particular question of the relation between reason and reflecting judgment for a few related reasons. I have already noted that I am setting aside the relationship between the power of judgment and the faculty of reason in general. Further, addressing this issue also inevitably requires dealing with the relationship between the faculties of reason and the understanding, and thus with issues internal to the first *Critique*—all of which lies beyond my immediate concerns.

Chapter 1.

Relations among mere concepts:

Judgment in German Rationalism and the early Kant

Understanding Kant's mature theory of judgment requires not just an understanding of his early writings, but also the context within which such views were formed. In this chapter, I discuss the views of some of Kant's esteemed German Rationalist predecessors on the nature of judgment, as well as Kant's own views on the topic in the pre-critical period. I begin by looking at the account of judgment given by both Christian Wolff and George Friedrich Meier (§1.1). I show that for these thinkers judgment is fundamentally construed as a logical act—namely, as the relation of two concepts in the mind (of either agreement or opposition). I then examine Kant's 1762 essay, *The False Subtlety of the Four Syllogistic Figures*—his earliest writing on the topic of judgment (§1.2). I show that, while Kant's pre-critical account of judgment is mostly in keeping with his tradition, he also already prioritizes judgment within his conception of the human mind—even before the power of judgment [*Urteilskraft*] appears as a distinct faculty in his later Critical works. Whereas for Kant's predecessors, judgments are composed of concepts as basic units of the mind, the pre-Critical Kant argues that concepts themselves depend on an act of judgment; in other words, judgments are the most basic unit of the mind because judging is the most basic act of the mind. Indeed, while Kant only recognizes two higher cognitive faculties (understanding and reason), he describes these as nothing but two different ways of judging (immediate and mediate). Additionally, he claims that these as jointly constitute a 'capacity to judge' [*Vermögen zu urteilen*] (*FS* 2:59). This is a clear forerunner to his Critical view,

according to which the understanding *in general* (Kant's way of describing all three higher cognitive faculties: the understanding in the narrow sense, the power of judgment, and reason) can be thought of as a 'capacity to judge' [*Vermögen zu urteilen*] (*KrV* A69/B94). I conclude by discussing Kant's recognition of the limitations of a merely logical account of judgment in order to anticipate his introduction of the power of judgment in the following chapter (§1.3).

1.1. *Conceptions of judgment among Kant's predecessors*

The view of judgment held by Kant's predecessors is in keeping with the broader tradition in Early Modern philosophy, which itself extends through the Medieval period back to Aristotle. We will start by drawing from the 1662 *Port-Royal Logic* (formally known as, *Logic or the Art of Thinking*), which has been called "the most influential logic text from Aristotle to the end of the nineteenth century" (Buroker 2017, §1). In a notable passage, which one commentator has described as illustrating the "clearest statement of the traditional view in the early modern period" (Marušić 2017, §1), the authors, Antoine Arnauld and Pierre Nicole, define 'judgment' as:

> After conceiving of things by our ideas, we compare these ideas and finding that some belong together and others do not, we unite or separate them. This is called *affirming* or *denying* and in general *judging*. This judgment is also called a proposition, and it is easy to see that it must have two terms. One term, of which one affirms or denies something, is called the subject; the other term, which is affirmed or denied, is called the attribute or Praedicatum. It is not enough to conceive these two terms, but the mind must connect or separate them. As we have already said, this action of the mind is indicated in discourse by the verb 'is', either by itself when we make an affirmation, or with a negative particle in a denial (Arnauld and Nicole 1996, 82).

A little over one hundred years later, Thomas Reid would reiterate this idea in his *Essays on the Intellectual Powers of Man*: "The definition commonly given of judgment, by the more ancient writers in logic, was, that it is *an act of the mind, whereby one thing is affirmed or denied of*

another" (1786; §6.1.3; his emphasis). For obvious reasons, then, judgment has been taken by many to consist in the act of predication.[7]

In addition to defining judgment as an act of affirming or denying one thing of another, the *Port-Royal Logic* also expresses the traditional view that the acts of the mind can be divided into three main operations: conceiving, judging, and reasoning (Buroker 2017, §2).[8] This division takes conceiving to be the most basic act of the mind, followed by two increasingly complex combinations of these basic acts: judging and inferring. It also divides the products of these mental acts into, first, the simplest product (concepts or ideas), followed secondly by judgments (composites of concepts), and, lastly, by inferences (composites of judgments, themselves composed of concepts). Hence, texts on logic, including those considered shortly, only treated judgment in their second sections (followed by a third section on syllogisms).

Our focus in the first half of this chapter is on the logic of Kant's German Rationalists predecessors. In his own logic lectures, Kant praised these thinkers, saying: "Among the moderns, Leibniz and Wolff are to be noted. The logic of Wolff is the best to be found. It was subsequently condensed by Baumgarten, and he was again extended by Meier" (*WL* 24:794). And: "Among modern philosophers there are two who have set universal logic in motion: *Leibniz* and *Wolff*. … *Baumgarten,* a man who has much merit here, concentrated the Wolffian

[7] I will refrain from using this terminology here, however, mainly because Kant himself does not use it. In fact, Kant will argue in his analysis of judgment in the first *Critique* that defining judgment as predication only captures one kind of judgment—namely, categorical judgments (of the form 'S is P')—to the exclusion of both hypothetical ('If P, then Q') and disjunctive judgments ('P or Q')..

[8] Kant opens book 2 of the Transcendental Analytic of the first *Critique* by noting that general logic has been divided into a treatment of concepts, judgments, and inferences (*KrV* A130/B169); cf. Hume, who expresses his dissatisfaction at this threefold division, which he describes as the "vulgar" but "establish'd maxim," one that despite being "universally received" by all of 'the logicians' exhibits "a very remarkable error" (1738, 1.3.7.5). In this footnote to his discussion of the distinction between impressions and ideas in his *Treatise*, Hume provides a handful of reasons for thinking that all of these acts, in fact, reduce to the first—namely, conception.

logic, and Meier then commented again on Baumgarten" (*JL* 9:21).[9] In what follows, we will focus on the logical account of judgment given by both Wolff (§1.1.1) and Meier (§1.1.2).

1.1.1. *Wolff's account of judgment*

Christian Wolff (1679-1754) was perhaps the most well-known philosopher in Germany from the time between Leibniz and Kant. He is generally credited with having both systematized and popularized Leibnizian philosophy, especially in the form of textbooks on topics ranging from metaphysics to ethics and politics. Wolff wrote two logic texts—one in German (1713), the other in Latin (1728). In the former, he defines judgment as follows:

> If we think that a thing has something in itself, or could have it in itself, or that some thing could arise from it, or conversely that it does not or could not have something in itself, or that something could not arise from it, then we are said to judge about it (*DL* III.1).

Judgment, for Wolff, involves the attribution of something [*etwas*] to another thing [*Ding*]. This should be understood in the most general possible terms—including not just the notion that some thing might have a particular property 'in itself' [*an sich*], but also that it may be possible for it to have a particular property, or even that it might contain the ground for some other thing. Using Wolff's own examples: I can say of a building that it is elegant; or, I might say of iron that it can get very hot or that it cannot float. In either of these instances, whether affirming or denying an

[9] Kant also mentions Reusch, Knutzen, Crusius, and Lambert as authors of logics in this time period. I do not deal with Baumgarten in any detail here, though it should be noted that his own lectures on logic not only formed the basis for Meier's own logic text but were themselves a summary of Wolff's logic—published in 1761 as *Acroasis logica in Christianum L. B. De Wolff*. Baumgarten was, of course, most important for Kant with respect to his *Metaphysics* (1757), which Kant used as a textbook for almost forty years. In their recent Critical Translation of the latter, Fugate & Hymer note that a copy of the *Acroasis* was found in Kant's library at the time of his death (2013, 8). Though Meier's logic text was published prior to this (as noted in §1.1.2, below), he was a student of Baumgarten; this is what Kant means when he says that Meier 'extended' and 'commented on' Baumgarten. Not to mention, Baumgarten was a student of Wolff. Thus there is a clear path from Wolff through Baumgarten to Meier, giving us a general sense of German rationalist view on logic that Kant so praised.

actual or potential property, we are judging: "In a word, we form a judgment when we think something does or does not agree with a thing" (*DL* III.1).

Wolff specifies the way in which we form judgments: when we judge, we either connect [*verknüpfen*] or separate [*trennen*] two notions or ideas (*DL* III.2; cf. *LL* §39).[10] In the act of judgment, we are always presented with an idea of a thing about which we are judging, as well as an idea of that which either agrees or disagrees with it. To judge is either to connect these ideas in such a way that I express one as the mark of the other, or to separate them, so as to say that one is not a feature of the other. Proceeding with the above examples: when I judge that the building is elegant, I connect the notion of elegance with the notion of house. This allows Wolff to draw a definition of the faculty of judgment as the mind's capacity to connect or separate two different notions.

Wolff's discussion on judgment appears in a chapter entitled, 'On Propositions' [*Sätzen*].[11] In Wolff's account, all judgments have a propositional structure. Thus, the judgment that the house is elegant takes the form: 'This house is elegant.' Wolff conceives of the close relationship between judgment and proposition for the following reason: We have no choice but

[10] Strictly speaking, we are not only dealing with simple notions. Wolff notes that this conception of judgment can easily accommodate complex notions. Using his own example: 'A stone that tumbles from a height kills a person' employs more than two notions. There are the simple ideas of a stone, of tumbling, of a high point, of killing, and so on. Yet I can represent them together as a complex notion 'a stone that tumbles from a height.' This is one of the two fundamental notions that makes up a judgment.

[11] As we will see later in this chapter, Kant refrains from using the term 'proposition' from his earliest writings on the nature of judgment, though he does not comment on this absence. In future chapters, we will have the occasion to consider why Kant might have reasons for thinking that not all judgments have a propositional structure. Nuchelmans notes that the term *Satz* was generally used to refer to "the expression of a judgment [*Urteil*] in spoken or written language" (1983, 238). This points to the tendency to equivocate between the *act* of judging, on the one hand, and the *content* of a judgment (that which is judged or the product of the act), on the other. Nuchelmans also observes that some authors referred to these as, respectively, the subjective and the objective judgment (1983, 239). I flag this because it will be worth recalling when discussing Kant's distinction between the subjective conditions for judgment and objectively valid judgments. For now, however, we can wonder whether Kant's presumed lack of interest in propositions indicates a keener interest in the subjective side of judgment.

to use words in referring to notions and ideas—not only if we wish to communicate our judgments to others, but also if we wish to represent our judgments to ourselves in thought. A word or term is a sound that signifies a notion or idea; to grasp the meaning of a word is to be able to associate an idea with it. A judgment is expressed by a combination of words, and thus involves at least two words. The first is the *subject*, which denotes the thing about which we speak, and the second is the *predicate*, which designates something that either agrees or disagrees with the subject (*DL* III.3).

Wolff also distinguishes between two formal elements of a judgment: a condition [*Bedingung*] and an assertion [*Aussage*]. The former sets out a particular relation according to which a predicate would or would not agree with a thing (*DL* III.8). The latter refers to the actual positing of this relation.[12] We can also think of this as a distinction between a hypothesis and a thesis, where the former describes a logically possible state of affairs and the latter affirms whether this state of affairs is actually the case. Indeed, for Wolff, all propositions can be put into the hypothetical form ('If P, then Q')—even universal ones. For example, the proposition 'All triangles have three angles' can be re-written as 'If some space is enclosed by three lines, then it has three angles.' The condition or hypothesis indicates what must be the case for something to be true, while the assertion or thesis indicates that it is in fact true.

Finally, Wolff both upholds the traditional division between the three operations of the mind (which he characterizes as: simple apprehension [*apprehension simplex*], judgment

[12] Nuchelmans notes that it was typical for those in the Wolffian school to analyze propositions in terms of these two features (1983, 242). This distinction will become important in subsequent chapters. For example, Blok (2012) considers the relevance of both Wolff and Meier's distinctions for Kant's *Inaugural Dissertation* (1770). Likewise, Longuenesse discusses the Critical Kant's use of the term 'condition' as it relates to Wolff—in particular, his definition of a 'rule' as "an assertion under a condition" (1998, 95-106; *JL* 9:120). Both Longuenesse and Blok highlight the importance for Wolff of analyzing judgments into their formal elements of condition and assertion for his account of demonstration; the former element provides the ground, which allows us to see the truth of a judgment.

[*judicium*], and reasoning [*ratiocinium*]), but also recognizes only two faculties: understanding [*Verstandes*] and reason [*Vernunft*].[13] In his discussion on the nature of human cognition in *DM,* Wolff defines the understanding as "the faculty of distinctly recognizing what is possible," while defining reason as "the faculty of seeing into the connection of truths" (*DM* §277, §368). Both definitions are distinguished from the faculties of sense and imagination, which only provide us with indistinct representations.

The main task of the understanding, for Wolff, is to render our representations distinct, which it does by identifying the marks of a thing. It thus "manifests itself in concepts"—more specifically, "when we differentiate…what is to be found in one thing, as we represent it [from another]" (*DM* §286). Significantly, Wolff draws on his definition of judgment from *DL* to posit that the understanding is nothing but a faculty for judging:

> As soon as we distinguish the kinds of things and their species, as well as their attributes and changes, and their behavior toward each other, we cognize that this or that thing has, or at least could have, this or that intrinsically [*an sich*], or also that something could stem from it, that is, that one could find in it the ground of a change in something else; by contrast, [that] another thing does not have, or could not have, this or that intrinsically [*an sich*], that is, that something could not stem from it. And we call this activity of the understanding judging. One can find examples of this in [my *DL* I.3] (ibid).

In other words, the act of conceiving is inseparable from the act of judging. Hence, the same faculty is responsible for both conceiving and judging, which is noteworthy for several reasons. First, as Dyck has recently noted, Wolff is responsible for reintroducing the traditional division of the three operations of the mind into his treatment of logic (Dyck 2016, 107). Wolff claims that many of his contemporaries (including Meier and Baumgarten) had "dismissed" this way of

[13] This mismatch between the operations of the mind and the division of the faculties was also part of the tradition, as evidenced by Aquinas' remarks in the Preface to his *Commentary on Aristotle's Posterior Analytics*. Aquinas affirms that, though there are three different acts of the mind, the first two belong together because they are both ways of conceiving that which is known; but the third act performs a unique task, namely, that of advancing from the known to the unknown (I.4).

carving up the activities of the mind (*AN* §56). Yet many of his immediate successors, such as Reusch and Knutzen, avail themselves of this division in their own logics (Dyck 2016, 117fn38-39).[14] Moreover, Dyck shows that this division becomes even more important in Wolff's later logic texts, where he even contends that it is an exhaustive division (*LL* §40, §52-53). This is to say that all of our cognition can be understood in terms of these three activities: "Either we merely represent something to ourselves, and leave it at that, or we judge regarding it, either by means of mere concepts or by means of inferences" (*AN* §56; cited in Dyck 2016, 107-108).

Dyck also argues that Wolff afforded a certain priority to the activity of (and capacity for) judgment, which anticipates Kant's claims in his pre-critical writings. Taking Kant's claim (noted above) that Wolff's logic is "the best to be found" as his starting point, Dyck argues that it is precisely with respect to the priority of judgment that Kant finds his admiration. In particular, Dyck points us to a passage from *LL*, where Wolff claims that we cannot form distinct concepts apart from the activity of judging. There, Wolff argues from the definition of a concept as something that "comprehends things which are common to the notions of many individuals or many species" to the conclusion that concepts "cannot be formed unless you have distinguished that which is contained in the notion of the things from the things themselves," or, in other words, the predicate or mark from the subject or thing (*LL* §55). Whereas reason is directly responsible for one of three operations of the mind (namely, 'reasoning' or 'inferring'—paradigmatically performed in syllogism), the understanding claims, as it were, two operations.

Still, all of this should invite us to consider why there is an asymmetry between, on the one hand, the fundamental products of the mind and, on the other hand, the mind's fundamental faculties—not to mention where the notion of a mental 'operation' fits into this account. If there

[14] These authors are both mentioned by Kant; see my footnote 9 above.

was a relevant distinction to be made between concepts and judgments, why would this not be reflected in their association with distinct faculties? Wolff's association of both concepts and judgments with the faculty of understanding raises the issue of what essential difference he saw between concepts and judgments in the first place. In a similar vein, it raises the question of whether judgment here is being employed in both a broad and a narrow sense—where the former sense refers to the faculty that both conceives and judges in the latter sense. As we will soon see, Kant expresses very similar views to Wolff in the pre-critical period. Yet Kant will go further in also characterizing reason as a capacity to judge, thus defining the faculties of the mind in general (i.e., understanding *and* reason) as nothing but different ways of exercising the faculty of judgment. Kant will also come to employ the term 'understanding' in the broad and narrow sense, as described above. Additionally, Kant will not only claim that distinct concepts require an act of judgment, but that conceptualization as such requires judgment.

1.1.2. *Meier's account of judgment*

In spite of Wolff's comparative fame, Georg Friedrich Meier (1718-1777) is just as important for our purposes, since Kant taught his own courses on logic using Meier's textbook for some forty years (at least thirty-two times between 1756 and 1796).[15] From the outset, Meier distinguishes between our representations themselves and that which they represent—our cognitions and the objects of our cognition (*AV* §11-12). Meier's focus is on the former, insofar as a 'doctrine of reason' is the "science, which deals with the rules of learned cognition

[15] See Young's 'Translator's Introduction' (Kant 1992a, xviii). For an excellent discussion of the importance of Meier's logic texts for Kant, see Pozzo (2005). *AV* is an abridged version of *V*; both were published the same year. The *AV* is reproduced in volume 16 of the *Akademie* edition of the complete works of Kant, along with notes taken from Kant's personal copy of the Meier text, which I draw on in what follows. There are also student notes of Kant's logic lectures, which I draw on later.

[*gelehrter Erkenntnis*]" (*AV* §1). Meier's aim is to outline what is needed in order to arrive at learned cognition. Accordingly, his focus is on the nature of our mental representations, rather than on the relation between our representations and the world. For Meier, a learned cognition is both distinct and logically perfect. A cognition is "distinct" when a thing is cognized through its "grounds" (*AV* §17). Meier defines a 'ground' as that from which a thing can be cognized, which includes the relation between the thing and its grounds (*AV* §15). A cognition is "logically perfect" when a thing is cognized through its 'sufficient ground,' from which we can derive "all that is found" in the thing (*AV* §22).

These notions are relevant for Meier's conception of judgment. Meier defines a judgment [*Urteil*] as "a representation of a logical relationship of several concepts" [*eine Vorstellung eines logischen Verhältnisses einiger Begriffe*] (*AV* §292; cf. *V* §325). Like Wolff, Meier distinguishes between the subject and the predicate in a judgment. The subject is "the concept, of which we represent…that another does or does not belong to it," while the predicate is the thing represented as belonging or not belonging to the subject (*AV* §293). Whereas Wolff refers to judgments as pertaining to a thing and its marks (with our notions representing these objects, and our words referring to these notions), Meier speaks exclusively in terms of concepts and their relations to one another. Hence the subject and the predicate of a judgment are both concepts. Judgment is an act of comparison [*Vergleichung*] in which we attempt to determine whether one concept (the predicate-concept) belongs to another (the subject-concept) as its mark (*V* §324). When we represent the two concepts as belonging together, we make an affirmative judgment (*AV* §294). If we represent that the predicate-concept does not agree with the subject-concept, then we make a negative judgment (ibid).

Meier also follows Wolff in distinguishing between the condition of a judgment and its assertion. He calls the former its "ground"—and the condition of a true judgment, its "sufficient ground" (*AV* §297). Meier defines a condition as that which is needed in order to know whether a predicate does or does not apply to a subject (*V* §330). Accordingly, the condition of a judgment is the ground of the demonstration of its truth (*AV* §94). The distinction between assertion and condition helps us to understand Meier's conception of syllogism, or, rational inferences. A syllogism, according to Meier, exhibits the way in which the truth of a particular judgment follows from its condition: it is "a distinct representation of the connection of truths," i.e., of ground and consequence (*AV* §354). There are three judgments, and one is derived from the other two (a conclusion from its premises). The condition functions as the major premise of a syllogism, while the minor premise functions as the assertion. There are also three concepts: a major term, a minor term, and a middle term (*AV* §357). In relating the major term to the minor term, the middle term functions as the condition of the conclusion (*AV* §358; *V* §394).

1.2. *Kant's theory of judgment in the Pre-Critical period*

Wolff and Meier's accounts of judgment would have been quite familiar to Kant at the outset of his career. Core elements of the views of Wolff's and Meier's views on judgment can be found in his earliest writing on the topic, as well as in his lectures on logic from this period. According to the views just described, to judge is to compare and relate concepts to each other in the mind, either by affirmation or negation. Moreover, Kant follows the division, which Wolff reintroduces into general logic, of three fundamental acts of the mind and their products: apprehension (concepts), judging (judgments), and reasoning (inferences). Kant recognizes this "ancient division," which he deems "correct," and faults Meier for leaving it out (*Refl* 1705,

16:88; *Refl* 2829, 16:533; *BuL* 24:653). Kant also echoes Wolff in prioritizing the act of judgment among these three activities.

1.2.1. *The* '*False Subtlety*' *essay* (1762)

In 1762, Kant published an essay entitled, *The False Subtlety of the Four Syllogistic Figures*.[16] This is the only text from the pre-critical period in which Kant discusses judgment, and the only text that Kant ever published which deals exclusively with logic. The main subject of the essay is, as the title suggests, the syllogism [*Vernunftschluß*]. Kant's primary aim in the essay is to demonstrate that the four allegedly distinct figures of the syllogism are in fact reducible to a single form, that of the first figure.[17] However, in the course of his discussion on syllogisms, Kant also discusses the notions of concept and judgment.

Kant begins the essay with a definition of judgment. The first sentence reads: "To compare something [*etwas*] as a characteristic mark [*Merkmal*] with a thing [*Dinge*] is *to judge*" (*FS* 2:47; his emphasis). The thing is the subject, while the characteristic mark is the predicate. The comparison itself, he purports, is expressed through the copula ('is' or 'are'). Furthermore, judgments are either affirmative or negative, depending on whether the relation that is posited through the copula is one in which the predicate is affirmed or denied of the subject; in the latter instance, the copula is negated. This definition is clearly in line with the views of his

[16] The *False Subtlety* essay has until lately received very little scholarly attention. For some very recent discussions, see Leland (2019); Vatavu (2019); Vanzo (forthcoming). In addition to providing a close examination of the text, all of these authors aim to put it in its intellectual context—in particular, its relation to Wolff and Meier, among others.

[17] To this end, Kant distinguishes between 'pure' and 'mixed' syllogisms, arguing that the second, third, and fourth forms are cases of the latter. A pure syllogism consists of exactly three judgments: two premises and a conclusion. A mixed syllogism, though containing more than this, is in fact reducible in its structure to that of a pure syllogism.

predecessors insofar as judging is understood as an act of comparison whereby two things (Kant, here, does not yet refer to concepts) are either connected or separated.

Kant then spends most of the essay discussing the notion of a syllogism. Kant defines a syllogism as "a judgment which is made by means of a mediate characteristic mark" (*FS* 2:48). For Kant, then, a syllogism is a kind of judgment: "the comparison of a characteristic mark with a thing by means of an intermediate characteristic mark" (ibid). In all judgments, a mark is compared with a thing. Here, the mark is a "mediate" [*mittelbares*] one, i.e., a mark of a mark, and functions as the "middle term" [*mittlere Hauptbegriff*] that allows the comparison between the major and minor terms to be made; that is, it mediates between the thing itself and the more distant or remote [*entfernte*] mark.[18] Kant uses the following example: an immediate characteristic mark of God is that he is a necessary being, while being immutable is a characteristic mark of that which is necessary. Immutability is thus a mediate characteristic mark of God. In such an instance, three judgments are made in total. First, there is a judgment whereby a thing is compared with a mark (major premise; e.g., 'God is a necessary being'). Second, a judgment is made whereby this mark is compared with another mark (minor premise; e.g., 'Whatever is necessary is immutable'). Finally, a judgment is made where the initial thing is compared with the more distinct mark (conclusion; e.g., 'God is immutable'). Hence, a syllogism is a judgment that is itself composed of judgments.

In taking syllogism to be a kind of judgment, Kant goes beyond his predecessors, for whom syllogisms were indeed composed of judgments, but were not themselves judgments. Wolff, for example, claims that "each syllogism consists of three propositions" (or judgments) (*DL* IV.6). Likewise, Meier sees inferences as composed of three judgments (two premises and

[18] cf. Meier, for whom: "A mediate mark of a thing is a mark of another mark of just this same thing" (*V* §147; *AV* §116).

conclusion), but not itself a judgment—though he does refer to a syllogism as a "distinct representation," which exhibits a particular "connection of truths" (*AV* §354). For these thinkers, then, judgments are the building blocks of a syllogism, just as simple ideas are the building blocks of a judgment. Kant goes further, however, in taking the very act of syllogistic reasoning itself to be a kind of judgment, which is in addition to the three that, as Wolff says, "lie plainly before our eyes" (*DL* IV.6). In other words, Kant does not restrict judgment to one of three acts of the mind, but sees it as underlying what was standardly called 'reasoning,' and, as we will now see, 'conceiving.' Absent thus far is a discussion of concepts, which was central to the account of judgment in Meier. And for good reason—for it is a natural way of thinking about the composition of judgments themselves. For Meier, when we compare something with another thing in a judgment, we are in fact comparing two concepts.

Kant invokes the notion of a concept in the final section of the essay, claiming that the capacity to form a distinct concept is itself a kind of judgment: "a distinct concept is only possible by means of a judgment" (*FS* 2:58). Kant describes concepts in terms of their relative distinctness. For a concept to be distinct, I must clearly recognize something as its characteristic mark: "A distinct concept demands, namely, that I should clearly recognize something as a characteristic mark of a thing; but this is a judgment" (ibid). For example, in order to have the concept of a body, I need to be able to represent impenetrability as its characteristic mark. If I am unable to do so, then we would not say that my concept 'body' is distinct enough to be that concept. What I am doing when I make my concept 'body' distinct is judging that 'all bodies are impenetrable' (or, 'if something is a body, then it is impenetrable'). Kant clarifies that the distinct concept and the judgment are not the same thing. Rather, as the ground of distinctness of

the concept, the judgment is "the action [*Handlung*], by means of which the distinct concept is actualised" (ibid).

Moreover, just as judgment brings distinctness to concepts, judgment also brings them completeness in a syllogism. I may have a *distinct* concept if I am able to affirm a characteristic mark of a thing, but such a concept is incomplete if I am not also able to affirm some more remote mark of it. Though Kant does not define 'distinctness' or 'completeness' with respect to our concepts, by examining the role of judgment in the respective acts of concept formation and syllogism, we can see that distinctness is brought about through the attribution of a characteristic mark to a thing, while completeness pertains to the further attribution of a mediate mark to a thing. Recognizing some feature of a thing as uniquely picking it out is sufficient for having a distinct concept of that thing, whereas representing all of its relevant properties is necessary to attain a complete concept of the thing.

Now, one might be tempted to view Kant's claim regarding the necessity of an act of judgment for the distinctness of a concept as a claim only about what is required in order to bring distinctness to a concept, rather than as what is necessary in order to conceptualize at all. Kant argues that a mistake in the way logic has been divided, and the order in which it has been "commonly treated," is that it examines concepts before judgment and syllogism—and yet, he argues, "the former are only possible in virtue of the latter" (*FS* 2:59).[19] But does this claim only apply to concepts insofar as they are distinct and complete? Might one still be able to possess a concept lacking in distinctness and completeness apart from an act of judgment? Kant's claim in

[19] Kant repeats this claim in logic lectures from the 1770s, commenting on Meier (*AV* §292): "We are already acquainted with judgments, actually, because we dealt with distinct concepts, which can only arise by means of a judgment[;] for to cognize distinctly is to cognize everything by means of a clear mark. But to cognize something by means of a clear mark is also just to judge. Thus we can also say that distinct concepts are ones that are cognize by means of a judgment" (*BL* 24:273; cf. 24:282). See also some other logic notes from this period (*PL* 24:461, 470), as well as from the 1790s (*DWL* 24:673).

the *Blomberg* logic (from the 1770s) certainly supports this: "Every inference in general is a judgment" (*BL* 24:280). After asserting this, Kant distinguishes between two types of inferences. If the inference is mediate, then it is an 'inference of reason' (i.e., a syllogism). If the inference is immediate, then it is an 'inference of the understanding' (i.e., a concept). Thus, to have a concept at all is to make an immediate judgment, regardless of whether this concept is distinct or not. In his later logic lectures (from the late 1780s), Kant defines the understanding as the capacity for having distinct representations, where such distinct representations are only possible by an act of judgment—a view he credits to Wolff (*BuL* 24:662-663).

1.2.2. *Kant and 'the capacity to judge'*: *Understanding, reason, and inner sense*

Having discussed the nature of syllogism and conceptualization, Kant goes on to further discuss the mental capacities at work in these operations. These are *reason* and *understanding*, respectively. Reason is the capacity to represent a mark mediately, which Kant also refers to as the faculty of inference. Understanding is the capacity to immediately recognize something as a mark of a thing. However, he notes that they are not different "fundamental faculties" [*Grundfähigkeiten*]; rather, the same faculty is at work in both. The distinction between mediate and immediate representation is nothing more than a distinction between ways of judging. In a reflection on §23 of Meier's *Vernunftlehre* from the mid-1770s, Kant reaffirms that "Judgments are actions of the understanding and reason" [*Urtheile sind Handlungen des Verstandes und der Vernunft*] (*Refl* 2142, 16:250).

The fact that judgment plays the central role in both syllogistic reasoning and concept formation leads Kant to conclude that the understanding and reason are nothing but the "capacity to judge" [*Vermögen zu urteilen*] (*FS* 2:59). This claim is significant because Kant proceeds to

characterize the higher cognitive faculties in exactly these terms almost twenty years later in the *Critique of Pure Reason* (*KrV* A69/B94). By then, he recognizes a third faculty of the mind: what he calls 'the power of judgment' [*Urteilskraft*]. This is the topic of the next chapter. However, in 1762, Kant thinks that there are only two higher faculties of the mind.

Kant's final remarks in the *False Subtlety* essay are more speculative. He reflects on what he takes to be the essential feature of the human mind, which distinguishes humans (as rational beings) from animals. He argues that there is something more basic than having a distinct concept, and that is to represent something clearly, given that one may represent something clearly without having a distinct concept of it. A further condition for having a distinct concept is being able to recognize its characteristic mark. Kant uses the following example: an animal may clearly represent their stall door; but only a rational being can judge that the door belongs to the stable (*FS* 2:59).

Kant elaborates on this difference in the *Prize Essay*, written the following year. Here, Kant makes a distinction between two kinds of differentiation: physical and logical. To physically differentiate is to pursue a certain course of action on the basis of two different representations. The difference between these two need not be represented. Using the language of the *False Subtlety* essay, we would say that physical differentiation does not amount to having a distinct concept. To logically differentiate, however, is to "recognize the difference," which is "something which can never occur without judging" (*Inq* 2:285). For example, a dog may have representations of a bowl of food along with a rock and be driven to pursue the former instead of the latter ("impelled to perform different actions by different sensations," ibid). But this falls short of asserting that a dog recognizes the former *as* food and the latter *as* a rock (or *as* not-food).

For Kant, this gets at the unique capacity of those "endowed with reason" (*FS* 2:60). Granted, he thinks that whatever it is that makes judging possible for us is a "mysterious power" [*geheime Kraft*] that has not yet been understood—and may never be understood. Nonetheless, his current take is that such a "power or capacity" [*Kraft oder Fahigkeit*] consists in the faculty of "inner sense" [*das Vermögen des innern Sinnes*] which he describes as the capacity to make one's representations the object of one's thought (*FS* 2:60). Though these remarks come at the very end of the essay, and are clearly intended as mere speculation, they signal to us that Kant already sees an important connection between judgment and self-consciousness; such a connection is later developed in much further detail in the first *Critique* with the notion of apperception. This connection also signals to us an important role for reflection in acts of judgment; for it generates the distance necessary in order to survey and consider the way in which one relates their representations.

Pollok describes the outcome of the *False Subtlety* essay in the following way: "Kant not only foregrounds the capacity to judge but also begins to rebut the rationalist theory of concepts, which holds that the distinctness of a cognition merely relies on a quantity of clear predicates in a given concept" (2016, 46).[20] For Kant's predecessors, clear and distinct ideas (or concepts) precede judgments; and judgments are composed of these more basic units.[21] However, Kant

[20] Pollok favourably cites Brandom in the opening chapter of his monograph, who claims that Kant is the first to recognize judgment as "the minimal unit of experience"—as opposed to a singular or general term, as the tradition held (Pollok 2017, 23; Brandom 2002, 21). For Brandom, this constitutes "a normative turn," whereby is meant that judgements are "the smallest units for which we can take cognitive (justificatory) responsibility" (ibid). Pollok explores this in the context of the perfectionist ontology and epistemology of his rationalist predecessors, for whom it was ideas rather than judgments which were the 'smallest units' of normativity; hence the aim was for clarity and distinctness, rather than validity.

[21] Accordingly, as referenced in footnote 8 above, Hume will claim that the threefold division of the operations of the mind can all be "resolve[d]" into one, that is, the first: for they "are nothing but ways of conceiving" (1.3.7.5). Hence in judging and inferring, Hume thinks, we are ultimate just doing different things with simple concepts. Even then, Hume notes in judgment we add "belief" to our conceptions, "perswaded of the truth of what we conceive" (ibid). By contrast, Reid holds that judgment is a distinct act of the mind that is different from simple apprehension, that is, "bare conception of a thing" (6.1.12). While

argues the opposite: it is judgments that are the most basic units because judging is the most basic act of the mind. Thus, the capacity to conceptualize, itself, is dependent on a judgment.

In a recent article, Leland describes this as the "explanatory priority" of judgment over conceptualization (2019, 281). Yet Leland notes two equally natural (and compatible) ways of understanding this claim, which he labels as *semantic* and *pragmatic*.[22] In the former, concepts only have *meaning* in the context of a judgment, a position that anticipates Frege. In the latter, they can only find their *use* in the act of judgment—a position that is naturally supported by Kant's claim in the Metaphysical Deduction of the first *Critique* that we can "make no other use of…concepts than that of judging by means of them," along with his description of 'concepts' as "predicates of possible judgments" (*KrV* A68-69/B93-94).

As Leland notes, Kant's remarks raise the thorny issue of whether he takes "conscious experience of non-conceptual content" to be possible (2019, 285). Given Kant's remarks on the difference between human and animal representation in the *False Subtlety* essay, it would seem that what he calls 'clear representation' (physical differentiation without inner sense) does not amount to conceptualization even in the most minimal sense (say, of being entirely obscure and confused). Leland suggests that Kant's position is at least partly motivated by his rejection of Meier's attribution of conceptualization to animals (2019, 302; *FS* 2:59).[23] For Kant, such a view conflates the ability to discriminate as such with conscious discrimination and, thus, with clarity.[24] If Leland is correct (and I suspect that he is), then, according to Kant's pre-critical

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we cannot judge without concepts, we can conceive without judging (6.1.13). Still, Reid thinks that judgment plays a role in helping us make our concepts clear and distinct, and not merely to combine them into propositions.

[22] Commentators disagree on this, as Leland notes (283fn8-9). However, I am not invested in this issue for the present purpose.

[23] See *V* §21, §28, §31-33.

[24] cf. Kant's comment on "the logicians" in a footnote in the first *Critique* (*KrV* B 414-415). Kant writes: "Clarity is not, as the logicians says, the consciousness of a representation" (B414). Guyer & Wood suggest

view, the difference between humans and animals is not premised in the notion that humans are capable of forming distinct concepts while animals are only capable of forming indistinct concepts; rather: *only* human beings have the capacity for conceptualization, and it is precisely because *only* human beings have the capacity to judge.

1.3. *The limits of a merely logical conception of judgment*

In the *Critique of Pure Reason*, Kant continues to define logic as "science of the rules of the understanding in general" (*KrV* A52/B76). For the first time, Kant distinguishes between general and transcendental logic. The former is concerned with "the form of thinking in general," abstracting away from the matter (content) of a cognition, which is to say, its relation to an object (*KrV* A55/B79; cf. A53-54/B77-78). The latter, on the other hand, seeks those principles "without which no object can be thought at all" by distinguishing within our knowledge of an object those aspects which have their "origin solely in our understanding" (*KrV* A62/B87). In this sense, Kant's definition of judgment in the *False Subtlety* essay is merely a definition from the point of view of general logic, and to this extent it hardly varies from the definitions provided by his predecessors, such as Wolff and Meier. But as I demonstrate in the next chapter, Kant formulates a definition of judgment from the point of view of transcendental logic as well, in addition to introducing an entirely new mental power.

What is already in place from Kant's earliest reflections on judgment is the idea that the higher cognitive faculties amount to a capacity for judgment, a view that he would famously

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that Kant has Meier, in particular, in mind here—a view that Kant expounds in the *Jäsche* logic (*JL* 9:33). For the Critical Kant, however, consciousness comes in degrees, such that one can be conscious in a way that suffices to make a distinction without being conscious of the difference between one thing and another (B415). The former obtains for animal consciousness, but is nevertheless 'obscure' (i.e., *not* clear). Only consciousness with a grasp of what sets apart an object of representation from others deserves to be called clarity.

defend in the *Critique of Pure Reason* almost twenty years later. However, he has not yet put forward the idea that there is an independent faculty or power for judging itself, as Kant at this point only recognizes two higher cognitive faculties (understanding and reason).[25] What changes, then, between 1762 and 1781 is, among other things, the emergence of a third higher cognitive faculty: the power of judgment [*Urteilskraft*], alongside the realization that a merely logical definition of judgment is insufficient. A note from the late 1770s, written in the margins of his copy of Meier, reveals that Kant conceives of these two issues as intimately related (*V* §24):

> Logic can indeed provide us with general criteria for the correct use of the understanding; not, however, for the power of judgment, because it only provides rules, yet not simultaneously how one is to decide what belongs under them (*Refl* 2173, 16:258).

In other words, Kant comes to hold that the act of judgment, which compares our various representations in order to bring to distinctness in the form of a concept, presupposes an act of judgment that is capable of connecting such representations in the right kind of way.[26] It is these various developments—motivated by Kant's recognition of the limitations of general logic, and thus by the explanatory gap in his own pre-critical theory of judgment—to which we now turn.

[25] Such a modification would presumably remove the asymmetry with the respect to the operations (faculties) of the mind and its products, though whether knowingly or unknowingly on Kant's part (that is, whether they factored into his motivations) we cannot be sure.

[26] Proust (1989, 35) draws attention to way in which the shift from general to transcendental logic involves the development of an account of what Kant calls 'transcendental apperception'—namely, the capacity to synthesize my representations in one consciousness (*KrV* A158/B197; B133-34fn).

Chapter 2.

The 'capacity' needs the 'power':

Situating judgment within Kant's Critical faculty psychology

As demonstrated in chapter 1, Kant, from the onset of his philosophical thinking, recognized the notion of judgment as being of utmost importance in formulating an account of the human mind and its various capacities, to the extent that he describes the two higher cognitive faculties (understanding and reason) as nothing but different ways of judging (immediate and mediate). Yet, in the pre-critical period, he does not yet recognize a distinct faculty of judgment. In the Critical period, Kant continues to maintain that the higher faculties of the mind are a 'capacity to judge' [*Vermögen zu urteilen*]. However, his division of these faculties is now threefold: Kant includes among the understanding and reason what he calls the 'power of judgment' [*Urteilskraft*].

In this chapter, I discuss the emergence of the power of judgment within Kant's conception of the higher cognitive faculties. My aim is to articulate what I take to be Kant's motivations are for introducing this faculty. To be sure, such a development clearly signals Kant's continued prioritization of the activity of judgment within the mind. At the same time, the relationship between this new 'power' and the broader 'capacity' of which it is ostensibly a part is hardly clear. Among other things, a degree of equivocation is introduced, insofar as the term *urteil* is present in both. This, in turn, creates a problem regarding the division of cognitive labour. Thus, I hope also to shed light on the capacity-power relationship and thus situate the power of judgment within Kant's taxonomy of the mind.

A number of things must be in place in order for me to tell the story about the significance of Kant's introduction of the power of judgment into his Critical faculty psychology.[27] I begin by looking at Kant's earliest uses of the term *Urteilskraft* prior to 1781—in particular, his anthropology lectures from the 1770s (§2.1). I then present an overview of Kant's tripartite division of the higher cognitive faculties from 1781 onwards, which now includes *Urteilskraft* (§2.2). After this, I focus on Kant's account of judgment in the *Critique of Pure Reason*: first, I examine Kant's discussion of the higher cognitive faculties in the Metaphysical Deduction, where he refers to them as the 'capacity to judge,' as well as his definition of objectively valid judgments in §19 of the Transcendental Deduction (§2.3); then, I turn to Kant's specific remarks on 'the power of judgment,' where it is defined as a faculty for determining whether a general rule applies in a particular case (§2.4).

With these details in place, I consider Kant's reasons for coming to include the power of judgment in his taxonomy of the mind (§2.5). I argue that he sees it as playing an indispensable role in making possible any judgment whatsoever, rendering incomplete any account of our cognitive faculties which leaves it out. More succinctly: the capacity to judge *needs* the power of judgment. I conclude the chapter with a more thorough overview of Kant's Critical faculty psychology, distinguishing the higher cognitive faculties that I discuss in §2.2 from what Kant calls the fundamental faculties. I show that, despite the important gap Kant comes to fill in his division of the higher cognitive faculties in 1781, this taxonomy itself admits of a further

[27] There are also a number of issues that are closely related but not ultimately in direct service of my overall aims in this thesis, so I do not discuss them in much detail in what follows. What I am primarily referring to are the various definitions of judgment Kant gives from the point of view of transcendental logic. Some of these also happen to be fairly controversial—so while I may note them in passing, I will refrain from taking a position on them here. Chief among these is the thorny and infamous Transcendental Deduction. I briefly discuss Kant's definition of judgment in §19 of the first *Critique*—but solely for the purpose of noting that Kant is describing a particular kind of judgment, which he calls here "objectively valid" (*KrV* B142) and later "determining" (*KU* 5:179; *FI* 20:211).

systematicity that Kant only recognizes in 1787: the legislation of each higher cognitive faculty for a fundamental faculty. With respect to the particular faculty at issue, the power of judgment (the intermediate higher cognitive faculty) provides the law for the feeling of pleasure and displeasure (the intermediate fundamental faculty).[28]

2.1. *The emergence of* Urteilskraft*: Kant's logic and anthropology lectures in the 1770s*

The power of judgment is absent from the *False Subtlety* essay. None of Kant's predecessors recognized a third faculty of the mind either, despite affirming a threefold division of the operations of the mind. If we were to restrict our focus to Kant's published works, we would find the first mention of *Urteilskraft* in the *Critique of Pure Reason,* nearly twenty years after the *False Subtlety*. Since Kant never explicitly mentions the addition of this new mental power, we are left to wonder what happened to Kant's views on the nature of judgment between 1762 and 1781. However, Kant's lectures from the 1770s can help us fill in the details regarding when these developments in his theory of judgment occurred. Two recent commentators have shown that the term *Urteilskraft* is first used by Kant in the early- to mid-1770s, focusing primarily on the anthropology lecture notes (McAndrew 2014; Sanchez Rodriquez 2012).

McAndrew claims that *Urteilskraft* is introduced at some point between 1773 and 1775. He points out that that the anthropology lectures notes from the 1772-73 academic year (*Collins* and *Parow*) mention only understanding and reason as higher cognitive faculties [*die obern Kräfte der Seele*] (*CA* 25:147).[29] However, those from the 1775-76 academic year (*Friedländer*)

[28] What it means for a faculty to provide a law is the topic of chapter 4, where I discuss in detail the nature of the special principle of the power of judgment. By the end of this chapter, however, I hope to have sufficiently motivated this as an issue that Kant sees as crucial for completing his account of the mind.
[29] That Kant here refers to these as 'powers' [*Kräfte*] rather than 'faculties' [*Vermögen*] is just one example of the kind of inconsistencies we find in Kant's psychology; the quote in the next sentence further confirms

mention the power of judgment as a third higher cognitive faculty. There, Kant writes that "The higher cognitive faculty [*obererkenntniß Vermögen*] encompasses three things: understanding, power of judgment, and reason" (*FA* 25:537). Kant then goes on to define each of these as follows: "Understanding is the faculty of concepts. The power of judgment is the faculty of applying concepts in a given case; and reason is the faculty of concepts *a priori* in abstraction" (*FA* 25:537-38).[30] For now, we can set aside Kant's definition of reason, noting Kant's decision to distinguish the capacity to have concepts from the capacity to determine how to apply them.

McAndrew examines the context surrounding the term *Urteilskraft*, arguing that what Kant refers to as a 'healthy understanding' [*gesunder Verstand*] plays the role which he will eventually assign to the power of judgment (prior to the latter's introduction around 1773-74). In the *Collins* lectures, Kant claims that a healthy understanding is needed in order to "subsume a case under a universal rule" (*CA* 25:156). Likewise, in the *Parow* lectures: "The healthy understanding applies a rule to a given case" (*PA* 25:361).[31] In other words, one has a healthy understanding when one is able to correctly apply general rules to particular cases. Both of these definitions anticipate Kant's definition of the power of judgment in the first *Critique* as the capacity to subsume particular cases under general rules.

Then again, this similarity between these two notions relies on restricting one's focus to Kant's account of the power of judgment in the first *Critique*. McAndrew is able to draw such a strict parallel with the notion of a healthy understanding be he limits his analysis to its definition

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this. This inconsistency poses additional challenges for the interpreter trying to understand the relationship between the two. I discuss this further below (§2.5.1-2).

[30] Similar to the issue raised in the previous footnote, Kant here defines the 'power' *as* a 'faculty.' This suggests that the latter is the broader category, of which the former is an instance. Again, these issues will be discussed in the latter half of this chapter.

[31] See also *PA* 25:385. Kant also discusses the healthy understanding in his logic lectures from this period (*BL* 24:22-23; *DWL* 23:696-97).

as our capacity to apply rules. By the time he writes the third *Critique,* Kant distinguishes between two uses of the power of judgment: determining and reflecting. This distinction is the subject of the next chapter, but for now it must be noted that McAndrew is only able to claim that the power of judgment performs "the same cognitive function" as the healthy understanding by defining it exclusively in terms of what Kant will come to call 'determining' judgment (2014, 402). Indeed, McAndrew's claim regarding their "remarkable similarity" requires bracketing the account of the power of judgment which Kant puts forward in a text devoted entirely to this faculty (ibid).

Neither does McAndrew's argument account for why Kant continues to speak of the healthy understanding, even after he introduces *Urteilskraft* into his Critical faculty psychology. For example, as late at 1798, Kant describes the healthy understanding as that which is capable of applying rules to cases, as opposed to merely grasping the rules in their abstraction (*Anth* 7:139-140; cf. *Prol* 4:369-70). Kant not only expands his conception of the power of judgment in the third *Critique,* but tends to associate its determining function with the understanding—making it more likely that the healthy understanding persists in the idea of determining power of judgment that is able to succeed in its efforts by correctly applying its concepts.

Most importantly, however, McAndrew never takes up the question of *why* Kant introduces the power of judgment in the first place. That is, McAndrew gives us no reason as to a possible motivation on Kant's part for such a development. We may grant that Kant's mature theory of *Urteilskraft* ends up incorporating a particular cognitive function that was initially associated with the healthy understanding. Indeed, by the late 1770s, Kant claims that the power of judgment and the healthy understanding are 'the same' [*einerlei*] insofar as they both involve the capacity for application [*Anwendung*] (*Refl* 1861, 16:139). But without taking into account

the broader scope of Kant's conception of the power of judgment (which crucially involves reflection), we are not adequately equipped to investigate the causes of Kant's transferral of this task from one faculty to the other.

Other passages from Kant's lectures in the pre-critical period, which McAndrew neglects, only complicate matters. Firstly, in his early anthropology lecture notes, Kant discusses the relationship between the power of judgment and 'wit' [*Witz*]. In this section, Kant defines *Urteilskraft* as a faculty of comparison [*Vergleichung*], defining 'comparison' as "holding our representations together" [*Vorstellungen zusammen zu halten*] in order to notice their similarities and dissimilarities (*FA* 25:515). This definition first of all calls to mind his 1762 definition in the *False Subtlety* essay: to judge is 'to compare' [*vergleichen*]. But it also calls to mind Kant's eventual definition of 'reflection' in terms of comparison, in the context of distinguishing between the determining and reflecting power of judgment in the third *Critique* (*KU* 20:211).

Relatedly, in his early logic lectures, Kant defines a healthy understanding not solely in terms of the application of rules, as McAndrew's discussion would suggest, but also in terms that anticipate his definition of reflecting judgment: "The healthy understanding is the capacity to judge according to the laws of experience, or to rise from cognition *in concreto* to cognition *in abstracto*, or to rise from the particular to the universal" (*Refl* 1575, 16:14). This definition is puzzling due to the seeming identification of the capacity to apply general rules with something like an ability to arrive at general rules on the basis of particular cases. In short, both passages provide important continuity which are overlooked by McAndrew. Thus McAndrew's contribution consists primarily in turning our attention to the earliest moments in which Kant begins to use the term 'power of judgment.'[32]

[32] Though Kant only refers to these two as higher cognitive faculties in the *Parow* lectures, he does in fact mention *Urteilskraft* in these notes on a few occasions, albeit in another context (*PA* 25:375, 382, 385). So,

Like McAndrew, Sanchez Rodriquez focuses on the notion of a healthy understanding in relation to Kant's account of *Urteilskraft*. However, unlike McAndrew, he frames the issue in terms of Kant's eventual account of reflecting judgment in the third *Critique*. He identifies a singular problem: the impossibility of appealing to rules in order to determine the correctness of our judgments (2012, 201). He argues that Kant recognizes this problem early on, as evidence by his notion of the healthy understanding, but that he only solves the problem through his notion of reflecting judgment. The argument which Kant provides in the first *Critique* appeals to the infinite regress encountered in searching for rules to govern the power of judgment's application of rules.

Sanchez Rodriquez draws our attention to the following reflection from Kant's logic notes: "There is a use of the understanding and reason that is prior to knowledge of rules: it is the use of the healthy understanding" (*Refl* 1581, 16:24). Following from this, Kant refers to the healthy understanding as the capacity to judge *in concreto*, i.e., in a given case. Sanchez Rodriquez highlights that the characteristic feature of a healthy understanding is its ability to judge correctly despite the absence of rules to guide it, which is absent from McAndrew.[33] What's more, it does so precisely by attempting to find a universal rule for the particular case. The obvious problem at this stage pertains to the question of how such judging could be assessed as correct or not if there can be no appeal to rules. On Sanchez Rodriquez's account, it is only when Kant provides a justification for the exercise of the reflecting power of judgment in the third *Critique* (in the form of a deduction of its transcendental principle) that we are offered a

while McAndrew is right to pinpoint when Kant introduces this term specifically into his division of the higher cognitive faculties, he fails to mention that Kant *does* begin to use it in a different setting even a couple years earlier.

[33] Not to mention that it cannot be taught (*CA* 25:156; *PA*: 25:359)—a claim that Kant ends up foregrounding in his discussion of the power of judgment in the first *Critique* (*KrV* A133/B172).

solution to this problem. We will soon be in a better position to evaluate these remarks; these will helpfully motivate and anticipate the discussion of the next two chapters, which are concerned with the nature of the reflecting power of judgment and its normative principle.

2.2. *The higher cognitive faculties: a tripartite division*

As observed in chapter 1, the early Kant adheres to the Wolffian division of the mind into two faculties; the understanding and reason jointly constitute the 'capacity to judge' [*Vermögen zu urteilen*]. With the publication of the *Critique of Pure Reason* in 1781, however, Kant adheres to a tripartite division of the higher cognitive faculties. The power of judgment now takes its place beside—more specifically, in between—understanding and reason. In addition, Kant refers to all three of these taken together as 'the capacity to judge.' Kant begins the Analytic of Principles by affirming the divisions of the traditional logic, drawing a direct parallel between the faculties of the mind and their products:

> General logic is constructed on a plan that corresponds quite precisely with the division of the higher faculties of cognition. These are: understanding, the power of judgment, and reason. In its analytic that doctrine accordingly deals with concepts, judgments, and inferences, corresponding exactly to the functions and the orders of those powers of the mind, which are comprehended under the broad designation of understanding in general (*KrV* A130-131/B169).

This is the first instance in which Kant explicitly states that the power of judgment is one of the three higher cognitive faculties. Moreover, Kant here uses the term 'understanding' in a broad sense that refers to the higher cognitive faculties 'in general,' as opposed to the narrow sense that only refers to one of the three higher cognitive faculties. For the purposes of what will follow, we should have an idea of how Kant defines each of these more specific capacities (or, sub-faculties) of cognition. In addition to the definitions Kant provides in the first *Critique*, I also flag other definitions that appear in later writings. By the 1790s, Kant has shored up his

conception of the three higher cognitive faculties, which includes not only their interrelation, but also their systematic relation to what Kant calls the fundamental faculties—which I deal with this in the final section of this chapter (§2.5.3).

The understanding in the narrow sense (not the broad definition just noted) receives multiple definitions in the first *Critique* alone. It is the "faculty for thinking," where 'thinking' is construed as "cognition through concepts" (*KrV* A69/B94). The understanding is therefore both "a faculty of concepts" and "the faculty of rules"; this final definition, Kant claims, "comes close[est] to its essence" (*KrV* A126). A rule, for Kant, is "a concept under which much, a manifold of representations, is contained" (*DWL* 24:693). To be sure, Kant notes a close connection between concepts and rules.[34] In the third *Critique,* Kant defines the understanding as "the faculty for the cognition of the general (of rules)" (*FI* 20:201).[35] Hence, to have understanding (in the narrow sense) is to be able to represent a universal or general term *as such*, which is to say, in its generality (e.g., the idea of 'human being' or 'triangle').

Kant defines the power of judgment in direct relation to the understanding. Whereas the latter is a faculty of rules, the former is "the faculty of subsuming under rules, i.e., of determining whether something stands under a given rule or not" (*KrV* A132/B171). In the *Anthropology*, Kant uses language that suggests a kind of discriminative capacity: "discerning whether something is an instance of the rule or not" (*Anth* 7:199). As the power of judgment is

[34] Kant often uses definitions as examples of rules. For instance, the definition of 'human being' *in general* might take the form 'All human beings are mortal,' which not only counts for the possession of the distinct concept 'human being' but can also function as the rule (major premise) in a syllogism. It is in this sense that it is a concept under which many things can be contained (e.g., particular human beings). Placing a specific particular under the universal is of course the task for the power of judgment (in the minor premise). What the understanding (narrow sense) affords us is the apprehension of the general notion of human being apart from its application to this or that particular human being.

[35] For a similar definition, where all three faculties are defined in terms of the 'general' and the 'particular,' see *Refl* 1745 (16:99).

my main focus in what follows, I will not say much more about it just yet. Kant's first *Critique* definition does not distinguish between the determining and reflecting power of judgment, as in the third *Critique*. What is worth taking away for now is the idea that the function of this faculty is to bring a particular thing under a general rule, to say of certain particular things that they are instances of broader concepts. For example, I may possess the notion of 'justice,' owing to my capacity for understanding in the narrow sense. But this alone does not allow me to determine whether specific actions are just. When I encounter, say, the sentencing of a criminal that I find appropriate, the power of judgment allows me to say that 'This punishment is just.' That is, I subsume the particular case (i.e., the sentence handed down) under the concept ('justice').[36]

Finally, Kant defines reason as "the faculty of principles" (*KrV* A299/B356). In the third *Critique*, reason is "the faculty for the determination of the particular through the general (for the derivation from principles)" (*FI* 20:201). And in the *Anthropology*, it is "the faculty of deriving the particular from the universal and thus of representing it according to principles" (*Anth* 7:199; cf. *DWL* 24:703-704). These definitions are themselves abstract, but the overall idea seems to be that through reason we can say something new about a particular case on the basis of a general rule. Because of this, Kant will sometimes speak of the faculty of reason as the capacity to "have insight into" things, or to arrive at something unknown on the basis of what is known (*DWL* 24:693). For example, because I know that all men are mortal *and* that Caius is a man, I can also say that Caius is mortal. We will soon return to the role of reason in syllogistic inference.

[36] Kant sometimes speaks in terms of the 'subordination' of concepts in a judgment (*Refl* 3044, 16:629), though it is not clear if we should take this to be synonymous with the idea of 'subsumption'—a notion I deal with more directly in the next chapter. The main point is that in a judgment we connect two concepts in a certain way rather than any which way. Taking the subject-predicate form we began with, we can see that a relation is posited between the subject-concept and the predicate-concept through the copula—one that cannot simply be reversed if the sense of the judgment is to be kept. Hence, for now, the relevant aspect of Kant's definition of the power of judgment is that it connects two concepts in such a way that one concept is said to fall/belong/be contained under the other (cf. *Refl* 3042, 16:629; *Refl* 3053, 16:633).

2.3. The understanding 'in general' as a capacity to judge: Judgment in the first Critique

I will now examine Kant's account of judgment in the *Critique of Pure Reason*, starting with an analysis of Kant's conception of the understanding as a 'capacity to judge' in the Metaphysical Deduction. I will then discuss Kant's definition of judgment in the Transcendental Deduction, along with other similar definitions of judgment which he provides in the context of transcendental logic. This analysis is important in order to distinguish those parts of Kant's account of judgment in the first *Critique* that only apply to the specific kind of judgments the possibility of which this text is concerned with securing—namely, those that are 'objectively valid.'

Before moving on, an important qualification must be made regarding my overall aims both in this chapter and going forward, and thus my present engagement with certain portions of the first *Critique*. Indeed, Kant comes to see the need for the power of judgment due to certain limitations inherent in logic itself, making a merely logical definition of judgment *always* incomplete. While logic provides concepts to be combined, it cannot provide an exhaustive set of rules for how to combine them correctly. For this reason, Kant put forward the notion of a healthy understanding. We saw in chapter 1 that Kant's pre-critical definition of judgment is strictly logical, even though he views the mind primarily as a faculty of judgment. And, as I mentioned at the end of chapter 1, a significant change in the first *Critique* is Kant's distinction between general and transcendental logic. Yet a transcendental-logical definition of judgment is still a logical definition of judgment. Kant surely sees this as an improvement on his pre-critical view insofar as it provides us with further rules which govern our judgments about objects of experience, but he still recognizes that there cannot be rules for how to correctly apply even *these* rules. The pure categories may provide us with the universal and necessary conditions for

making objectively valid judgments, but they do not tell us how to judge in particular cases. In order to perform this task, another faculty is required.

Indeed, it is only following the Metaphysical and Transcendental Deductions that Kant discusses the power of judgment and its crucial role in applying the *a priori* rules of the understanding. Hence, I will discuss the role that the power of judgment plays in bringing about all judgments—which of course includes the kinds of judgments with which Kant concerns himself in the first *Critique*—in the subsequent section (§2.4). But the power of judgment will also play a role in bringing about the kinds of judgments that are the subjects of the second and third *Critique*, respectively—namely, practical/moral and aesthetic/teleological judgments (*KU* 5:16, 203-204). Hence, what Kant says of judgment in the first *Critique* cannot be taken to generalize to all judgments, but rather refers only to those which aim at the cognition of objects.

2.3.1. *The Metaphysical Deduction*

Kant begins the Metaphysical Deduction by noting that in his treatment of our sensible faculty, he had only defined the understanding negatively—as a non-sensible faculty. Sensibility is a capacity for receptivity, whereby intuitions are given to us insofar as we are affected by objects; he calls intuitions 'immediate' representations because they put us in direct relation to an object. By contrast, our understanding is an active faculty, which he calls 'discursive' insofar as it rests on concepts and the spontaneity of thinking itself—i.e., "the unity of the action of ordering different representations under a common one" (*KrV* A68/B93). Kant then goes on to say that the understanding can do nothing else with concepts except make judgments, the act of which consists in using a concept to represent an object given in intuition: "Judgment is therefore the mediate cognition of an object, hence the representation of a representation of it" (ibid). This

is Kant's first explicit definition of a judgment in the first *Critique*. What further distinguishes intuitions from concepts is the generality of the latter. A concept is a kind of representation that holds of many things and under which a multiplicity of objects may fall. Kant continues:

> All judgments are accordingly functions of unity among our representations, since instead of an immediate representation a higher one, which comprehends this and other representations under itself, is used for the cognition of the object, and many possible cognitions are thereby drawn together into one. We can, however, trace all actions of the understanding back to judgments, so that the understanding in general can be represented as a capacity to judge [*so dass der Verstand überhaupt als ein Vermögen zu urteilen vorgestellt werden kann*] (*KrV* A69/B94).

Notably, Kant's claim refers to the understanding in the broad sense that I described above. In other words, the capacity to judge just described refers to all three higher cognitive faculties taken together; it is made up of the understanding in the narrow sense, as well as the power of judgment and reason.

2.3.2. *The Transcendental Deduction*

Since Kant's primary concern in the first *Critique* is the possibility of theoretical cognition, he is concerned with the possibility of judgments which contain what he refers to as 'objective validity'; in the language of the third *Critique*, these are referred to as 'determining' judgments. From the Metaphysical to the Transcendental Deduction, Kant aims to provide an account of how it is that we can render these kinds of judgments in particular. Despite Kant's tendency to write in a way that sometimes suggests that he is referring to *all* judgments, it is noteworthy to clarify that Kant's remarks in these sections should be taken to refer only to these specific kinds of judgments.

The title of §19 of the Transcendental Deduction is: 'The logical form of all judgments consists in the objective unity of the apperception of the concepts contained therein.' Kant begins

this short section by noting that he has never been satisfied with the definition of judgment given by 'the logicians,' which he characterizes as "the representation of a relation between two concepts" (*KrV* B141). This certainly calls to mind the definition of judgment proposed by Wolff and Meier, as discussed in chapter 1. But it also echoes Kant's own definition in the *False Subtlety*, leading us to question whether Kant is simply being hyperbolic here, or whether he views his 1762 account as already having been an improvement on that of his predecessors, even if now in the first *Critique* he is purportedly improving on his own pre-critical account.

Kant claims that the running definition only accounts for categorical judgments (of the form 'S is P'), but cannot explain hypothetical or disjunctive judgments (of the forms 'If X, then Y' or 'Either X or Y,' respectively). In the latter two cases, what are being related are not two concepts but two judgments. Hence, Kant thinks, the proper relation in a judgment has not yet been specified. He then specifies what this relation to consists in, with what is perhaps his most famous definition of a judgment: "[A] judgment is nothing other than the way to bring given cognitions to the objective unity of apperception" (*KrV* B141). Through the copula ('is'), the objective and subjective unity of given representations are distinguished from each other. Judgments are objectively valid when the representations are brought into relation according to necessary principles in one consciousness—and not arbitrarily, as is the case with subjectively valid combinations of representations whose occurrence together is attributable only to the laws of association (*KrV* B143). When a judgment attains objective validity, we know that the representations belong together, and are not merely contingently related.

2.3.3. *Other definitions of judgment*

Kant provides a handful of other definitions of judgment in subsequent published texts and unpublished notes. Two, in particular, deserve a brief mention. The first comes from the *Prolegomena*, which Kant wrote a few years after the publication of the A-edition of the first *Critique* with the aim of making the ideas of the latter more accessible to a popular audience. In a well-known passage from §22, he writes: "The unification of representations in a consciousness is a judgment" (*Prol* 4:304). The second definition appears in the *Jäsche* logic (1800), a textbook compiled by one of Kant's students and based on his decades of lecture notes: "A judgment is the representation of the unity of the consciousness of various representations, or the representation of their relation insofar as they constitute a concept" (*JL* 9:101).

More than a dozen other definitions of judgment appear in Kant's notes and reflections on logic from the 1780s. None of what Kant says here deviates from the definitions of judgment that we have just encountered, as far as judgment is construed from the point-of-view of transcendental logic. For instance, judgment is described as "the relation of the connection or disconnection of concepts," "a cognition of the unity of given concepts," and "[t]he representation of the way in which different concepts belong to one consciousness objectively—i.e., in order to constitute a cognition of the object" (*Refl* 3037, 16:627; *Refl* 3042, 16:629; *Refl* 3055, 16:634).[37] These definitions reaffirm that the logical act of judgment is a matter of relating different representations in a single consciousness in order to attain cognition of an object.[38] As with the definition of judgment in the Transcendental Deduction—which, as Pollok asserts, "picks [out] only one possible kind of judgment" (2017, 58)—we cannot take these as defining

[37] See also *Refl* 3044, 16:629; *Refl* 3045, 16:630; *Refl* 3047, 16:631; *Refl* 3049, 16:632; *Refl* 3051, 16:633; *Refl* 3053, 16:633; *Refl* 3060, 16:635; *MFNS* 4:475-6n.
[38] For a recent discussion of Kant's logical concept of judgment, see Newton (2019). See also chapter 4 of Longuenesse, which treats the various logical definitions of judgment (1998, 81-106).

any judgment whatsoever, but rather only those judgments that are made in relation to objects.[39] As Kant makes clear in similar terms to those used in §19: "The representation of the way in which different concepts belong to one consciousness is judgment. They belong to one consciousness partly in accordance with laws of the imagination, thus subjectively, or of the understanding, i.e., objectively valid for every being that has understanding" (*Refl* 3051, 16:633).

As we will observe shortly, Kant does not consider all exercises of the power of judgment to be objective. Upon introducing the distinction between the determining and reflecting power of judgment in the third *Critique*, Kant will describe the former as the relevant sense of judgment from the first *Critique*: "Every determining judgment is logical because its predicate is a given objective concept" (*FI* 20:223). By contrast, a reflecting judgment is "not a cognitive judgment, hence not a logical one," which Kant describes as 'subjective' because its determining ground is not a concept but a feeling (*KU* 5:203). We will consider this distinction in the next chapter, especially as it relates to the unifying features of the power of judgment. For now, however, we will turn to Kant's remarks on the power of judgment strictly in the context of the first *Critique*.

2.4. *The Transcendental Doctrine of the Power of Judgment*

Kant's remarks on the nature of the power of judgment are brief, occupying a mere three or four pages in a section entitled, 'On the transcendental power of judgment in general.' Kant begins this section with a definition of the power of judgment: it is "the faculty of subsuming under rules, i.e., determining whether something stands under a given rule or not" (*KrV* A132/B171). By invoking the idea of the understanding as the faculty of rules, Kant clarifies that

[39] For a taxonomy of the many different kinds of judgments, for Kant, see Pollok (2017, 81-116).

there is a separate faculty at work in applying these rules.[40] Kant then proceeds to describe why such a capacity is required, appealing to the above-mentioned division of general logic. General logic prescribes rules for the use of our understanding, but it cannot provide rules for the correct application of these rules. The power of judgment cannot itself be instructed by rules; while it applies rules, it is not itself rule-governed. There remains a gap between the generality of a rule and the particularity of a case that can never be closed by the faculty of rules itself—so much so that one might grasp a rule but fail to apply it correctly. Kant uses the example of a doctor or lawyer who might possess theoretical knowledge (say, of anatomy or a legal code), but is unable to apply it in actual cases. For example, a doctor may possess the concept 'typhoid,' but be unable to diagnose it in a patient. A lawyer may grasp the difference between 'homicide' and 'manslaughter,' but be unable to discern which of these applies to the defendant before him.

Kant recognizes that the understanding has such limitations in the early 1770s, as revealed by a note in his copy of Meier's *Auszug*: "the understanding cannot itself determine generally whether it has judged in accordance with its laws, but that must be determined in the individual case by the power of judgment [*Urteilskraft*]" (*Refl* 2133, 16:247).[41] This note dates from between 1771-1775, even earlier than the passage that I discussed at the end of chapter 1, in which Kant states that logic provides rules but not criteria for how to apply rules.[42]

Kant proceeds to argue, explicitly, what was only made implicit in his discussion of the healthy understanding. Concerning the question of subsumption—which is to say, how one

[40] cf. a passage from the *Vienna* Logic, written around the time Kant was preparing to publish the first *Critique*: "Understanding is the faculty of rules. The power of judgment is the faculty for deciding whether a rule ought to be used at this place, hence it is the faculty for subsuming under a rule" (24:883).
[41] It is unfortunate that the Cambridge translation renders this as "the faculty of judgment" (Kant 2005, 36); cf. a potentially even earlier logic note: "This cannot be taught; for the application of rules requires not another rule but rather a healthy understanding" (*Refl* 1579, 16:22).
[42] It is worth noting that in addition to arguing this point, the note also invokes the notion of *Urteilskraft* earlier than any of the anthropology notes that McAndrew cites concerning the healthy understanding.

should go about distinguishing whether something stands under a certain rule or not—there cannot be a rule instructing one in this task, for this is itself a rule, therefore requiring yet another rule (and so on to infinity). Something must put a stop to the regress in order to secure the possibility of making judgments altogether. Kant claims that power of judgment performs this task. But he does not yet offer an account of exactly how it does this, nor does he appeal to any special principle governing its activity. He merely describes it as "a special talent that cannot be taught but only practiced" (*KrV* A133/B172). No amount of theoretical knowledge or grasp of the relevant rules can make up for the incapacity to determine when to apply them. Instead, a 'sharpened' power of judgment is a skill, which may only be acquired through experience, especially through a familiarity with a multitude of cases.

2.5. *The 'capacity' needs the 'power'*

We are now in a better position to consider the relationship between the power of judgment and the capacity to judge.[43] Kant acknowledges that such a relationship is vexing. In metaphysics lectures delivered shortly after the publication of the first *Critique* (1782-83), Kant asserts that "The difference between power and faculty is difficult to determine" (*MM* 29:823). I will first consider a reading which, I claim, fails to capture the distinctiveness of the power of judgment vis-à-vis (more precisely: within) the capacity to judge, by taking it to merely consist

[43] Two brief remarks on translation are in order. First, *Kraft* is often rendered 'force' in the context of physics (e.g., Kant's pre-critical essay, *Thoughts on the True Estimating of Living Forces* [1746]). Yet it also appears in other places in the faculty psychology of the period (e.g., the imagination is *Einbildungskraft*). Second, Guyer & Wood translate *Vermögen* as 'faculty' rather than 'capacity.' While this is closer to the Latin term '*facultas*,' which Kant takes from Baumgarten, Longuenesse suggests that 'capacity' does a better job of capturing the idea of "unactualized potentiality" (1998, 7). Because I am primarily engaging with her in what follows, I will use 'capacity' rather than 'faculty' when discussing the *Vermögen zu urteilen*—using the latter term in the more general sense pertaining to Kant's division of the mind.

in its actualization of the capacity. I will go on to argue that Kant introduces the power of judgment to fill a particular gap in his account of the mind by performing a unique function—namely, mediation—and thus that its actualizing function must be understood in such terms.

2.5.1. *Double counting?: Longuenesse's merely modal distinction*

Commentators have focused almost exclusively on the *Vermögen*, having very little to say about the *Kraft* of which it is partly composed.[44] In the opening pages of her book, *Kant and the Capacity to Judge* (1998), Longuenesse discusses Kant's characterization of the understanding in the Metaphysical Deduction and its relationship to the power of judgment. She suggests that we should understand the distinction between a capacity and a power in the terms that Kant uses in his metaphysics lectures, and thus in keeping with Baumgarten and Wolff—referring to the difference between a possibility for acting and doing, on the one hand, and the actualization of this possibility, on the other. Baumgarten characterizes a power [Latin: *vis*] as "the complement to the faculty [*facultas*]," namely, "what is added to the faculty so that the act comes to be" (*M* §220).[45] Wolff uses the example of a seated person: they have the capacity to stand, which must be distinguished from the further capacity which brings it about *that* they stand (*DM* §117). By contrast, we would not say that I have the capacity to fly, and this is precisely because I do not have what it takes to make this a reality. A *Kraft*, then, is that through which one takes what is merely potential and makes it actual. In the case of judging, then, Longuenesse suggests that we understand the *Vermögen zu urteilen* as "[the] possibility or

[44] For a careful study of the use of *Vermögen* throughout Kant's Critical texts, as well as in Kant's time more generally, see Falduto (2014, 3-11).
[45] See also §144, §197, §216, as well as some of Kant's notes on §216 (*Refl* 3582-3585, 17:72-73). Hessbrüggen-Walter argues that Kant was in fact more influenced by Crusius than Wolff and Baumgarten on this matter (2004, 127-136).

potentiality of forming judgments," which is actualized by *Urteilskraft* when we judge (1998, 7). The latter is: "the actualization of the *Vermögen zu urteilen* under sensory stimulation," "in relation to sensory perceptions" (ibid).

Kant's discussion of the difference between *Vermögen* and *Kraft* in his metaphysics lectures certainly lends support to an interpretation in terms of potentiality and actuality. On the account he provides in his metaphysics lectures, a faculty is "the possibility of acting," that is, the property of a substance by which it has only the potential or tendency for acting, but which lacks a sufficient ground (*VM* 28:434). A power is "a faculty insofar as it suffices for the actuality of an accident [of a substance]"; it is the sufficient ground of an action and thus that which actualizes it (*MM* 29:823; cf. *HM* 28:27; *MvS* 28:515, 565; *VM* 28:434). In short, a faculty merely contains "the ground of the possibility of an action," while a power contains the "ground of the actuality of an action" (*MM* 29:824). In the case of judging: the former denotes that whose presence in a subject makes possible the act of judging, while the latter constitutes the first required condition in addition to those further necessary conditions, in order for this act to be performed.[46]

At the same time, Longuenesse's reading fails by, in effect, counting the power of judgment twice—first as potentiality, then as actuality. On the one hand, she acknowledges that Kant sees all three higher faculties as making up the capacity to judge; the *Vermögen*, she claims, refers to "the capacity for discursive thought" (1998, 8). Yet she also describes the power of judgment as the actualization of *this* capacity. That is, she singles out one component of the

[46] Since we are talking here about the capacity to act and the actuality of an act, it is easy to conflate the distinction between a capacity and a power, on the one hand, and a power and an act, on the other. Drawing on these passages from the metaphysics lectures, Boyle suggests that Longuenesse makes this mistake by failing to delineate between those conditions that enable the power to perform its operations and the products of this operation (i.e., its judgments) (2020, 132fn21).

capacity as being identical to that which makes this potentiality actual. Several questions arise. Are there, then, two ways of understanding 'the power of judgment'—the power of judgment qua *capacity* and the power of judgment as an *actualizing* force? If so, what would be the difference between them? If there is no difference, then Longuenesse is double counting. On this account, Kant would have been better off arguing that the capacity to judge is made up of only the understanding and reason, reserving the power of judgment solely for the role of actualizing this capacity.

In subsequent work, Longuenesse reiterates her claim that *Urteilskraft* is the actualization of the *Vermögen zu urteilen*—yet simultaneously concedes the following: "for that matter, so are the two other components of understanding [in the broad sense]," referring to the understanding in the narrow sense and reason (2006, 142). If it is the case that all three sub-faculties of cognition participate in actualizing our potential for judging, then we are back to where we started—namely, wondering what is distinctive about the power of judgment. Unfortunately, Longuenesse does not elaborate on this point, reflecting a general neglect of the power of judgment in her work, which I consider in more detail in the next chapter. For now, I will note that Longuenesse is quite explicit in noting that the title of her book does *not* refer to *Urteilskraft*—which, she claims, "depends" on the *Vermögen*, though what this means is itself unclear (1998, 8).

2.5.2. *On what's missing: Actualization as mediation, or: from modality to syllogism*

Kant comes to hold that an exhaustive description of the faculties of the mind cannot leave out the power of judgment. There is certainly a modal dimension to the power of judgment, which is to say, a close association with the notion of actualization. However, this association

cannot be understood as mere actualization of a capacity—that is, in the terms set out by Baumgarten and Wolff. Rather, the extent to which the power of judgment can be taken to be an actualizing force is the extent to which it fulfills its mediating function.

While Longuenesse refers to passages from the metaphysics lectures in which Kant appears to cite Wolff and Baumgarten sympathetically (with respect to the *facultas-actus*/potentiality-actuality distinction), Kant also criticizes both of these thinkers in the same lectures. As early as the *Herder* notes (1762-1763), Kant argues against the idea that a power is that which contains the ground of the actuality of an act, contending instead that it is the "connection" [*nexus*] of the ground and its consequence (*HM* 28:25, 26-27). A decade or so later, Kant repeats this claim: "Power is not what contains in itself the ground of the actual representation, but rather the relation of the substance to the accident…. *Power is thus not a separate principle, but rather a relation*" (*PM* 28:261). Kant's remarks here do not clarify what it means for a power to be a 'connection' or a 'relation.' However, in examining the function of the power of judgment both with respect to the modal forms of judgment and the minor premise of a syllogism, it will become clear that the actualizing dimension of judgment consists not simply in bringing something into existence that was previously a mere potentiality, but rather in mediating between two disparate parts in order to facilitate their connection and unity.

Kant affords a special role to the modal forms of judgment. In the Metaphysical Deduction, Kant specifies the logical functions of judgment into four general categories: quantity, quality, relation, and modality—all of which have three specifications. The first three, he claims, pertain to the content of the cognition itself. The modality of a judgment, however, "contributes nothing to the content of the judgment…but rather concerns only the value of the copula in relation to thinking in general" (*KrV* A74/B100). Recall that the copula ('is' or its

negation) is what connects or separates a predicate and a subject. When we judge, we take a stance towards the particular content that is exhausted by the first three forms of a judgment, which is observed in three different possible modalities: possibility, actuality, and necessity. Kant calls these judgments 'problematic,' 'assertoric,' and 'apodictic' (*KrV* A74-75/B100). For example, I might entertain a relation of two concepts, or posit that such a relation is the case, or even say that such a relation is necessary. What is particularly instructive about this section on the logical functions of judgment is a footnote that links these three moments to the three higher cognitive faculties: "It is just as if in the first case thought were a function of the understanding, in the second of the power of judgment, and in the third of reason" (ibid).[47] Kant links the understanding with possibility (in providing the logical forms of judgment), the power of judgment with actuality (in bringing intuitions under concepts), and reason with necessity (in concluding what must hold of something). Kant draws parallels in the following way: the understanding leaves open the question of whether anything in fact exists that exhibits the conceptual content it allows us to grasp (e.g., a cause), whereas the power of judgment affirms that such things exist (e.g., that some particular thing is the cause of another)—with reason going a step further and affirming some further thing on the basis of the existing judgments (e.g., that something necessarily is the cause of something else).

I just noted that the power of judgment brings intuitions under concepts, though I have not said much about this. This is the particular function of the power of judgment in the context of bringing about actual cognition of objects of experience. In other words, this is the function of the power of judgment provided in the first *Critique*. I will not discuss the details of its activities

[47] The remainder of the footnote reads: "This is a remark the elucidation of which can be expected only in the sequel." It is unclear what 'the sequel' is, just as it is unclear what Kant means when he begins the footnote with the somewhat tentative language ('it is just as if…').

here (as set out in the 'Schematism' chapter), but only wish to draw our attention to the salient feature of this faculty in general that these particular operations point to—namely, its mediating character. This observation will also provide a natural segue to consider the second clear instance of the power of judgment's link to actuality in the first *Critique*, where, notably, its actualizing character also fulfills its mediating function.

Recall that Kant's pre-critical writings on judgment came in the context of an essay on syllogism, where Kant described syllogisms as types of judgments—namely, mediate judgments. Kant's most extensive discussion of syllogism comes in the first *Critique*'s Transcendental Dialectic, particularly, in a section concerning what Kant refers to as the 'logical' use of reason, in contrast with its 'real' use (*KrV* A299/B355). Here Kant considers the exercise of reason in abstraction from the content of this or that cognition, and thus focuses on its inherently inferential function. What emerges from Kant's remarks on syllogism in the first *Critique* is that he assigns a role to each of the higher cognitive faculties.[48] Though reason is the primary faculty at work, each of the three parts of a syllogism are associated with one of the three higher cognitive faculties as being chiefly responsibility for that part. First, the understanding provides the major premise, which Kant also calls the *rule* (e.g., 'All human beings are mortal'). Secondly, the power of judgment provides the minor premise, in which a particular cognition is subsumed under the condition of the rule (e.g., 'Socrates is a human being'). Finally, I draw a conclusion about the particular on the basis of the general rule (e.g., 'Socrates is mortal') (*KrV* A304/B360).

We can focus on the contribution that the power of judgment makes to the possibility of a successful syllogism. To specify: one could not legitimately deduce merely from a general rule

[48] Kant makes the point just as explicitly in *Menschenkunde* that these three higher faculties of cognition are shown in the three parts of a syllogism (*MA* 25:1036; cf. *CA* 25:158; *PA* 25:360-361).

(and thus a single premise) some further conclusion which shares no common predicate. Returning to our example, one could not simply state that all men are mortal and then immediately conclude that Socrates is mortal because one has not subsumed ‘Socrates’ under the concept ‘man’—the task attributed to the power of judgment. Only following this subsumption can reason make use of the general rule in order to make the inference—mediated by the connection of ‘Socrates’ and ‘man’ (again: a mediation by means of the power of judgment)—that ‘Socrates’ also goes with ‘mortal.’

Interlude: *What's really missing: Systematic legislation for the fundamental faculties*

Before moving on, I will lay out the remaining elements of Kant's mature faculty psychology. So far, we have examined Kant's higher cognitive faculties. First, it should be noted that these contrast with the lower cognitive faculties, of which there are two: sensibility and imagination. The second thing to be noted (insofar as these are all 'cognitive' faculties) is that Kant recognizes the faculty of cognition as a fundamental faculty, along with two other fundamental faculties: the faculty of desire and the faculty of feeling pleasure and displeasure.[49] For now, we can think of these as, respectively, our capacity for knowing, acting, and feeling. The takeaway from this section is twofold: first, this threefold division of the fundamental faculties yields three distinct kinds of judgments. Secondly, Kant associates each of the higher cognitive faculties with a fundamental faculty in a fruitful way. Kant's faculty psychology is quite difficult to parse. For one, it contains numerous distinctions and technical terms, many of which are not used consistently throughout Kant's texts. Wuerth goes as far as to claim that "Kant tends to use this terminology in his major works rather than explain it" (2014, 189).[50]

Kant provides the clearest exposition of his division of the mind's fundamental faculties [*Grundvermögen*] at the very end of the Introduction to the *Critique of the Power of Judgment*. It comes in the form of a chart, which correlates the three fundamental faculties to their respective

[49] What makes them fundamental is precisely the fact that they cannot be reduced to a single faculty or power. In this, Kant parts ways with the Leibnizian-Wolffian tradition which saw all of the faculties as reducible to the cognitive faculty. In the unpublished introduction to the third *Critique*, Kant goes as far as to provide an argument for why it is impossible to trace all of the faculties back to a single one, in terms of the "great difference" between the kinds of representations they yield (*FI* 20:206).

[50] Wuerth also observes that the explanations are often left primarily to the lecture notes—especially those on anthropology, along with portions on empirical psychology in the metaphysics lectures. Wuerth's work is unique in the English secondary literature for attempting to lay out a complex taxonomy of the mind, for Kant. Wuerth also highlights the extent of the confusion and disagreement among Kant scholars regarding the number and proper division of the faculties (2014, 93). For example, many commentators claim that the three main faculties for Kant are: sensibility, understanding, and reason (Neiman 1997, 48-49; Waxman 1991, 262-63, 271-74). Given my interests here, this is particularly problematic—for it not only leaves out the power of judgment, but elevates one of the lower faculties to take its place.

higher cognitive faculties, along with noting their guiding principles and application (*KU* 5:196-198; cf. *FI* 20:245-246; *MdS* 6:211-214):

All the faculties of the mind	**Faculty of cognition**	***A priori* principles**	**Application to**
Faculty of cognition	Understanding	Lawfulness	Nature
Feeling of pleasure and displeasure	Power of Judgment	Purposiveness	Art
Faculty of desire	Reason	Final End	Freedom

The meaning and import of this mode of presentation is not immediately obvious. Just a few pages earlier, Kant claims that "[A]ll the faculties or capacities of the soul can be reduced to the three that cannot be further derived from a common ground: the faculty of cognition [*Erkenntnißvermögen*], the feeling of pleasure and displeasure [*Gefühl der Lust und Unlust*], and the faculty of desire [*Begehrungsvermögen*]" (*KU* 5:177). Thus Kant lists these three in the first column, followed by a column for the faculty of cognition itself, where Kant places the relevant higher cognitive faculty, which correspond to each of the fundamental faculties. We need to be cautious precisely at this juncture—for while one of the fundamental faculties is the faculty of cognition, there is also a faculty of cognition for each fundamental faculty. The first instance refers to the faculty of cognition in general (include its lower parts), while the second refers to one of the three higher sub-faculties; each of the latter "take their place" next to one of the former (*FI* 20:245). The key to understanding the relationship between the first and second

columns lies in the third column, where Kant lists the *a priori* principle that arises from the legislation of the latter for the former.

A higher cognitive faculty is legislative when it provides a fundamental faculty with its *a priori* principle.[51] These are the pure concepts of the understanding, the moral law as the law of reason, and the principle of the subjective purposiveness of nature. Hence, the understanding (in the narrow sense) is legislative for the faculty of cognition—and it yields theoretical cognition (*KU* 5:178, 197); reason legislates for the faculty of desire, which Kant sometimes refers to as the 'will'—hence constituting the practical part of philosophy (*KU* 5:178, 198). Kant sets out to show in the third *Critique* that the power of judgment legislates for the faculty of feeling pleasure and displeasure (*KU* 5:168). The significance of this association of a higher cognitive faculty with a fundamental faculty for our purposes is that it yields three types of judgments, each individuated by its own normative principle—namely: theoretical, practical, and aesthetic/teleological.

The specific relation of the power of judgment to feeling is what will occupy much of what remains in this thesis—the nature of this faculty itself (the topic of chapter 3), as well as its legislative principle (the topic of chapter 4). I will conclude this chapter by describing the way in which this issue occupied Kant into the late 1780s—well beyond the publication of the first *Critique*. For while Kant had clearly affirmed the power of judgment as a higher cognitive faculty, and even affirmed the legislative roles of the two other higher cognitive faculties, he had yet to arrive at the view that this intermediate higher cognitive faculty might also legislate for the

[51] As Deleuze puts it, in his excellent essay on Kant's notion of the faculties, something is a *higher* faculty of the mind "when it finds *in itself* the law of its own exercise" (1984, 4). This nicely anticipates the discussion of the following chapter, where we will consider the autonomy of the higher cognitive faculties; through critique of a faculty—what Kant sometimes calls 'analysis' (*KrV* A65-66/B90-91)—we discover the *a priori* principle that it legislates for its own activity.

intermediate fundamental faculty. He describes coming to this position in the famous letter to Reinhold from 1787:

> My inner conviction grows, as I discover in working on different topics that not only does my system remain self-consistent but I find also, when sometimes I cannot see the right way to investigate a certain subject, that I need only look back at the general picture of the elements of knowledge, and of the mental powers pertaining to them, in order to make discoveries I had not expected. I am now at work on the critique of taste, and I have discovered a new sort of *a priori* principle, different from those heretofore observed. For there are three faculties of the mind: the faculty of cognition, the faculty of feeling pleasure and displeasure, and the faculty of desire. In the *Critique of Pure* (theoretical) *Reason,* I found *a priori* principles for the first of these, and in the *Critique of Practical Reason a priori* principles for the third. I tried to find them for the second as well, and although I thought it impossible to find such principles, the analysis of the previously mentioned faculties of the human mind allowed me to discover something systematic, which has given me ample material at which to marvel and if possible to explore, sufficient to last me for the rest of my life, and has put me on the path now to recognize three parts of philosophy, each of which has its *a priori* principles, which can be enumerated and for which one can precisely determine the scope of the knowledge that is possible through them—theoretical philosophy, teleology, and practical philosophy, of which the second is, to be sure, the least rich in *a priori* grounds of determination. I hope to have a manuscript on this completed although not in print by Easter, under the title of the 'Critique of Taste' (*Corr* 10:513-516).

Kant provides an account of the power of judgment in the first *Critique* to fill a gap in his taxonomy of the mind which he noted in his pre-critical account. We can now ascertain, however, that a new gap emerges between the power of judgment as the intermediate higher cognitive faculty and the faculty of feeling of pleasure and displeasure as the intermediate fundamental faculty. In the first *Critique*, the power of judgment lacks its own *a priori* principle, making Kant's account of it at this point incomplete. Since such a principle can only emerge via a critique of the faculty in question, what is required is nothing less than a critique of the power of judgment. Such a text, prompted by the realization described in the above letter, would be published in 1790 under the title, *Kritik der Urteilskraft*.

Chapter 3.

Subsuming 'determining' under 'reflecting':

The priority of reflection in the *Critique of the Power of Judgment*

Let us now turn to Kant's account of the power of judgment in the *Critique of the Power of Judgment*. One can expect to find in the third *Critique* a far more extensive account of this faculty than what Kant provides in the first *Critique* (if for no other reason than it being the subject of this critique). However, one also can expect to encounter new interpretive challenges here, including that of reconciling Kant's remarks on the power of judgment with the account offered in the first *Critique*. The most important innovation in the third *Critique* is a distinction between what Kant calls the 'determining' [*bestimmend*] and 'reflecting' [*reflectirend*] power of judgment (*KU* 5:179).[52] Yet there is no consensus among commentators as to what this distinction amounts to—or even as to whether it was present in 1781. Moreover, there is a further philosophical issue pertaining to the unification of the seemingly disparate acts of determination and reflection—such that one might ask: What is common to both of these mental operations such that they can each be seen as species of a singular faculty called 'the power of judgment'?

In this chapter, I provide an answer to these questions by arguing for what I call the *priority* of reflecting judgment. I begin by motivating the problem of the relationship between the determining and reflecting power of judgment (§3.1). I then discuss a prominent attempt at addressing this, which unifies the two by making determination the telos of all acts of judgment (Longuenesse 1998; Allison 2001) (§3.2). On this view, 'merely reflecting' [*bloß reflectirend*]

[52] I follow Guyer & Matthews, who translate *bestimmend* and *reflectirend* this way—rather than 'determinant'/'determinative' and 'reflective' as is commonly rendered (Meredith 1911; Pluhar 1987).

judgments are incomplete judgments. I show that this view fails in ascribing to the power of judgment what I call a *determinative ideal*. Against this view, I argue that restricting the aim of reflecting judgment to the generation of empirical concepts for determinate cognition is incompatible with the independence of the power of judgment as a capacity of the mind with its own *a priori* legislative principle. Indeed, this path risks rendering the third *Critique* superfluous.

In what remains, I argue for a more promising solution: Instead of subordinating reflecting judgment as a failed act of judgment, we should do the reverse. In reflecting, judgment pursues its own ends, which derive from its status as a higher cognitive faculty (§3.3). I focus on the subsumptive structure of reflecting judgment itself, exhibited in the activity of mere reflection, to show that only acts that are guided solely by the principle of purposiveness express the *autonomy* of the power of judgment (which Kant calls 'heautonomy'). By contrast, determining judgment is not on par with reflecting judgment, for its principle is always provided by another higher cognitive faculty (either the understanding or reason) (§3.4). Moreover, in addition to exclusively characterizing the specificity of the mind's power of judging, reflecting judgment also functions as the subjective condition of possibility for any determination whatsoever. After this, I discuss the way in which my account unifies the power of judgment in general, understood as the capacity for purposive subsumption (§3.5). I conclude by attending to the structure of merely reflecting judgment, via the notion of the free play of the imagination and understanding, asking what it might mean for this non-rule-governed activity to be nonetheless governed by a principle. The topic of a transcendental principle for the merely reflecting power of judgment will be the topic of chapter 4.

3.1. *The distinction between the Determining and Reflecting Power of Judgment*

In the previous chapter, I noted that Kant introduces 'the power of judgment' [*Urteilskraft*] for the first time (in his published work) in the *Critique of Pure Reason*. It appears as one of three higher cognitive faculties—more precisely, as the intermediary between the understanding [*Verstand*] and reason [*Vernunft*] (*KrV* A131/B169). I also noted that Kant defines the power of judgment by way of a contrast with the understanding (in the narrow sense), which is the faculty of rules: it is "the faculty of subsuming under rules, i.e., of determining whether something stands under a given rule … or not" (*KrV* A132/B171). Kant's remarks on the power of judgment in the first *Critique*—appearing in a section entitled, 'Transcendental Doctrine of the Power of Judgment'—are hardly extensive. In subsuming specific cases under general notions, it is not instructed by rules, on pain of regress: there would need to be further rules *ad infinitum*. The ability to determine whether a particular instantiates a rule is ultimately "a special talent," which "cannot be taught but only practiced" *(KrV* A133/B172). Unlike the other two higher cognitive faculties, the power of judgment has no special principle to guide it, leaving its operations ultimately mysterious. Furthermore, the power of judgment finds its identity here only in relation to the understanding, which it assists by applying given rules.

In the third *Critique*, however, Kant provides a potentially broader definition of the power of judgment: it is "the faculty for thinking of the particular as contained under the universal" (*KU* 5:179; cf. *FI* 20:211). Immediately after this, he distinguishes between the 'determining' [*bestimmend*] and 'reflecting' [*reflectirend*] power of judgment. As it is presented, the distinction hinges on whether or not the universal is given prior to our encounter with a

particular.[53] If a universal is given, then judgment is determining. We can take this to involve something like predication, that is, attributing a property to a thing.[54] For example, I might possess the concepts 'red' and 'coffee mug,' and thus say of some object in front of me that it is a red coffee mug. However, if no universal is given, then judgment must search for one. To continue with our example: the first time I saw a coffee mug, I lacked the concept necessary to see it *as a coffee mug*. It was only after reflecting on the particular object as such (and presumably, other coffee mugs) that I arrived at the empirical concept 'coffee mug.' In seeking out a universal for the particular, the power of judgment is reflecting.[55] Notably, in the third *Critique*, the power of judgment *is* governed by a principle, which Kant describes as the presupposition that nature is purposive for our cognitive faculties.[56]

Since the distinction between determining and reflecting judgment appears for the first time in the third *Critique*, one might think that Kant initially conceived of the power of judgment only as determining, coming to possess a notion of it as reflecting later on.[57] However, it is more

[53] Kant parenthetically glosses the term 'universal' as a rule, principle, or law; elsewhere, he mentions concepts (*FI* 20:211). We can take these notions to be universals in the sense relevant for the definition of the power of judgment—i.e., as things under which particulars can be subsumed.

[54] I avoid the issue of what Kant means by 'determination,' since nothing I say here hinges on a particular account of it. Allison points out that there are at least three possible subjects of determination, for Kant: concepts, objects, and intuitions (2001, 18-19).

[55] Curiously, a vast majority of commentators prefer to speak of this distinction in terms of two 'uses' of the power of judgment, though Kant himself never employs this term—though at one point he describes these as two ways of 'regarding' [*angesehen*] the power of judgment (*FI* 20:211). Philosophically, it is not clear that much hangs on any of this terminology. For whether we speak in terms of the different 'uses' of a faculty (or ways of regarding it), there remain questions of how these various uses should be understood in relation to each other—e.g., whether one is more fundamental than the other or whether they are on a par, whether they ought to be ranked or ordered (and if so, how), and so on.

[56] Since the focus of the next chapter is the nature of the transcendental principle of the power of judgment, I will not say more about it just yet.

[57] Some commentators have held this view. For example, Kaag claims that "In the *Critique of Pure Reason* Kant seems to have envisioned only determinate judgment," and that Kant "comes to recognize" reflecting judgment by the time he writes the third *Critique*—"developing *an alternative* to the determinate judgments of the *Critique of Pure Reason*" (2014, 39; his emphasis). Teufel claims that, in the third *Critique*, "Kant now discerns a new cognitive capacity within the power of judgement at large" (2012, 302).

likely that development of Kant's thinking on the power of judgment is more subtle than this.[58] The mainstream view that I consider in the next section provides compelling reasons to observe an early version of reflecting judgment in the first *Critique*. Despite going on to reject this view, I concur on this specific point—as explained in what follows.

Even bracketing concerns over precisely when Kant arrived at his notion of reflecting judgment, a philosophical problem remains: what is common to both operations such that they can be seen as species of a singular faculty of the mind, and unified under the power of judgment *in general*? This question arises naturally in considering the two different mental exercises at play, respectively—on the one hand, applying a rule to a particular of which it is an instance; on the other, searching for a rule for a particular. On the face of it, these seem like vastly different acts of the mind, hardly deserving of being put together.[59]

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[58] In the letter to Reinhold from 1787, which I just quoted, wherein Kant describes his plans to write the third *Critique*, there is no mention of a 'discovery' of reflecting judgment. However, among the "systematic" reasons that made him see such a critique was necessary, is the recognition that the fundamental faculty of feeling pleasure and displeasure has its own *a priori* legislative principle, just like the faculties of cognition and desire—a principle provided by the power of judgment (*Corr* 10:514-515). On my view (as I will soon argue), what Kant discovered was not reflecting judgment as such, but rather the *autonomy* of reflecting judgment. What appears in the first *Critique* as a subordinate mode of the power of judgment is elevated in the third *Critique* as the power of judgment *sans phrase*.

[59] This presupposes a certain way of individuating acts of the mind, which attempts to capture our mental activities by way of their most fundamental description. This is indeed Kant's approach: a "systematic representation of the faculty for thinking" in the form of a threefold division of the higher cognitive faculties (*FI* 20:201). Just how different these two acts are is, in some sense, at issue. Several commentators have cashed out the distinction between reflection and determination in terms of induction and deduction (Allison 2001, 35; Gasché 2013, 101-102; McFarland 1970, 8-11). For Zammito, the act of seeking out a rule is creative and free, whereas applying a rule is mechanical and rote; thus, he claims, there is a "radical incongruity between the reasoning involved in discovery (or invention) and the reasoning involved in proof" (1992, 167). But this seems to overstate the difference between the two. For based on what I demonstrated in chapter 2, such a characterization of determining judgment misses the crucial element, namely, that even in applying rules, the power of judgment is not guided by rules. Moreover, by the end of this chapter, we will see that this crucial element in making a determining judgment is performed by reflecting judgment. Thus, far from being a rigid distinction between mechanical and free activities of judgment, the view I defend suggests a far blurrier picture, according to which even the former involves a degree of spontaneity.

There is hardly a well-defined position on the relationship between determining and reflecting judgment, nor is there consensus as to what it amounts to. Commentators usually take it to refer to two distinct ways of exercising a single power, though this is often taken for granted and rarely supported. For Guyer, determining and reflecting judgment are "two different ways in which judgment can operate," which are "numerically distinct and independent from each other" (1997, 35; 2003, 2).[60] Moreover, Guyer suggests that determining and reflecting judgment are unified insofar as they both involve "matching" particulars and universals (1997, 35). However, this account fails to capture what is distinctive about the power of judgment. Like Guyer, Zuckert glosses these as "parallel" operations insofar as "we do the 'same thing' in these activities, only in different 'directions' (start with the universal, or start with the particular)" (2007, 72). Similarly, Allison observes that the text suggests that these capacities share "a common concern of connecting universals to particulars, which they attempt to do in diametrically opposed ways"—though this turns out not to be his considered view, as the next section will reveal (2001, 17-18). But these commentators seem to overlook (if not deny) is the potential heterogeneity of the respective roles of determining and reflecting judgment.

3.2. *From the 'moment' of reflection to the determinative ideal*

However, one commentator stands as an exception. Longuenesse maintains that there is "no strict dichotomy" between determining and reflecting judgment (2007, 214). Additionally, she claims that they are in fact "complementary" and "inseparable" (1998, 231). Though her

[60] Guyer's view is slightly more subtle than this. He notes that when the given universal is a pure category (e.g., causality) requiring intermediate concepts (e.g., a specific empirical-causal law) for its application, reflective judgment "may be needed to find those concepts and thus complete the task assigned to determinant judgment" (2005, 12). Still, for the most part, Guyer thinks that judgment is "either determinant or reflective but not both" (ibid).

account is not explicitly framed in terms of the problem of the relationship between the two, we can nonetheless see it as motivated by such concerns. Longuenesse observes no major change in Kant's conception of judgment from the first to the third *Critique,* but instead a deep continuity between the two texts.[61] She speaks of a "profound accord between the first and third *Critique* in respect of their conception of judgment," despite the reflective aspect being "somewhat obscured" due to the former's "determinative focus" (1998, 197, 163). And yet, as I will show, her account achieves the unification of determining and reflecting judgment only by making determination the telos of reflection.

3.2.1. *'The Capacity to Judge' as a capacity to make determining judgments*

Longuenesse claims that "*all* reflection is geared toward concept formation" (2003, 146; her emphasis). For this reason, she speaks of aesthetic (i.e., *merely* reflecting) judgment as a case of "reflection failing to reach determination under a concept" (1998, 164fn47). On Longuenesse's account, then, all acts of the power of judgment have what I will refer to as a *determinative ideal*. After discussing her view in detail, I will show why this account cannot be squared with Kant's larger systematic and critical aims in the third *Critique.*

Longuenesse's position departs from the observation that Kant refers to aesthetic and teleological judgments as 'merely' [*bloß*; *nur*] reflecting, which suggests that the proper contrast to be drawn is with those that are both determining *and* reflecting. By reading the concepts of comparison from the first *Critique*'s Amphiboly chapter in light of the logical forms of judgment, she demonstrates that reflection is already present in this text: "at the heart of the first

[61] Likewise, Allison writes: "Notwithstanding the lack of an explicit formulation of this distinction in the first *Critique*…the contrast that Kant draws in the Introductions to the third *Critique* [does not mark] a major change in his conception of judgment" (2001, 17).

Critique we find a concept of judgment in which *reflection* plays an essential role" (1998, 163; cf. 2005, 231fn21). She articulates this role as follows:

> All determinative judgments must have a reflective component: even if we have available the relevant concepts under which to subsume individual objects, there is always an initial stage at which we apprehend what is given to our senses and grope…for the relevant concept (2003, 145).

This 'initial stage' Longuenesse refers to is one in which we do not yet possess the relevant concept. In other words, this groping is not a matter of finding which concept, among those I possess, is relevant, but forming an entirely new concept (via reflection) on the basis of what is given in sensibility. For Longuenesse, then, determining and reflecting judgment cannot be entirely separated because the empirical concepts that function as rules for the former are produced by the latter.[62] Allison, who follows Longuenesse in this regard, makes the point succinctly: All determining judgments contain a "moment" of reflection (2001, 18).

The crucial move in Longuenesse's argument is her identification of the threefold activity of comparison/reflection/abstraction that generates empirical concepts with the reflecting judgment of the third *Critique*. Though one could easily take this logical act—which Kant describes in §6 of the *Jäsche* logic (9:94-95)—to be an instance of reflective judgment without taking it to exhaustively describe its activity, Longuenesse equates them. The application of concepts is "inseparable" from reflection, she notes:

> For it presupposes a progress from sensible representations to discursive thought: the formation of concepts through comparison/reflection/abstraction, *which is just what reflective judgment is*: finding the universal for the particular (1998, 164-165; my emphasis).

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

Not only is the capacity to apply determinate concepts inseparable from reflection, but all reflection is "geared toward" concept formation (2003, 146). Longuenesse describes reflecting judgment as "the use of the power of judgment by means of which empirical concepts and empirical laws are formed"—while *merely* reflecting judgment is "the use in which the play of imagination and understanding does not lead to a concept" (2007, 288). So, while all empirical cognition presupposes reflecting judgment, "not all reflective judgment leads to cognition, namely to the formation of a concept" (2003, 145). Hence, Longuenesse sees concept formation as intrinsically directed at facilitating cognition. Thus, the crux of our disagreement lies in the idea that *all* reflection aims at determination.

3.2.2. *Against Longuenesse's determinative ideal*

Longuenesse's account may tell a compelling story about how to unify the power of judgment, but one might fear its implications for those instances where "reflecting can never arrive at conceptual *determination*" (1998, 164; her emphasis).[63] Of merely reflecting judgments, Longuenesse says: "the effort of the activity of judgment to form concepts *fails*" (ibid; also her emphasis). Such normative language has direct implications for the status of aesthetic judgments, the paradigm case of merely reflecting judgment. Longuenesse is committed to saying that these are failed attempts at making theoretical judgments—a less than ideal outcome of the activity of

[63] Further indication that Longuenesse privileges determination can be seen in her more general subordination of *Urteilskraft* to the *Vermögen zu urteilen* ('capacity to judge') of the first *Critique*'s Metaphysical Deduction which we discussed in the previous chapter (*KrV* A69/B94). The former, she claims, "depends" on the latter and is the "actualization" of this potentiality for discursive thought (1998, 7-8). While acknowledging the vexed relationship between the two (citing, for example, §35 of the third *Critique*—which I discuss below), she nonetheless explicitly sets aside *Urteilskraft* early on in her book, claiming that it is not her "main concern" (ibid).

reflection. She does not seem troubled by this consequence, though she appears to try to soften it by claiming that there can indeed be fruitful or "welcome" failures (2003, 146).

It should be noted that even Allison, despite being generally on board with Longuenesse's account of Kant's theory of judgment, expresses some hesitancy at the idea of aesthetic judgment as a "failed cognition," along with what he sees as a fundamental assumption of Longuenesse's—"that reflection is always initially motivated by a cognitive aim" (2003, 183).[64] However, like Longuenesse, Allison describes the activity of reflection as "primarily directed toward the formation of concepts" (2001, 45). What's more, regarding the unity of the power of judgment, Allison follows Longuenesse in affirming that "reflection and determination are best seen as complementary poles of a unified activity of judgment (*the subsumption of particulars under universals*), rather than as two only tangentially related activities" (2001, 44; my emphasis).[65] All of this suggests that he too sees the subsumption of a particular under a universal as the ultimate aim of all acts of judgment.

Nonetheless, Allison appears to want to resist the notion of a determinative ideal for the power of judgment: "The suggestion of a failure is out of place here, since the free play of the faculties in such reflection does not aim at such determination, and where there is no aim there can be no failure" (2001, 353-354fn2). Allison stops short of asking the question of what aims reflection might have apart from determination—that is, what it might mean for aesthetic

[64] It is worth noting that Allison is here using the term 'cognitive' in the specific sense that was introduced in chapter 2—namely, as pertaining to objects (one might even say 'determining' or 'determinative'). This is to be distinguished from another sense in which it is used to refer to the three higher cognitive faculties (including, of course, the power of judgment). My argument in what follows hinges on the issue of what it means for something to be a higher cognitive faculty, which I claim must be understood in terms of its having an *a priori* legislative principle governing its own activity. This being the case, there is no problem in saying that not all higher cognitive faculties (in the second sense) have cognitive aims (in the first sense).
[65] He also shares her view that there is no major change between the first and third *Critique* regarding Kant's conception of judgment (see footnote 61 above).

judgments to be *successful*. Indeed, one overall aim of this thesis is to help pave the way for an answer to such a question. Still, one senses in his remarks the implicit realization that one cannot simply conclude from the fact that an activity is aimed at concept formation that it is also aimed at conceptual determination.

We need not take issue with the view, held by both Longuenesse and Allison, that cognitive judgments are both determining and reflecting. In the context of the first *Critique*, reflecting judgment aims at determining some object through a concept. But what is true of its operations here cannot be said of its activity in general. On the view that I defend, the claim that "there is no determination without reflection" is also true, but for very different reasons (2007, 231). Instead of making reflecting judgment subservient to determining judgment, as merely its necessary condition, I will argue that reflecting judgment in fact takes precedence over determining judgment.

What we should take issue with, however, is the idea that reflecting judgment *just is* an activity aimed at forming empirical concepts, and nothing more—that these efforts exhaust its capacities and ends.[66] This treats the power of judgment as a mere handmaiden of the understanding, serving its needs but with no legitimate needs of its own.[67] Moreover, limiting it

[66] I am not the first to raise an objection against Longuenesse and Allison for limiting reflection to a logical act of producing empirical concepts for cognition (Ostaric 2017, 1401fn3, 1403fn25). For Ostaric, construing aesthetic judgment as a failure seems to preclude the possibility of their exhibiting any kind of purposiveness. She rightly urges us to resist seeing the third *Critique* as having merely "epistemological import," as it reduces reflection to something with "merely cognitive significance" (ibid, 1376, 1399). At the same time, Ostaric's focus is on the imagination [*Einbildungskraft*] rather than the power of judgment. One might worry that her characterization of the imagination as "following its own law" risks identifying or at least confusing the imagination with the power of judgment as the relevantly autonomous faculty that is the subject of the third *Critique*. I cannot take up the complicated matter of the relationship between the imagination and the power of judgment here.

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

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

Longuenesse emphasizes a passage from the third *Critique* where Kant tells us that reflection is operative in the first *Critique*—albeit with "no special principle," receiving all of its "directions" from the laws of the understanding (*FI* 20:212). If in the third *Critique* it continues to receive its orders in this manner, then it cannot be considered as the truly self-sufficient capacity of the mind that it is. In sum, Longuenesse's account is incompatible with Kant's larger systematic and critical aims in the third *Critique*. That is, it struggles to explain the necessity of a critique of the power of judgment. At stake, then, is nothing less than the very meaning of the notion of a higher cognitive faculty, for Kant.

3.3. *Reflection as a kind of subsumption: The autonomy of reflecting judgment*

I have argued that casting reflecting judgment only in terms of its contribution to determining judgment results in the prioritization of the latter over the former. I will now argue for the inverse: reflecting judgment takes precedence over determining judgment—in particular, by laying exclusive claim to being the autonomous higher cognitive faculty called 'the power of judgment.' This position not only unifies the power of judgment, but also discloses the significance of its critique.[68] After making the case for this view, I discuss what this means for the status of determining judgment (§3.4).

[68] The uniquely reflecting nature of the power of judgment has not gone entirely unnoticed. Most recently, Teufel has argued that the power of judgment which undergoes critique in 1790 is the reflecting power of judgment alone. However, despite our convergence on this view, we diverge in many other respects—though I do not deal directly with these here. In addition to seeing reflecting judgment as a relatively late

We can start by looking more closely at Kant's notion of a higher cognitive faculty. As we saw in chapter 2, by the first *Critique,* Kant recognizes three higher cognitive faculties: understanding, the power of judgment, and reason (*KrV* A131/B169). Though Kant does not develop an account of what a higher cognitive faculty is there, by the third *Critique*, he is committed to the following claim: insofar as something is a higher cognitive faculty, it has its own *a priori* principle—which we discover through a critique of this faculty. Moreover, if something is a higher cognitive faculty, then it is autonomous—giving itself its own law and so only beholden to it in its pure activity (*KU* 5:196; *FI* 20:225).

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

Kant then concludes this final section of the unpublished First Introduction to the third *Critique,* concerning the division of the text, by describing what will follow as "The critique of the *reflecting* power of judgment"—divided into two parts: aesthetic and teleological (*FI* 20:251; my emphasis). Kant claims that the former kinds of judgments, which he takes to be paradigmatic of merely reflecting judgment, must be based "in a rule of the higher faculty of

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addition to Kant's theory of judgment (see footnote 57), Teufel also contends that it always acts "in the service of conceptual cognition," which it has "the aim of enabling" (2012, 323). This leads me to think that his view fares no better than Longuenesse's, ultimately committing him likewise to a determinative ideal. Nuzzo does not provide an argument for this, though she does affirm that "the *Urteilskraft* that occupies the third *Critique* can only be the *reflective* faculty of judgment," even going on to describe it as "an autonomous cognitive faculty" (2005, 166). See also Macmillan (1912, 39-59).

cognition, in this case, namely, in the rule of the power of judgment, which is thus legislative with regard to the conditions of reflection *a priori*, and demonstrates autonomy" (*FI* 20:225).

Kant distinguishes the autonomy of reflecting judgment from the autonomy of the other two higher cognitive faculties—even introducing a special term to mark the distinctive self-legislation of the power of judgment: heautonomy.[69] Though Kant only uses this term twice in *KU*, his remarks on it are instructive. The power of judgment "prescribes a law, not to nature (as autonomy), but [solely] to itself (as heautonomy)" (*KU* 5:185-186; *FI* 20:225). Unlike understanding and reason, the power of judgment "can claim no field of objects as its domain" (*KU* 5:177). Thus, the idea of purposiveness "serves as a principle, merely for the subject" (*FI* 20:205). The principle of purposiveness is not a principle for judging about objects, but instead only governs the subject's own activity of judging. As Floyd observes, what is distinct about the autonomy of reflecting judgment is that it "can only be exercised relative to itself" and its own activities (1998, 205). With this in mind, we can approach Kant's rather cryptic assertion that in mere reflection, the power of judgment is "itself, subjectively, both object as well as law" (*KU* 5:288). For as we are about to observe, this claim refers to reflection's own kind of subsumption, whereby it provides the principle under which to subsume its own free activity.

The special autonomy of reflecting judgment gets invoked elsewhere in the third *Critique*. In both the Antinomies of Aesthetic and Teleological Judgment, Kant notes that such conflicts *only* arise for the merely reflecting power of judgment because *only* it is a higher faculty of the mind. In his discussion of the aesthetic case, Kant goes as far as to describe antinomial conflict as such as arising from each of the three higher cognitive faculties with respect to their unique principles: "That there are three kinds of antinomy is grounded in the fact

[69] I will return to the notion of heautonomy in the next chapter, when discussing the principle of the power of judgment.

that there are three cognitive faculties—understanding, the power of judgment, and reason—each of which (as a higher cognitive faculty) must have its *a priori* principles" (*KU* 5:345). In his resolution to these antinomies, Kant notes that the conflict disappears when we no longer confuse the *autonomy* of reflecting judgment with the *heteronomy* of determining judgment, "which has to conform to the laws given by the understanding" (*KU* 5:389).

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

Subsumption occurs in both instances. One might believe that only determining judgment involves subsumption—on the basis Kant's change in definition of the power of judgment from the first to the third *Critique*, from 'subsuming' the particular under the universal to 'thinking' it. On the contrary, Kant continues to define the power of judgment as a faculty of subsumption in general (*FI* 20:201).[70] He also speaks of reflection itself as a kind of subsumption. Call this *reflection-subsumption* in contrast with the more familiar *determination-subsumption*. Unlike determination-subsumption, reflection-subsumption is not the subsumption of an intuition under a concept. Kant defines 'reflection' in general as comparing and holding together one's

[70] See also Kant's logic lectures from the early 1790s, where he refers to the power of judgment as "the faculty of subsumption"—full stop (*DWL* 24:693, 703).

representations either with each other or with one's cognitive faculties. This definition covers, respectively, the logical act of reflection describe earlier, whereby empirical concepts are formed, as well as what Kant calls 'transcendental reflection' in the Amphiboly chapter of the first *Critique* (*KrV* A260/B316-A263/B319). I suggest that reflection-subsumption is an instance of the latter.

Kant describes the nature of reflection-subsumption in most detail in §35 of the third *Critique*. These judgments lack an objective principle under which to bring a representation of an object, yet a subsumption still occurs:

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

How should we make sense of the idea of subsuming one faculty under another? In general, Kant's notion of subsumption is not well understood in the literature.[71] As Guyer observes, subsumption usually pertains to representations (e.g., intuitive representations under discursive ones; lower-level representations under higher or more general ones, and so on) (1997, 80). But this passage suggests that the distinction between determining and reflecting judgment cannot be made between subsumptive and non-subsumptive judgments. Rather, the distinction is made between two kinds of subsumption.[72] The task, then, is to understand what it means for reflecting judgment to have a subsumptive structure or function.

[71] Despite Kant's employment of the concept of subsumption throughout the third *Critique*, commentators generally refer to it only when discussing the first *Critique* and the notion of determining judgment. For example, the entry on 'subsumption' in Blackwell's *A Kant Dictionary* (Caygill 1995) only cites the first *Critique*, leaving the false impression that it is only a relevant notion for judgment in the cognitive context. Some commentators have even gone so far as to conflate determination and subsumption (Allison 2001, 5). While the former is an instance of the latter, they are not coexistensive for Kant.

[72] It is not the case, then, as Jeng argues, that "The essential difference between the two types of judgment lies in the certainty of the subsumption" (2004, 36; translation mine).

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

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

faculty of judging" [*Beurteilungsvermögen*] (*FI* 20:211). Accordingly, we can conclude that the reflecting power of judgment and the power of judgment are identical.

We should now look at the remainder of what Kant discusses in §35, where the subjective conditions of judgment are again described in terms of the harmony of the faculties. In the absence of a concept (i.e., an *objective* condition), the imagination's combination of a manifold agrees with the understanding's presentation of unity in a concept. Thus, Kant posits that reflecting judgment also has a "principle of subsumption, not of intuitions under concepts, but of the faculty of intuitions or presentations (i.e., of the imagination) under the faculty of concepts (i.e., the understanding" (*KU* 5:287).[73] With no discursive rule at our disposal, we judge by means of a feeling that the product of the free imagination is purposive for the understanding in its lawfulness. The autonomous nature of the activity of reflecting judgment consists in the fact that it must "subsume under a law that is not yet given and which in fact is only a principle for reflection on objects" (*KU* 5:385). Because it cannot be lawless, it must provide itself with its own principle. This, of course, is in contrast with determining judgment, which Kant claims, "merely subsumes under given laws or concepts" (ibid).

But what are we to make of the distinction between the 'mere' subsumption of determining judgment and the subsumption that takes place in reflection? Kant's first mention of 'mere' subsumption appears in contrast with the reflecting judgment's efforts to find the universal for the particular (*FI* 20:210). Yet within a matter of pages, Kant seems to make contradictory statements regarding subsumption. First, Kant argues that because the power of

[73] cf. Remark in §38 (*KU* 5:290): subsuming not the imagination under the understanding, but our representation of an object under the "relation" of the imagination and understanding. See also a passage from the metaphysics lectures, where Kant describes the activity of the 'merely reflecting' power of judgment as follows: "We subsume merely under our faculty of concepts" (*DWM* 28:675-676). This latter passage is crucial for Ostaric (2017, 1388).

judgment mediates the understanding and reason, each having their own *a priori* legislative principle, "by analogy," it too might have its own legislative principle. Then, he asserts: "Yet the power of judgment is such a faculty of cognition, not at all self-sufficient, that it provides neither concepts, like the understanding, nor ideas, like reason, of any object at all, since it is a faculty merely for subsuming under concepts given from elsewhere" (*FI* 20:202). However, just two sections later, Kant claims that the power of judgment *does* have its own transcendental principle, which is to say that "[it] is not merely a faculty for subsuming the particular under the general (whose concept is given), but is also, conversely, one for finding the general for the particular" (*FI* 20:209-210).

Taken out of context, these statements are flatly opposed. However, taken in context, there is a clear way to reconcile them. Kant is here motivating the project of the third *Critique*, and the necessity of a critique of the power of judgment. I take his first claim to be the default view based on a "systematic representation" of the three higher cognitive faculties (*FI* 20:201). An *a priori* attempt to provide an exhaustive taxonomy of the mind would never arrive at the notion of a special principle for the power of judgment. A conceptual analysis of the capacity to subsume one thing under another does not suggest a special law, especially insofar as this capacity sits 'in between' the faculty of rules and principles; from this solely mediating function, it generates no lawful content of its own. However, when considered concerning the problem of how experience of nature as an interconnected system of empirical laws is possible for human beings, the power of judgment reveals that it *does* have its own principle: the presupposition that nature admits of being comprehended by us in its thoroughgoing unity. Such an assumption—a transcendental principle—only comes into view when we consider how particular experience, for us, is possible.

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

3.4. *Determining judgment: heteronomy, impurity, 'mere' subsumption*

However, one may wonder where we are with respect to the original problem regarding the relationship between determining and reflecting judgment. In arguing that the power of judgment *just is* reflecting, it may seem that I have rejected this problem altogether. To be sure, I motivated the problem by showing how commentators tend to treat these as two co-equal species of the power of judgment. But even in rejecting the idea that they are on par with each other, I must still articulate *how* they are related to each other. In particular, I must still discuss the status of determining judgment on the account I have advanced, where reflecting judgment uniquely characterizes the faculty of the mind which Kant calls 'the power of judgment.' In short, my claim is that determining judgment is the result of the co-operation of the (reflecting) power of judgment with another higher cognitive faculty.

In the opening of the Critique of Teleological Judgment, Kant notes that if we were to employ the concept of a natural end constitutively (rather than as a merely regulative principle), then it would belong to determining judgment—"in which case, however, it would not in fact properly belong to the power of judgment at all" (*KU* 5:361). In this instance, such judgments would not solely consist of acts of the power of judgment, because the concept would belong to the faculty of reason. Instead, Kant insists that we should take it to be a concept of the power of judgment, akin to the concept of natural beauty in the aesthetic case.

Determining judgment always requires the contribution of another higher cognitive faculty.[74] In the case of cognitive judgments, it requires the understanding, which Kant defines as "the faculty for the cognition of the general (of rules)" (*FI* 20:201). The specific contribution is in the form of a law or principle to guide the subsumption of a particular. As noted above, Kant asserts that determining judgment "*merely* subsumes under given laws or concepts" (*KU* 5:385; my emphasis). Because it does not have its own principle, it has "no autonomy" (ibid; cf. 5:183, 389). For this reason, he argues that the very idea of a critique of the power of judgment must be based on the fact that "it is not the determining but only the reflecting power of judgment that has its own principles *a priori*; [and] that the former operates only schematically, under laws of another faculty (the understanding)" (*FI* 20:248).

This is true for both the transcendental and the empirical power of judgment. In the first case, judgment has "nothing to do" but "provide the condition of subsumption under the *a priori* concept of the understanding that has been laid down for it"—i.e., a schema of the pure category (*KU* 5:183). The transcendental power of judgment, which Kant discusses in the first *Critique,* "contains the conditions for subsuming under categories," and is thus that which "merely named

[74] Sanchez Rodriguez goes as far as to call it "nothing but an extension of [the] understanding…aimed at determining particular objects" (2012, 188).

the conditions of sensible intuition under which a given concept, as a law of the understanding, could be given reality" (*KU* 5:385). Similarly, when an empirical concept—the product of the 'moment' of reflection discussed above—is given, the power of judgment merely subsumes: "the underlying concept of the object prescribes the rule…and thus plays the role of the principle" (*FI* 20:211). For example, the understanding provides the concept of a flower as a rule for the imagination, which synthesizes a given manifold in such a way that allows it to be subsumed under that concept.[75]

Still, it may seem as if the power of judgment plays a markedly different role in the case of determining judgment. One may even note here a novel instance of the original problem: what is it about both reflection-subsumption and determination-subsumption that merits the name 'subsumption'? I suggest that we understand determining judgment as a species of the capacity for purposive subsumption—characteristic of the power of judgment in general, which I have argued is reflecting. Here too I hold up my representations (in this instance, a concept and an intuition) and perceive their agreement; thus, I see that they go together. For example, I recognize that my intuition of a flower ought to be subsumed under the concept 'flower'—rather than, say, the concept 'dog.' And, indeed, there is no rule to instruct me how to subsume in this way. In this sense, the power of judgment is reflecting even when determining.

Furthermore, in the same sense, reflecting judgment takes priority over determining judgment. I have spoken of reflecting judgment as taking precedence over determining judgment,

[75] Further support for this idea comes from an unpublished note in which Kant distinguishes 'inferences of the understanding' from 'inferences of the power of judgment' (*Refl* 3200, 16:709). The former always proceed from the universal to the particular, and never from the particular to the universal, Kant argues, "because they are supposed to provide determining judgments" (ibid). By contrast, the latter go from the particular to the universal and are "thus kinds of reflecting judgment" (ibid). See also *Refl* 3282, the only other unpublished note where Kant explicitly discusses the distinction between determining and reflecting judgment (16:757).

mainly to denote the way the former functions as a condition of possibility for the latter.[76] Though I have rejected what I claim to be Longuenesse's subordination of reflecting judgment, and even characterized my own position as the inverse, this should not be taken to imply that the subordination of determining judgment entails it being inferior to reflecting judgment.

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

3.5. 'Mere reflection' and the free play of the faculties

I have shown that if Kant is committed to the idea of the merely reflecting power of judgment as a higher cognitive faculty in its own right, then it must be the case that it has aims irreducible to those of the understanding—interests that are independent from any ideal of determination. Therefore, its contribution to the genesis of empirical concepts must be understood within the larger aim of attaining purposive unity; we must 'zoom out' and view acts of determining judgment as but one species of its purposive activity. For we can only have

[76] One might worry that a consequence of this is that all determining judgments involve aesthetic experience and thus a feeling of pleasure. I should note, first, that this is also a problem for Longuenesse, insofar as she also takes determination to presuppose reflection. But one should not infer from the idea that pleasure is felt when I first land on an empirical concept that the pleasure returns each time the concept is employed. Now, the worry may remain as it pertains to my own claim about the subjective conditions of judgment—namely, whether all exercises of reflection-subsumption as such lead to feeling pleasure. But there are reasons for thinking that this is Kant's considered view and is in fact not as problematic as it sounds (Zinkin 2012, 448-450).

insight into the activity of merely reflecting judgment when we examine it solely under the guidance of the law that it gives itself—removing the influence of the other higher cognitive faculties, which place demands on it in the form of rules and guiding principles.

In the remainder of the thesis I will spell out the aims of the activity of merely reflecting judgment. Such a task will proceed from considering Kant's description of the relation of the imagination and understanding in mere reflection. When we hold together and perceive their relation, we witness their reciprocal animation, which serves to "strengthen" and "entertain" our mental powers (*FI* 20:223-224, 241; *KU* 5:238, 359). This activity, when not producing concepts to be employed in determinate cognition, is "merely for the sake of perceiving the suitability of the presentation for the harmonious (subjectively purposive) occupation of both cognitive faculties in their freedom" (*KU* 5:292).

So far, I have argued that the power of judgment in general can be understood as a capacity of purposive subsumption. I will further elaborate on this point, as it will help us specify what kind of rule one is governed by when engaging in such an activity—the topic of the next chapter. While such a conception explains both determining and reflecting judgment, I focus on the subsumption of reflection, which Kant claims is the subsumption of the imagination under the understanding. Given Kant's definition of 'reflection' in general as the comparison of my representations either with each other (logical reflection) or with one's cognitive faculties (transcendental reflection), I suggested that we think of reflection-subsumption as an instance of the latter. Here, I hold the imagination and understanding up to each other, perceiving their agreement despite the absence of any determinate concept from the latter. This is the pure activity of the power of judgment, which Kant calls 'mere reflection.' We will briefly dwell on the structure of the activity of reflection before proceeding to explain the principle that governs it

in the next chapter. The primary way in which Kant cashes out the activity of merely reflecting judgment is in terms of what he refers to as the 'free play' of the faculties. However, as we will see, there is a unique challenge in trying to explain how free play could be governed by a principle at all.

3.5.1. *The structure of 'mere reflection'*

Kant's account of 'mere reflection' emerges most clearly in his account of aesthetic judgments.[77] To elaborate: it is not the case that I subsume a particular object under a concept (e.g., beauty), but rather that I allow my imagination to freely and in an unconstrained manner present various ways of unifying this sensory content. Kant distinguishes three activities in which the mind engages towards producing a determinate empirical cognition, only two of which are at work in mere reflection. These are: apprehension (of a manifold of intuition), comprehension (unifying this manifold in the concept of *an* object), and presentation (of the object underneath a concept of *this* object). Moreover, Kant assigns a different faculty of the mind to each of these: imagination, understanding, and the power of judgment. However, the latter, as determining, is only at work insofar as there is an empirical concept involved. Having drawn attention to the respective functions of these faculties, Kant singles out the first two as comprising merely reflecting judgment. Mere reflection is *on* a given perception—just as reflecting in general, as he defined it a few pages earlier, is "reflecting *on* a given representation"

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[77] The question of the 'structure' of reflection is taken up by Sweet. However, her concern is limited to reflection that is aimed at empirical concept formation—and not 'mere reflection.' On Sweet's account, free play only begins when the attempt at finding a concept "fails" (2009, 60). A consideration of 'mere reflection' in particular is found in Zinkin, although she focuses on its necessary connection to feeling pleasure rather than on its structure. Her gloss on the structure of 'mere reflection' is just that it is the activity of reflecting judgment which does not result in a concept, though she says nothing about whether it always has these aims (2012, 436).

(*FI* 20:211; my emphasis). In other words, Kant equates 'mere reflection' with merely reflecting judgment—as opposed to the kind of reflecting judgment that aims at determining judgment. Thus he notes that "it is not a matter of a determinate concept" (*FI* 20:220). Rather, it is *only* a matter of reflecting "on the form of an object" (*KU* 5:191). More specifically, it is a matter of "reflecting on the rule concerning a perception" (*FI* 20:220). What could this rule be? Given the context of this passage, it is most likely the rule that the imagination follows in its synthesis of the manifold. But we know that in mere reflection there is no concept of a particular object guiding the imagination. And yet: "the apprehension of [the] manifold in the imagination agrees with the presentation of a concept of the understanding (though which concept be undetermined)" (*FI* 20:221). In short, the imagination behaves *as if* it were guided by a rule, even though it is not.

We must not overlook what Kant takes to be in agreement here. It is not an agreement of the imagination's apprehension with the comprehension of the manifold via the understanding, but the presentation which would be performed by the determining power of judgment were there a concept of the object in play. This might seem odd, insofar as the understanding is the faculty of concepts (rules), as Kant reminds us even in this passage. And while Kant has just linked the understanding with comprehension, he now invokes it for presentation. On my reading, Kant does this because he recognizes such a close relationship between the understanding and determining judgment. Still, the understanding (in the narrow sense) does not bring a manifold of intuition under a concept. On its own, the understanding is not capable of recognizing particulars as instances of its own concepts—only the power of judgment can do this. Hence, in merely reflecting judgment, Kant claims that "the imagination and understanding are considered in the relation to each in which they must stand in the power of judgment in

general," rather than in the relation that they happen to stand in the case of the perception at hand (*FI* 20:220).

Kant characterizes this relation in terms of 'purposiveness,' which is the central focus of the next chapter. For now, we can assert the following: the object occasions my cognitive capacities to discern a particular form in it, suggesting that it was designed with our judging power in mind: "the understanding and imagination mutually agree for the advancement of their business, and the object will be perceived as purposive merely for the power of judgment, hence the purposiveness itself will be considered as merely subjective" (*FI* 20:221). Our faculties "are hereby in a free play, since no determinate concept restricts them to a particular rule of cognition" (*KU* 5:217). Kant again describes some of the details that he provided in the introductions—that the imagination is responsible for putting together what is given in intuition, and that the understanding unifies these in the concept of an object in general. What Kant adds here, which was not present in his earlier discussion of free play, is the idea that it is fundamentally "a state of mind"—a term he uses no fewer than four times in this section alone (ibid). When our faculties are set into motion by a given representation, the particular relation of our cognitive powers gives rise to a feeling of pleasure insofar as they harmonize in the absence of any direction from a determinate concept.

3.5.2. *How to free play in the right way*

Moreover, Kant holds that when we feel pleasure in mere reflection on a given representation without any concept, we also demand that everyone else have a similar experience. So while Kant's notion of the free play of the faculties helps capture the structure of the activity of mere reflecting judgment, it also poses a challenge regarding an attempt at

formulating its transcendental principle. Indeed, Kant explicitly defines free play as a state in which the imagination and understanding harmonize in the absence of a concept or rule to govern the performance of their respective tasks. We should want to know how such an activity could be normative at all. More provocatively: what could it mean to engage in free play in the right (or wrong) way? In other words, the attempt to locate a normative principle seems doomed from the start if such an activity is defined explicitly in terms of the absence of a rule. It is unclear how we could speak of a right or wrong, correct or incorrect way to engage in free play. Without specific instructions for how our faculties are to interact, it seems as if we could hardly expect others to arrive at the same judgment we do.

Yet Kant describes aesthetic judgment as "a judgment of mere reflection grounded on a principle *a priori*" (*FI* 20:244). In order to show that their "claim to universal validity" is warranted, Kant thinks, it must be shown how they stand under a special, transcendental principle—which follows from the power of judgment's status as a higher cognitive faculty in its own right, just like the understanding and reason (ibid; cf. *KU* 5:190-191). What makes this trickier than the question of a principle in the theoretical or practical domains is the paradox that lies at the heart of the very idea of a rule for the power of judgment, a faculty whose concern is the application of rules but which itself cannot be governed by any rules.

As we saw, when the power of judgment subsumes a particular under a universal in a determining judgment, the given universal "prescribes the rule to the power of judgment and thus plays the role of the principle" (*FI* 20:211). But even then, we now know that reflecting judgment is ultimately responsible for this subsumption. Hence, even more significantly, when there is no universal to begin with (under which to subsume a particular), what governs *this* subsumption? Clearly, such a principle is needed. For shortly after defining 'reflection' in

general as the comparison of my representations (either with each other or with one's cognitive faculties), Kant claims that reflection "requires a principle just as much as determining"; were it to lack a principle, then "all reflection would become arbitrary and blind" (*FI* 20:212). The nature of this special principle is the concern of the next chapter.

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In what remains, I deal with questions that arise from the account provided in the previous chapter, according to which the power of judgment is fundamentally reflecting. More specifically, I concern myself in the next two chapters with the issue of the intrinsic interests of reflecting judgment, for I have argued that the power of judgment must have internal aims, which are independent of and irreducible to the needs of the other faculties. I showed that this must be the case, given the status of the power of judgment as a higher cognitive faculty, and that this becomes especially evident when we take seriously what a higher cognitive faculty is, for Kant (i.e., a faculty of the mind that is autonomous). However, I have not yet discussed what these interests and aims are.

An answer to this question proceeds in two parts. Chapter 4 focuses on the *a priori* legislative principle of the merely reflecting power of judgment. Then, with a better sense of the content of the specific normative principle that guides reflection, we can consider what successful operation of this capacity of the mind might look like. That is the focus of chapter 5, which argues that the ends of the power of judgment can be understood in orientational terms—where cognitive and moral orientation can be understood as species of (but not exhausting) such orientation. Only the power of judgment, in effecting the transition from nature to freedom, can bring about that highest form of unity the demand of which lies in the nature of our faculties themselves.

Chapter 4.

Two kinds of subjective purposiveness:

On the transcendental principle of the reflecting power of judgment

In this chapter I focus on the issue of the transcendental principle of the *reflecting* power of judgment. As I revealed in the previous chapter, the idea that such a capacity possesses its own principle is central to Kant's notion of a higher cognitive faculty. One of the ways that I distinguished determining and reflecting judgment was in terms of whether the law was provided from elsewhere. When the power of judgment assists another higher cognitive faculty, the principles of that faculty become salient. For example, in its co-operation with the understanding, judgment is guided by the categories. This is not to say, however, that reflecting judgment altogether ceases to be guided by its own principle. On the contrary, the power of judgment operates according to its own principle even in activity that is directed by the principles of another faculty. For as was also shown, the power of judgment is reflecting even when it is determining; reflecting judgment functions as the subjective condition of *all* judgments. Thus we can say that the activity of reflecting judgment which underlies the application of a given rule in a determining judgment is nonetheless governed by the principle of purposiveness.

One way to frame these issues is in terms of the *normativity* of judgment. Kant's theory of normativity has recently enjoyed increased attention. While Kant himself never uses this term, some recent commentators have sought to elucidate his Critical philosophy in terms of normativity, including those who take judgment to be a central notion (Ginsborg 2015; Pollok 2017). Still, few commentators have discussed the specific issue of the normativity of the power of judgment [*Urteilskraft*]—though many have discussed the normativity of a judgment [*Urteil*]

in general. This distinction is important, even if subtle, because what we are after is not the overall idea that, when we engage in the activity of judging, there are standards or criteria against which our judging can be assessed. Approached from this angle, we would only be dealing with the notion that, in whatever domain we judge, there is a way we ought to be judging—but not with the particular rules of a given domain. For example, when the understanding is legislative, it is the categories to which our judgments must adhere and conform; when reason is legislative, it is the moral law. However, what is of interest here is the distinctive normativity of those judgments that arise solely from the activity of mere reflection, which is none other than the domain of the subjective formal condition of judgment in general.

Now, the question of the normativity of aesthetic judgments has been taken up by several commentators, but it is usually considered in terms of the demand that everyone else agree with our judgment that something is beautiful. Allison takes the modality of a judgment of taste (i.e., its necessity) to reveal the "normativity inherent in the pure judgment of taste" through which we make "a rightful demand for agreement" of others (2001, 149, 195; cf. Matherne 2019, 2fn6). While Allison's account is not incorrect, it also does not address the issue at hand. That an aesthetic judgment involves a claim to universal validity is not the ground of the normativity of such a judgment, but rather a consequence (or feature) of its normativity. This would be akin to saying that the normativity of a moral judgment consists in its being binding on all rational agents, rather than by appealing to the more fundamental legislation of reason for the faculty of desire (the will), which accounts for *why* it is binding on all rational agents. In short, our interest lies in investigating what accounts for the normativity of merely reflecting judgment, which is to say: that in virtue of which it is normative.

In focusing on the normativity of the reflecting power of judgment, we are inquiring into the content of the specific principle that governs those judgments arising from mere reflection. An investigation into the guiding principle for this distinctive activity of the mind promises to elucidate a distinct kind of normativity that is irreducible to the application of determinate rules in the domain of theoretical or practical reason. Moreover, since such judgments exhibit the subjective conditions of all judgments, a better grasp on their normative status helps to further reveal what is common to the activity of judgment across the domains of the Critical philosophy.

Kant declared that there are "great difficulties" involved with the search for the principle of the power of judgment—going as far as to claim that this is due precisely to the nature of the power of judgment itself, as a faculty that is not governed by concepts or rules but rather "concerned only with their application" (*KU* 5:169). Here he invokes the same argument from the first *Critique* regarding the regress that would ensue in seeking criteria for the faculty that is tasked with applying criteria. The power of judgment cannot be bound by an objective principle, otherwise "yet another power of judgment would be required in order to be able to decide whether it is a case of the rule or not" (ibid). Kant recognizes the need for something to put a stop to the regress in the first *Critique*. However, there he resorts to calling this regress-stopping power a 'skill' or 'talent,' with no further explanation as to what the exercise of such a skill or talent involves. One thing is clear, however: in 1781, the power of judgment lacked a special principle. Now, in the third *Critique*, Kant asserts that the power of judgment must also have its own principle, lest its activity be "arbitrary" and "blind" (*FI* 20:212). Yet this principle, which it gives itself, can only govern its own activity; that is, it must be subjective. In what follows, we will concern ourselves with in what follows is a formulation of this transcendental principle.

It is uncontroversial that Kant takes the principle of purposiveness to be this principle. This much is clear from the chart in Kant's introduction to the third *Critique* (presented at the end of chapter 2), where he links the power of judgment to the faculty of feeling pleasure via this 'special' and *a priori* principle (*FI* 20:245-246; *KU* 5:198). However, controversy abounds with respect to how we should understand the notion of purposiveness. Problems immediately arise once one tries to specify the notion of purposiveness, in no small part due to the various distinctions between kinds of purposiveness which Kant draws throughout the text. Hence, I begin by looking at Kant's notion of purposiveness, starting with the less controversial sense in which it functions as the principle for the power of judgment (§4.1). I consider the variety of definitions and distinctions which he puts forward, especially in the introductory material to the third *Critique*. I isolate 'subjective purposiveness'—the suitability of nature for our cognitive faculties—as the relevant sense of purposiveness governing the aesthetic and merely reflecting power of judgment.

I then argue that the principle of subjective purposiveness should be understood in terms of three distinctive features: subjectivity (§4.2.1), indeterminacy (§4.2.2), and affectivity (§4.2.3). Taken together, these provide us with a compelling account of the unique kind of normativity that emerges from the third *Critique*—distinct from the norms of understanding and reason (which are: objective, determinate, and discursive). In particular, it allows us to understand how the capacity for purposive subsumption—whether the derivative act of bringing a particular under a universal (and thus the application of rules) or the more fundamental act of seeking out a universal for a particular (and thus a search for rules), neither of which can be entirely constrained or captured by law—can nonetheless be understood as lawful. To this end, I draw on Kant's notion of the 'free lawfulness' of the imagination (its contingent agreement with

the understanding) in order to grasp what it means for merely reflecting judgment to operate under the guidance of a principle (§4.3.1). I then return to the notion of subjective purposiveness in order to specify how it functions as the transcendental principle of the power of judgment (§4.3.2). I suggest that there is in fact a second notion of subjective purposiveness at play in the third *Critique*, one that is more fundamental than the suitability of nature for our faculties—namely, the suitability of our cognitive faculties *for each other*. I claim that only this latter notion is capable of explaining what makes this faculty of the mind genuinely normative: in legislating to itself, the power of judgment takes the structure of its own activity to be something that could hold for the world.

4.1. *On the varieties of purposiveness*

As already noted, Kant employs several different notions of purposiveness throughout even just the introductory material to the third *Critique*. This includes several distinctions between various kinds of purposiveness (e.g., formal/material, logical/real, subjective/objective, inner/external-relative). Insofar as purposiveness serves as the principle for reflecting judgment, we should want to know *which* purposiveness Kant is referring to—not to mention, how these different notions relate to each other.[78] What's more, Kant uses the concept of purposiveness in several contexts—including but not limited to: his account of beauty, the idea of natural purposes (organisms), and the formation of empirical concepts and laws.[79] Before exploring some of these

[78] Horstmann notes that there is no "clear-cut" conception of purposiveness in Kant (2013, 81). Since his focus is on the relation of this notion to Kant's epistemology, he ignores Kant's aesthetics. Even a charitable reading would find Horstmann's conclusions regarding purposiveness as incomplete, given that they say nothing about the role that it plays as a principle for judgments throughout the Critical philosophy.

[79] For this reason that many commentators have puzzled over the lack of unity in the text (Zuckert 2007; Guyer 1997, 2003; Kulenkampff 1978; McLaughlin 1990; Zammito 1992). Though purposiveness figures centrally in Kant's treatment of both aesthetics and teleology, some have worried that the connection is somewhat superficial or "forced" (Marc-Wogau 1938, 340; Beck 1969, 497). This concern extends to the

details, we will start by looking at Kant's general definition of both a 'purpose' and 'purposiveness.'

In §10 of the Analytic of the Beautiful, entitled 'On purposiveness in general,' Kant defines a 'purpose' (or 'end') [*Zweck*] as "the object of a concept insofar as the latter is regard as the cause of the former," and 'purposiveness' [*Zweckmässigkeit*] as "the causality of a concept with regard to its object" (*KU* 5:220).[80] We call something purposive when its existence "seems to presuppose a representation of that same thing" as its cause (*FI* 20:216). For example, suppose I want to make a knife. The concept of a knife (as a thing whose function is to cut) plays an important causal role in explaining how it is that the knife comes into being; it is an idea that exists in my mind prior to its existence and governs how I go about bringing it into existence. Were one to come across a knife in the forest—or, to use Kant's example, a hexagon drawn in the sand on an island (*KU* 5:370)—they would assume that a partial explanation regarding the existence of this object involved an agent who had this as a purpose or end in mind.

To treat nature as purposive is to view it "as if [it] had been designed by the power of judgment for its own need" of subsuming particulars under universals (*FI* 20:216). Kant calls

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presupposition that nature is systematic, which underlies our efforts to form empirical concepts. That we must both characterize certain objects (living things) as purposive *and* take our faculties to be purposive in classifying nature or appreciating beautiful objects does not itself suggest in any obvious way a singular notion of purposiveness under which all of these different acts of reflecting judgment can be subsumed. The overall unity of the third *Critique* itself is beyond the scope of this chapter, especially because I focus on articulating the principle of aesthetic judgments alone—for Kant holds that these are the pure expressions of merely reflecting judgment (to the exclusion of the teleological). However, see Aquila (1991) for a sympathetic defence that the text is fundamentally unified. See also Ginsborg, who claims that purposiveness provides "at least *prima facie* the link" between the two main parts of the third *Critique*—going on to argue that they are just two species "of a single underlying concept" that represent "aspects of a single project" (2015, 10, 227-254). I discuss Ginsborg's unifying notion of purposiveness as 'normative lawfulness' later in this chapter.

[80] cf. Kant's definitions in the published Introduction: a 'purpose' or an 'end' is "the concept of an object insofar as it at the same time contains the ground of the reality of [the] object," and 'purposiveness' is "the correspondence of a thing with that constitution of things that is possible only in accordance with ends" (*KU* 5:180).

purposiveness a "special concept" that originates solely from the *reflecting* power of judgment (*FI* 20:216; *KU* 5:181). This principle is not objective, meaning that it does not yield cognition of nature as purposive. In other words, we are never entitled to conclude that nature is actually purposive. If we can only explain the possibility of something by conceiving of it as the product of a will that had this purpose in mind, then this purposiveness is represented as "without a purpose" (*KU* 5:220). Though we have no reason to believe that such a will exists (as the ground of the object), we approach the object as if it were the consequence of such an intentional causality. And again, Kant says, we can notice this purposiveness "in no other way than by reflection" (ibid).

Kant's most important distinction among kinds of purposiveness corresponds to the two main parts of the third *Critique*, the aesthetic and the teleological. This is the distinction between *subjective* and *objective* purposiveness.[81] Kant defines 'subjective purposiveness' as "the purposiveness of nature for our cognitive faculties and for their use" (*KU* 5:182). This purposiveness is represented when we reflect on an object without a concept, judging that the form of the object harmonizes with our faculties: "the mere form of purposiveness in the representation through which an object is given to us" (*KU* 5:221). More directly: subjective purposiveness is a property or feature of a representation, namely, its disposition to produce a certain representational state in the subject. But what is this "state of mind" [*Gemütszustand*]? Kant holds that we feel pleasure any time we achieve a certain end (*KU* 5:187). Yet in this instance there was no aim to begin with. Therefore, "without having any purpose or fundamental

[81] I leave most other distinctions aside here since they are not relevant for my purposes. On the face of it, the distinction between subjective and objective purposiveness seems to map on to the distinction between formal and real purposiveness (*KU* 5:193). Where logical purposiveness fits in here is another matter, which I mention below. I discuss the distinction between internal and relative/external purposiveness in the final section, but only regarding subjective purposiveness—not objective purposiveness (*KU* 5:226-227).

principle as a guide, this pleasure [of mere reflection] accompanies the common apprehension of an object by the imagination" (*KU* 5:292). What's more, this representational state is not related to a concept of the object, but instead to the subject and their feeling of pleasure, which "express[es] nothing but its suitability to the cognitive faculties that are in play in the reflecting power of judgment" (*KU* 5:189-190). In other words, a representation is called subjectively purposive precisely because it is "immediately connected" to the faculty of feeling of pleasure (*KU* 5:189).

Kant defines 'objective purposiveness' as the notion of an object itself displaying purposiveness (*KU* 5:359-361). Our representation of it involves a concept not only by which we judge the object to be possible, but also to which we judge it to conform. The distinction between subjective and objective purposiveness, then, is grounded in the distinction between aesthetic and logical judging (*KU* 5:193). When we judge that an object displays purposiveness in itself, we do so by means of a concept—whereas when we judge that an object is purposive for our faculties, we do so by means of a feeling. The very faculties at play differ; in the latter instance, it is the understanding and reason. Only in the former case does the power of judgment have an "immediate relation" to the faculty of feeling pleasure (*KU* 5:169). Indeed, Kant opens the Analytic of the Beautiful by declaring that an aesthetic judgment is not a logical one, which he describes as its having a subjective rather than an objective determining ground (*KU* 5:203-204).

On several occasions in the introductions to the third *Critique*, Kant uses language that suggests he is characterizing the "transcendental" and "special" principle of the power of judgment (*FI* 20:209, 211, 216; *KU* 5:180-186).[82] Fairly early on, Kant describes it as subjectively necessary "presupposition" (*FI* 20:209). However, even earlier, Kant speculates as

[82] E.g., "Now this presupposition is the transcendental principle of the power of judgment" (*FI* 20:209); "The special principle of the power of judgment is thus: …" (*FI* 20:216).

to the relevant concept for a principle of this special, mediating faculty, tentatively concluding that "it would have to be the concept of a purposiveness of nature in behalf of our faculty of cognizing it" (*FI* 20:202). If we are to be successful in bringing particular objects under concepts, then, at a minimum, we would need to be able to operate on the assumption that nature is the kind of thing that could be intelligible to us. Or, as Kant puts it, we would need to assume "a property of nature such that one cannot form any concept of it except that its arrangement conforms to our faculty for subsuming the particular given laws under more general ones even though these are not given" (ibid). Kant calls this 'formal' purposiveness (*FI* 20:204). As I see it, the idea of the formal purposiveness of nature is not yet a transcendental principle. For as I noted in the previous chapter, a mere analysis of the capacity to subsume particulars under universals does not reveal a special principle. At this point, Kant has only affirmed that *if* the power of judgment were to have its own principle, *then* that principle would be the amenability of objects of judgment to the proper exercise of this faculty.

Now, we know that judgement *does* have its own principle, which in addition to being formal is also 'logical' (*FI* 20:216). It is a necessary condition on experience, which is to say, on the logical use of the understanding (i.e., cognition).[83] Nature presents itself in the form a logical system of concepts and laws, whereby we can think of these as interconnected so as to make possible the subsumption of particulars under universals. Logical purposiveness amounts to the "conformity [of nature] to the subjective conditions of the power of judgment with regard to the possible interconnection of empirical concepts in the whole of an experience" (*FI* 20:217). The power of judgment assumes, as a principle for its reflection on nature, that nature is suitable for

[83] cf. *KrV* A67/B92-A69/B94, as well as *FI* 20:219, where Kant speaks of the "logical use of the power of judgment."

its own activity.[84] Kant is eager to remind us that we cannot infer from this anything like objective, or 'real,' purposiveness. This is important, not merely because it prevents us from attributing properties to objects (something we are not entitled to do), but also because it relocates (or at least shifts) the purposiveness—away from the world and into the subject.

Kant focuses on the particular problem of the possibility of empirical cognition in both the published and unpublished introductions to the third *Critique*. This may make it seem as if the sole purpose of a critique of the power of judgment is to put forward a principle for the faculty of the mind whose activity is a condition on our knowledge of nature—something that the first *Critique* had set out to secure. To be sure, Kant does not help himself out here; at least some of the ways in which he describes this principle suggest this—especially if one holds that reflecting judgment has a determinative ideal. It is not surprising, then, that Longuenesse takes *logical* purposiveness to be the principle of *all* reflection. She describes it as the assumption "that nature obliges," that it can be "sliced up in such a way that we can order individuals under concepts of natural kinds; and that we can find empirical laws connecting individual events and states of affairs" (2003, 145). The fact that aesthetic judgments are equally governed by logical purposiveness explains, for her, why they fail. If my conclusion in the previous chapter is

[84] "The principle of reflection on given objects of nature is that for all things in nature empirically determinate concepts can be found" (*FI* 20:211). In a footnote to this articulation, Kant notes that while this may seem to be a merely logical principle, it is in fact transcendental. What logic tells us is what one would need to do in order to form a concept—namely, comparing our various representations, locating what they have in common with each other, abstracting away the differences, and so on. But logic does not teach us that we will be successful at such a task. For it could be the case that nature is so diverse that we could not recognize any commonality between any two representations. Thus it is a "condition of the possibility of the application of logic to nature" that nature "makes it possible" for the power of judgment to be able to "find consensus in the comparison…and to arrive at empirical concepts" (*FI* 20:212fn). Hence, judgment must assume that despite the "boundless multiplicity of nature," nature was nonetheless able to be 'grasped' by us and therefore "suitable to our power of judgment" (*FI* 20:213). Such an assumption or presupposition, Kant says, must "precede" all reflection. It is worth noting how far we have come. What general logic cannot do can neither be achieved by transcendental logic—that is, by means of a critique of the understanding (in the narrow sense)—but only through a transcendental principle of the power of judgment.

correct, then Longuenesse cannot be correct. Instead, our articulation of the principle of purposiveness must be broad enough to explain how aesthetic judgments and logical acts of reflection alike can be explained as successful exercises under its guidance.

From a slightly different angle, Zuckert provides a sustained defense of the principle of purposiveness, which she argues should ultimately be understood as 'purposiveness without a purpose.' Certain aspects of Zuckert's account make it considerably closer to my own. For example, Zuckert underscores that the third *Critique* is Kant's attempt to justify an *a priori* and transcendental principle for the power of judgment, which, she notes, is a cognitive faculty in its own right (2007, 1). One of Zuckert's central aims in her book is to provide a unified reading of the third *Critique*—one that recognizes the autonomy of the power of judgment as a higher cognitive faculty. Moreover, Zuckert cashes out what it means for a faculty to have its own principle as for this principle to be something "that does and must govern [its] activity" (ibid, 2). She devotes much of her attention to both aesthetic and teleological judgment, as the "paradigmatic instantiations" of judging according to the principle of purposiveness (ibid, 16). The former, she claims, is "uniquely revelatory" of our capacity to judge, understood both subjectively and reflectively (ibid, 11).

Despite all of this, Zuckert views Kant in the third *Critique* as exclusively concerned with providing a necessary "supplement to his epistemology" in the first *Critique* (2007, 12; cf. 13-17, 23-63). This, she claims, is the "pervasive concern [of the third *Critique*] as a whole"—for which the principle of purposiveness, as the transcendental principle of the power of judgment, is put forward (ibid, 25). Accordingly, Zuckert describes this principle as that which "governs, justifies, and makes possible our aspirations to empirical knowledge, from its most basic form—our ability to formulate any empirical concepts—to its most sophisticated form—a complete,

systematic science of empirical laws" (ibid, 1; cf. 42-43). Unsurprisingly, then, Zuckert takes empirical concept formation to be the "paradigmatic form" of reflecting judgment (ibid, 28).[85] Indeed, her characterization of the principle of reflecting judgment is informed by the fact that, like Longuenesse, she holds to this problematic telos concerning reflection (where its sole aim is determinate cognition). Hence, we can think of Zuckert as providing the normative correlate of Longuenesse's determinative ideal.

Zuckert acknowledges that Kant's efforts to address a gap in his account of how experience is possible involve the discovery of a principle that governs other, non-cognitive kinds of judging. However, she still takes this to be subordinate to the larger "epistemological concerns" she sees in Kant's Critical philosophy as a whole (2007, 19). Even if her account purports to explain what is common to all acts of reflecting judgment—i.e., that they are governed by the principle of (in her terms) "the unity of diversity as such"—those forms of judging that do not give rise to determining judgment will be, at best, an afterthought to those which culminate in cognition (ibid).

In the previous chapter, I discussed Allison's uneasiness with the implications of Longuenesse's position—in particular, his reluctance to embrace the idea that reflection always aims at cognition. Rather, he suggests, "It seems…that Kant is committed to something like an

[85] It is unclear how Zuckert can claim this, given her earlier claim that aesthetic and teleological judgments are 'paradigmatic' cases of judging according to the principle of purposiveness. A charitable interpretation would recognize two senses in which something could be paradigmatic of a principle—in its exhibition or in its function. While not fulfilling the telos of reflection, aesthetic and teleological judgments are paradigmatic insofar as they are pure expressions of the activity of reflection; that is, we can see most clearly the structure of this activity when we look at these types of judgments because they are "unmixed" with the demands of another faculty (*FI* 20:243). By contrast, though it is harder to see what is distinct in the activity of reflection when it is aimed at empirical concepts, it is paradigmatic of judging in another sense of fulfilling the function of the activity governed by this principle. That this is Zuckert's view is supported by her twofold claim that (i) aesthetic and teleological judgments are not "a form of reflective judging strictly speaking," but (ii) are useful in that they 'reveal' the form of purposive judging that makes possible empirical cognition (2007, 77-78). See also Zuckert's explanation of where she parts ways with Longuenesse on these issues (ibid, 75fn17).

aesthetic stance…which rather than somehow supervening on failed cognition is autonomous" (p. 183). By the end of the previous chapter, I had argued for this autonomy. But we are only now attempting to uncover the nature of this autonomy, through a closer look at the content of the principle that reflecting judgment gives itself. Allison claims that the root of his disagreement with Longuenesse lies in their respective articulations of the principle of the power of judgment. He points out that, for her, aesthetic judgments are equally governed by the principle of logical purposiveness, which explains why they always fail.[86] Allison sees this principle as "merely one particular form" of the principle of purposiveness, arguing instead that we opt for a "broader concept" of purposiveness (p. 183; cf. 59-64).[87] It is exactly this sort of account that I am attempting to advance here. It is not incorrect to take *some* acts of reflection to be governed by this particular iteration of the principle of purposiveness. But this cannot exhaustively capture the legislation of the power of judgment, lest it reduce all acts of reflection to the aims of cognition. A proper articulation of the principle of purposiveness must be broad enough to be specified in some contexts as a principle guiding reflection in its efforts to arrive at empirical cognition (without being restricted to this specification), but also explain how all activities under the guidance of this principle (i.e., those acts of reflection that do not aim at empirical cognition)

[86] Both Caranti and Hughes consider the issue of how the principle of the purposiveness of nature could be the principle of aesthetic judgments. It is clear how this principle relevantly governs acts of reflection aimed at the formation of empirical concepts, but not how it equally governs acts of 'mere reflection,' from which no concept arises. I cannot discuss the details of their arguments here. However, I will note that Caranti takes issue with Ginsborg for holding that these two principles are identical (2005, 2-6; see also my footnote 104 below). Hughes criticizes Baz who sees Kant's aesthetics as "merely instrumental" for his epistemology (2006, 547)—presumably committing the same error that I have attributed to Longuenesse. In fact, Baz goes as far as to speak of reflection as having a "cognitive craving" (2005, 30). This is unfortunate for a paper whose title promises to tell the reader what "the point" of aesthetic judgments is.

[87] One can find a similar line of thinking in Dösing (1968, 81-85). Caranti summarizes Düsing's "suggestive hypothesis" as the idea that "there could be an *a priori* principle at the basis of reflective judgment more basic than the logical purposiveness and capable of encompassing it as a particular application of reflecting judgment in its cognitive enterprise" (2015, 365).

further its own distinct aims. I will turn to providing such a specification shortly—with the question of the aims of the power of judgment occupying us in the next and final chapter.

One of Kant's passing remarks concerning the notion of logical purposiveness is particularly suggestive: "Now if nature showed us nothing more than this logical purposiveness, we would indeed already have cause to admire it for this" (*FI* 20:216). The implication, I think, is that nature in fact shows us more; what this is that nature shows us will hopefully become clearer in due course. At this point, Kant's notion of subjective purposiveness involves a relation to external things (i.e., objects in nature). Yet the focal point is still the subject—in that the purposiveness of the object is only intelligible in relation to subject. Logical purposiveness captures the normative relation of our judging power to nature, but it does not exhaust the normative relation intrinsic to the judging power itself. On my reading, the principle of logical purposiveness occasions us to reflect on the idea of suitability as such, which, in turn, leads us to recognize the suitability of our own faculties—in particular, the relation between the imagination and the understanding—*for each other*. I return to this idea in the final section, where I describe this further conception of subjective purposiveness.

For now, we can draw two preliminary conclusions about the relevant sense in which the principle of purposiveness functions as the transcendental principle of the power of judgment. The first is that it is *subjective* purposiveness—not objective purposiveness. It is not the idea of a purposiveness of the object, but rather that of purposiveness for the subject, which is central for understanding the principle of purposiveness as the relevant transcendental principle for the power of judgment: "Thus the faculty of aesthetic reflection judges only about the subjective purposiveness (not about the perfection) of the object" (*FI* 20:229). Because "it is strictly pure

aesthetic judgments that are at issue," what we are searching for is a law of "aesthetic purposiveness," which Kant characterizes as "merely formal" (*KU* 5:270).

The second conclusion, which follows straightforwardly from the first, is that this principle governs aesthetic judgments—not teleological ones. We have already seen this in Kant's assertion that the fundamental notion of purposiveness, which emerges as the special concept of merely reflecting judgment, is not "posited" in the object, but only in the subject (*FI* 20:216). Even though we can attribute purposiveness to other kinds of things, such as living beings, Kant claims that "The teleological power of judgment is not a special faculty" (ibid). While teleological judgments are also products of reflecting judgment, they refer to objects in nature and proceed "in accordance with concepts"—namely, that of the perfection of the object; as Kant reiterates later, they always "presuppose the concept of an end" (*KU* 5:194, 270).[88] By contrast, aesthetic judgments are not about objects, but only about our subjective responses to objects. Accordingly, then: "The aesthetic power of judgment is…a special faculty for judging things in accordance with a rule but not in accordance with concepts" (*KU* 5:194).

In sum: Kant takes subjective purposiveness—which includes (but, as I will eventually show, cannot be limited to) the suitability of nature for our cognitive faculties—to be the relevant kind of purposiveness that governs those pure expressions of the power of judgment as its normative principle.

4.2. *The transcendental principle of the power of judgment*

In this section, I discuss what I take to be the three distinctive features of the principle of purposiveness—features which, I contend, set it apart from the guiding principles of the two

[88] For this reason, I leave aside teleological judgments in the rest of what follows. For a discussion of the concept of a natural purpose as it arises from the reflecting power of judgment, see Steigerwald (2010).

other higher cognitive faculties. The principle of purposiveness is: *subjective*, rather than objective (§4.3.1); *indeterminate*, rather than determinate (§4.3.2); and *affective*, rather than discursive (§4.3.3).[89] For a subject to judge purposively, or exercise the capacity for purposive subsumption, is to feel that two things belong together, where this could refer to concepts, objects, representations, or even faculties themselves—while remaining unable to articulate a rule in support of this, or reasons that would settle the matter. After describing these three aspects of the principle of purposiveness, I will make the case in the next section that these jointly constitute a kind of normativity that is unique to merely reflecting judgment—an important step in understanding its unique aims as a faculty.

4.2.1. *Subjectivity and heautonomy*

First, the principle of purposiveness is a subjective principle, rather than an objective one. Thus far, we have taken this to mean that it is not a principle for judging about objects. This characterization is not incorrect, but I think there is a deeper sense in which it can be understood—namely, insofar as it oversees the subject's own activity of judging. In a famous passage from the Introduction to the third *Critique*, where Kant discusses whether the power of judgment, as an intermediary, might have its own principle, one of the reasons he notes, which might cause one to offer a negative answer, consists in the fact that "it can claim no field of

[89] We should keep in mind that these are features of the principle of purposiveness, as the principle of the power of judgment—not features of the judgments themselves, or even the activity of judging. For example, Kant claims that aesthetic judgments are subjective, and, while this subjectivity is no doubt due to the nature of the principle that governs them, this is not the subjectivity that we are focusing on here. In a similar manner, Kant claims that it is 'indeterminate' which concept we bring an intuition under in a merely reflecting judgment (*FI* 20:220). Yet this is not the indeterminacy we are interested in here. To be sure, these notions are related, but it will be important to locate them first and foremost in the principle of judgment itself.

objects as its domain" (*KU* 5:177). However, he continues, it still might have its own law, "although a merely subjective one" (ibid).

Kant first defines the idea of a subjective principle negatively: "it does not determine anything with regard to the forms of the products of nature" (*FI* 20:219); a merely subjective principle "attributes nothing at all to the object" (*KU* 5:184). This is in contrast to an objective principle, which functions as a condition under which we can subsume a concept of an object, and thereby predicate something of it (*KU* 5:285). In a theoretical judgment, we determine something about the way the object in nature is constituted; in a practical judgment, we determine how to produce an object by means of freedom. Thus, both theoretical and practical principles are objective.

In mere reflection, we judge only "in subjective relation to our cognitive faculty, not in objective relation to the objects" (*FI* 20:200). The power of judgment does not operate according to a law given from elsewhere, but it is also not for this reason lawless; therefore, it must provide the law itself. The idea of purposiveness, Kant argues, "serves as a principle, *merely for the subject*" (*FI* 20:205; my emphasis). Accordingly, the power of judgment "prescribes a law, not to nature (as autonomy), but to itself (as heautonomy)" (*KU* 5:185-186). Kant introduces the notion of 'heautonomy' to articulate the distinctive self-legislation of the power of judgment (*FI* 20:225). According to Floyd, this term, which is presumably invented by Kant, adds the Greek definite article *he* to *auto* (the latter, meaning 'self') in order to capture the reflexive or self-referring dimension. We already know that autonomy refers to self-legislation, and that all the higher cognitive faculties are in some sense autonomous. However, what is unique about the autonomy of reflecting judgment is that it "can only be exercised relative to itself" and its own activities (1998, 205). This recalls the passage (cited in the previous chapter) in which Kant

describes the power of judgment as "for itself, subjectively, both object as well as law" (*KU* 5:288).

What is not being claimed is that some principle is subjective rather than objective because it does not attribute a feature to an object but only operates *as if* the object had that feature (i.e., is regulative rather than constitutive). For even then, the judgment is still primarily directed towards objects. Instead, the power of judgment only refers to itself, providing itself with a law for governing its own activity. Floyd suggests that there is something about the heautonomous nature of reflection that puts an end to the regress generated by 'objective' rules (1998, 194-195). This certainly seems to be a necessary condition for stopping the regress, but something further is required: feeling—which I will discuss shortly. For now, we can focus on Kant's restriction of the legislation of judgment to an entirely internal set of objects: our faculties. Only the subjective conditions of judging are at issue, and "no thing is actually cognized" (*KU* 5:169). Therefore, Kant notes, an aesthetic judgment "contribute[s] nothing at all to the cognition of things" (ibid). Its subjectivity does not primarily consist in its *not* making a claim about the object, but rather in its direct and immediate relation to the faculty of feeling pleasure.

In the Deduction of aesthetic judgment, Kant makes two related claims which clarify the sense in which purposiveness is a subjective principle: (i) that no objective principle for aesthetic judgments are possible, and that (ii) the principle of taste is a subjective principle.[90] The way in

[90] An objective principle would allow us to conclude "by means of an inference" that something was beautiful. This should remind us of Kant's remarks on syllogism, discussed in chapter 2—in particular, the role played by the power of judgment in affirming of a particular thing that is an instance of a general rule (*KrV* A307/B364). As we observed in chapter 1, Kant follows Wolff and Meier in taking all rules to have conditions, according to which they can be affirmed or denied. In vocabulary which he adopts from his predecessors, Kant elsewhere defines a 'rule' as an "assertion under a universal condition" (*JL* 9:121; cf. 9:93). To subsume under the condition of a rule (major premise) is to say that the predicate applies in the given case (minor premise). An objective principle for taste, Kant says, would function as a rule "under the

which he characterizes the subjectivity of the latter principle is particularly illuminating, as he links it to the subjective condition of judging, which we have already noted is identical with the power of judgment itself. In other words, the principle of purposiveness is subjective in the sense that it is the principle *for* the subjective conditions of judging in general. Purposiveness pertains not to objects but to the faculties which are in agreement when we apprehend an object without any concept to guide this process. The principle that reflecting judgment gives itself "can serve as a merely subjective principle *for the purposive use of the cognitive faculties*" (*KU* 5:385; my emphasis). This principle governs a different kind of subsumption, which we have already come across, in which we bring the freedom of the imagination under the lawfulness of the understanding. The imagination "schematizes without a concept," which harmonizes with the understanding's goal of moving from intuition to concept (*KU* 5:287). What is universal and necessary is not some property of an object, but rather the correspondence of imagination and understanding. The principle of aesthetic judgment, then, as a subjective principle, "contains a principle of subsumption" (ibid). The argument is not merely that it does *not* legislate over our judging of objects, but that it *does* legislate for the activity of our faculties in their free play.

Kant's remarks on the idea of a merely subjective principle also connect to the other two features, which are about to be considered. Kant contrasts aesthetic judgment with mere sensation, the latter of which has merely private validity and does not make a claim on others—which amounts to saying that it has no principle at all (*KU* 5:238). Like a judgment grounded in a "determinate objective principle," an aesthetic judgment makes a claim to necessity (ibid).

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condition of which one could subsume the concept of an object" (*KU* 5:285). One could therefore expect the agreement of everyone else "if only one were always sure that the case was correctly subsumed under that ground as the rule of approval" (*KU* 5:237; cf. 239, 291). For, as Kant will describe an inference in the passage just cited from the *Jäsche* logic: "the combination of that which is subsumed under the condition with the assertion of the rule is the inference" (9:121).

However, because it is grounded in a subjective principle, it "determines what pleases or displeases only through feeling and not through concepts, but yet with universal validity" (ibid). Kant then calls this principle 'common sense,' and describes it as indeterminate (the second feature of the principle of purposiveness). But this principle is also marked off insofar as it is affective rather than discursive (the third feature). In short, we will see that these three features function so closely together that they cannot be easily discussed apart from each other.

4.2.2. *Indeterminacy and the norm of a common sense*

In addition to being a subjective principle, the principle of purposiveness is indeterminate, rather than determinate. The notion of indeterminacy surfaces in a variety of different ways through the third *Critique*. Kant uses the term 'indeterminate' (or 'undetermined') to refer to: concepts (*FI* 20:220, 5:244), objects (*KU* 5:227), and principles (*FI* 20:214, 239), as well as the mental activity of reflection itself (*KU* 5:191, 219, 222).[91] Not all of these senses of indeterminacy are immediately relevant for our purposes, as our interests lie with the indeterminacy which belongs to the principle of purposiveness.

Kant describes the assumption that nature is suitable for our faculties as an "indeterminate principle of a purposive arrangement of nature in a system, as it were for the benefit of our power of judgment" (*FI* 20:214; cf. *KU* 5:188). The idea that the objects of our judgment are such that we will be able to make sense of them is indeed a necessary assumption in order to judge at all, but it stops short of telling us how we are to judge.[92] This presupposition

[91] Lee, for example, argues that determining and reflecting judgments are distinguished as determinate and indeterminate judgments, respectively (2004, 220).

[92] In this same passage, Kant notes that if we were unable to assume this about nature, "we could not hope to find our way [in it]" (*FI* 20:214). I take this to be an example of the kind of orientational language Kant uses to describe the power of judgment, which I discuss in the next chapter.

forms the basis of an *a priori* principle for reflection—"without however being able to explain this or determine it more precisely" (ibid). We must believe that certain things do belong together, but we lack a principle that tells us *how* they belong together. Of course, we cannot cognize purposiveness in nature; representing the object as subjectively purposive is not to attribute an end to it. In aesthetic judgments there is no determinate principle, nor is there a determinate concept of the object. The difficulty associated with finding an *a priori* principle for reflection lies precisely in that, despite its being grounded in a feeling, it nonetheless makes a claim to necessity. We are here dealing with a principle, Kant says, "even though it is indeterminate"—that is, contains no specific criteria for its application (*FI* 20:239).

Kant proceeds to refer to 'mere reflection' as "a free and indeterminately purposive entertainment of the mental powers" (*KU* 5:242). The indeterminacy of this activity follows from its standing under an indeterminate principle. When the only thing directing the imagination is the idea that what it is trying to apprehend admits of lawful combination, there are multiple, unspecified ways in which it can go about its business. This is closely connected to yet another sense of indeterminacy—that of the concept under which an object is subsumed. When there is no particular concept of an object, the imagination in its apprehension need only agree with "the presentation of a concept of the understanding (though which concept be undetermined)," of a "concept in general" (*FI* 20:221, 223). Hence, in reflection-subsumption, we always bring an object under an indeterminate concept. If we contrast this operation with instances where the understanding provides a determinate concept or rule, then, in the case of determination-subsumption, the imagination is given no freedom with respect to how it apprehends an object.

In characterizing the agreement of the imagination and the understanding in mere reflection, Kant will speak of their joint "business" (*FI* 20:221). If we understand their free play

as constituting the activity of reflecting judgment, then we can gloss this mutual endeavour as that of seeking out lawfulness in the absence of a law. Since both faculties are insufficient to achieve this task on their own, they must depend on each other. Hence, Kant will speak also in terms of their 'reciprocal' relationship (*FI* 20:224, 231; *KU* 5:287). The imagination, as a faculty of intuitions, is "blind" (A78/B103). While it combines a manifold in an intelligible way, this synthesized content is 'nothing for it'; it cannot see what it is doing. The understanding, as a faculty of concepts, seeks to unify this combination in the concept of an object in general (*KrV* A68-69/B93-94). But the understanding needs something to see, lest this object's content remain "empty" (*KrV* A51/B75). Together, however, they embark on a potentially endless task: the indeterminacy of which I spoke above. There are an infinite number of ways for the imagination to represent what is given in such a way that conforms to the formal conditions of being an object.[93] Accordingly, there is nothing to put a stop to the free play of the faculties in mere reflection—and no universal is found.

What does this mean for reflecting judgment that *does* generate empirical concepts?

[93] My account here is closest to what Guyer calls a 'multi-cognitive' interpretation of the free play of the faculties—though I cannot defend it at length here. In brief, this view sees the imagination as presenting many possible combinations of a manifold for conceptualization by the understanding without ever settling on a particular one (Allison 2001, 171; Crowther 2010, 82; Rush 2001, 58). This is in contrast to a 'pre-cognitive' interpretation, according to which the sensible manifold is unified without this leading to conceptualization (Ginsborg 2015, 53-93). Given my claim that what is exhibited in free play is the suitability of the faculties for each other, there are reasons to reject a view whereby this activity is intrinsically structured toward having it ends frustrated—not to mention the reasons I have already provided against thinking that mere reflection always amounts to a failure. Guyer puts forward a third view, which he calls a 'meta-cognitive' reading. On this view, we subsume the object we call beautiful under an empirical concept, and yet what is given in intuition displays a unity that "goes beyond" what is needed for subsumption under a concept (Guyer 2006, 183). For Guyer, reflecting judgment is a matter of reflecting *on* an empirical cognition—more specifically, a determining judgment. On this view, then, determining judgment is a necessary condition on reflecting. However, this view goes against the priority of reflecting judgment for which I have argued. Of course, the multi-cognitive approach faces challenges of its own—among them, as Guyer wonders, articulating what it is about the endless back and forth that gives rise to pleasure (2006, 177). Yet I find it still to be the most plausible account, especially since it is supported by not only the notion of the suitability of the faculties for each other, which I will soon describe, but also by the notion, invoked at various points, of the freedom of the faculties in general (*KU* 5:242, 292).

The only thing that can put a stop to this back and forth is a demand from another faculty, the understanding, which requires a determinate concept in order to cognize an object. This sheds new light on the notion of determinacy. The fact that the activity of free play could have gone on forever entails that, in some sense, the output will always be incomplete; the end point is arbitrary, and the discursive content could, in principle, always benefit from more free play. This explains the often-fuzzy boundaries we often notice around our empirical concepts (e.g., what counts as a sandwich is not fixed). As O'Neill puts it: "Since most concepts are vague or boundaryless, criteria for their application in determinant judging will be irremediably incomplete" (2018, 123).[94] All of this gives us reason to think that the distinction between determinacy and indeterminacy is not so determinate. That the rules we employ in cognition have their origin in an inherently indeterminate process should remind us not to put too much stock in their relative determinacy.

So far, we have accounted for an indeterminate principle governing an indeterminate activity, whereby this principle is understood as the claim that the activity of subsumption operates according to the notion that it will succeed without being given any further instructions—say, in the form of a determinate concept under which to subsume a given object. The absence of a determinate concept does not preclude a kind of agreement between our faculties. So, while it may be easier to see how the imagination could harmonize with the understanding when it is 'at its service,' having been given a concept of a particular object, there is no reason to rule out the idea that harmony could also be initiated by a free and unconstrained imagination. Indeed, this is exactly what *does* occur in merely reflecting judgment, which Kant

[94] O'Neill goes on to note that "only concepts that are exhaustively defined within some formal system can have definitions that wholly eliminate indeterminacy" (2018, 123). She also points out that Kant seems to have held that only mathematics admits of strict definitions, while all other domains (including philosophy) involve "imperfect" definitions insofar as they are only "approximations" (e.g., *KrV* A279/B757fn).

claims is grounded in "an activity that is indeterminate but yet, through the stimulus of the given representation, in unison" (*KU* 5:219).

The subjective relation of our faculties produces instead a peculiar kind of sensation, which Kant refers to as 'common sense,' the result of mere reflection: "the effect of the free play of our cognitive powers" (*KU* 5:238). To possess common sense is to experience that precise feeling which arises when our imagination and understanding engage in free play. But common sense also functions as a principle, which Kant describes as an "indeterminate norm" (*KU* 5:239). Though Kant links common sense to the notion of judging by means of a feeling, the idea that the relevant rule always remains inarticulable is what delineates indeterminacy from subjectivity and affectivity.[95] What makes the principle indeterminate is not that it does not determine any object (*subjectivity*), nor that it is based in a non-conceptual determining ground (*affectivity*); rather, it is indeterminate because one will always fail in their efforts to articulate or specify their use of the principle.

Aesthetic judgments appeal to common sense as their ground. Though they demand the assent of others, they also exhibit judging according to "a rule that one cannot produce" (*KU* 5:237). Such judging does not involve the subsumption of an object under a determinate concept (i.e., beauty), nor does it involve the application of a determinate rule, from which I could draw an inference—e.g., that the object is beautiful. But this does not stop me from expecting

[95] Kant here distinguishes 'common sense' from the 'healthy understanding,' a notion that I discussed in chapter 2. Indeed, by the third *Critique*, Kant holds that "the correct use" of the power of judgment "is so necessary and generally required that nothing other than this very faculty [*dieses Vermögen*] is meant by the name 'healthy understanding' [*des gesunden Verstandes*]" (*KU* 5:169; cf. 5:293). Kant notes here that this kind of judgment involves the application of concepts; we can now recognize this as determining judgment. By contrast, common sense is a capacity to judge by feeling in the absence of any concept. It is also worth noting that Kant adds that even the common understanding often judges by means of "obscurely represented" principles (perhaps referring to those concepts, just discussed, which are only relatively determinate)—making the capacity to determine how to apply them all the more pressing (*KU* 5:238).

everybody else to agree with me, which is to say that my judgment still amounts to a normative claim. That I make such a demand can only be explained, Kant thinks, by the fact that I presuppose a common sense in others, which could give rise to a similar feeling of pleasure from the free play of their faculties. In aesthetic judgment, I take my experience of a particular to be one that another also ought to share because I take it to instantiate a rule—albeit one that I cannot state. Rather, I feel as if the judgment were made according to a rule that could become a rule for everyone. Thus aesthetic judging is not merely another an instance of finding the universal for the particular, but, in a deeper sense, *the* instance of reflective judging. In this case, the universal we are seeking is not a determinate concept that brings about cognition of the particular but, instead, a feeling that can be shared by everyone. The indeterminacy of the principle of purposiveness, as a rule for the power of judgment, is bound up with its nature as a faculty not *of* rules but *for* the application of rules. Such a special faculty is indeed rule-governed and yet wholly distinct from other kinds of rules, for that which applies determinate rules cannot itself be determinate. But the positing of an indeterminate rule (even one that is subjectively posited) does not itself put an end to the regress, for it leaves untouched the question of application, for which we need feeling.

4.2.3. *Affectivity, or how to end the regress*

The final and most fundamental feature of the principle of purposiveness is that it is affective, rather than discursive. This is to say: it is based on a feeling, not on a concept. My focus will be on the way in which the power of judgment legislates (and provides the

determining ground) for feeling.[96] The recognition that *a priori* principles could be provided by the former for the latter was described in Kant's famous 1787 letter to Reinhold, which I quoted at length earlier. Kant proceeds via the notion of subjectivity as a segue to discussing why it is that feeling and judgment seem to go together. He writes that "the power of judgment is related solely to the subject and does not produce any concepts of objects for itself alone. Likewise…the feeling of pleasure and displeasure is only the receptivity of a determination of the subject" (*FI* 20:208). This suggests a *prima facie* "suitability" of the intermediary higher cognitive faculty for the intermediary fundamental faculty: "if the power of judgment is to determine anything for itself alone, it could not be anything other than the feeling of pleasure, and conversely, if the latter is to have an *a priori* principle at all, it will be found only in the power of judgment" (ibid). This discussion very early on in the introductory material to the third *Critique*, and we notice here the same tentative or hypothetical language which we saw elsewhere. With this, Kant sets up the task to be accomplished by a critique of the power of judgment—namely, to demonstrate how it could be that one could judge merely in terms of one's own feeling (i.e., merely subjectively) yet in a way that incorporates a claim to universality (i.e., normativity) (*KU* 5:218, 279, 288).[97]

Kant establishes a link between feeling and purposiveness in the following way (which I only gestured at earlier): "The attainment of every aim is combined with the feeling of pleasure" (*KU* 5:187). In other words, we always feel pleasure whenever we achieve some purpose.

[96] For this reason, I do not discuss in any detail the notions of pleasure or beauty as they relate to aesthetic judgments. My interest lies strictly in the relationship between the principle of purposiveness, as the principle of the power of judgment, and the faculty of feeling pleasure and displeasure.

[97] Kant's summary of 'the problem' to be solved by a Deduction of taste is representative: "How is a judgment possible which, merely from one's one feeling of pleasure in an object, independent of its concept, judges this pleasure, as attached to the representation of the same object in every other subject, a priori, i.e., without having to wait for the assent of others?" (*KU* 5:288).

Further, at several points, Kant claims that the feeling of pleasure in a beautiful object is "identical" with the representation of its subjective purposiveness (*FI* 20:228, 249). I take this to mean the following: what it is to experience pleasure in mere reflection on the form of an object and relate this representation directly to the faculty of feeling *just is* to judge that it is purposive for our faculties. The immediacy of the relation to feeling, as Kant often reminds us, precludes the mediation of a concept, which is to say that this is a non-discursive mode of judging. The pleasure is "felt, not understood" (*FI* 20:232). Thus, to claim that feeling has a principle is to say that feeling itself functions as a mode of judging. Kant affirms that the faculty of feeling "grounds an entirely special faculty for discriminating and judging"—referring, of course, to the merely reflecting power of judgment (*KU* 5:204). Allison suggests the following characterization: "feeling serves as the vehicle through which we perceive the aptness or subjective purposiveness…of a given representation for the proper exercise of our cognitive faculties" (2001, 71). That is, we *just see* that two (or more) things belong together, for we perceive their agreement—via a sensation, and not because we judge that they conform to a concept or rule (for, again, how would we be able to judge *this*?).

There are two things worth noting before moving on. First, following my suggestion that the power of judgment in general is a capacity for purposive subsumption, we can explain determining judgment just as much as reflecting. When we hold up our faculties to each other in free play and perceive their agreement, or when we hold up a particular against a given universal and perceive *their* agreement, we are judging by means of an affective state. For as much as discursive rules generate the regress problem, only something non-discursive is capable of putting it to an end. Secondly, this entails something like affective normativity—a notion that

might strike many contemporary philosophers as a bit counterintuitive.[98] Indeed, we are accustomed to thinking that the 'ought' only makes sense when we have a degree of control; in the case of something as passive as feeling, one might think that we cannot demand others to respond in a certain way. But this is exactly what Kant's account of the normativity of reflecting judgment—exhibited in the case of pure aesthetic judgment—leads to. What we are doing when we make a claim about how we feel, on the basis of mere reflection, is declaring that we expect others to feel the same way that we do.[99] This does not apply to all feelings, such as merely privately valid sensations, but only to those feelings that arise from free play of the faculties.

4.3. *What is this subjective purposiveness?*

I have attempted to capture the essence of the principle of purposiveness in terms of three primary features. Taken together, these three aspects provide a compelling account of the unique normativity of the power of reflecting judgment, one that can be further spelled out in terms of a key notion: the "free lawfulness of the imagination" (*KU* 5:240). While it has been suggested

[98] For a recent exception, see Gorodeisky & Marcus (2019), who defend a Kantian-inspired account of aesthetic normativity. See also Hamawaki, who notes that "while Kant insists on the normativity of judgments of taste, he just as strongly resists an explanation of the normativity that appeals to concepts and rules" (2006, 108).

[99] This also allows us to consider what unsuccessful acts of reflecting judgment might look like, where this is understood differently than the answer provided by Longuenesse (as discussed in chapter 3). We might consider refusal to engage in free play as one obvious kind of failure of reflecting judgment. For example, imagine you tell me you dislike contemporary art, so I invite you to give it another chance by coming to a gallery with me. Now imagine that you tell me you have no interest in this. It seems correct to say that your obstinacy violates aesthetic norms. But this also sets the bar too low, in the sense that it suggests that all it takes to successfully reflect is that I take up the activity. Were this the case, anyone whose imagination and understanding are in the state of mind characterized by free play counts as successfully reflecting. A lack of openness certainly seems to preclude successful reflection. But I suggest that we understand the violation of the norm of purposiveness in terms of three features outlined above—which are so many ways of treating it as an objective principle. Briefly put, I fail in reflecting: (i) when I take my judgment to hold for the objects themselves (i.e., I make a determining judgment); (ii) when I see my judgment as the clear consequence of applying a rule that specifies how I am to judge; (iii) when I mistake the feeling for a sensation, and thus default into conceptualizing the object (as if it had certain properties).

that we understand this as a primitive notion, I will instead suggest that it is best understood in terms of the mutual suitability of the faculties for each other (the second kind of purposiveness I have been alluding to, in contrast to the purposiveness of nature for our faculties).

4.3.1. *The free lawfulness of the imagination*

Recall that in merely reflecting judgment, the imagination is not governed by a concept, where the latter functions as a rule for the unification (or synthesis) of representations. Thus, when the free imagination encounters a given manifold of intuition, it has no instructions for how to combine this manifold. In contrast to reflection aimed at cognition, the imagination is not 'at the service' of the understanding, but rather the opposite (*KU* 5:242).[100] Characteristically, the lawful yet free imagination acts as if it were rule-governed, even though it is not. That is, it apprehends an object in the same way that it would if it had been given a concept by the understanding. Further, its product is met with a feeling of pleasure, which suggests that in combining it in a particular way it has accomplished some aim—despite having proceeded without any instructions.

As I noted at the end of the previous chapter, it is indeed puzzling to think that there could be any kind of rule for the imagination when it embarks *without a rule*. Kant himself states this problematic idea as follows: "Yet for the imagination to be free and yet lawful by itself, i.e., that it carry autonomy with it, is a contradiction" (*KU* 5:240).[101] Bell puts it most succinctly

[100] This accords with Kant's claim that the imagination 'schematizes without a concept' (*KU* 5:287), while in the context of the first *Critique* it produces 'schemata' (rules for apprehension) *of* the pure concepts (*KrV* A137/B176). And it is for these reasons that there are no rules for aesthetic judgments; instead, they are based entirely on the feeling of pleasure one has in merely reflection on the form an object in the absence of any determinate concept through which it could cognize the object as such.

[101] Kant alternatively refers to this as "lawfulness without a law" and "the lawfulness of the power of judgment in its freedom" (*KU* 5:241, 270).

when he notes that "at some point we have to judge immediately, spontaneously" (1987, 226).[102] This statement, made in response to the regress problem ("the incoherence of a regressive infinity of acts of judgment"), leads Bell to state what he takes to be the genuine philosophical problem that captivates Kant in his theory of judgment: the paradox and possibility of "a rule-determined spontaneity" (ibid, 222)—in other words, how something could be both lawful and free. Bell invokes Wittgenstein's notion of hitting bedrock when trying to give an explanation for why one follows a rule: At some point, we must throw up our hands and say "This is simply what I do" (*PI* §217). The Wittgensteinian sentiment is indeed central to one prominent, contemporary commentator's account, which I will now consider.

Ginsborg puts forward a manner of understanding the notion of purposiveness which, she argues, makes sense of the different kinds of reflecting judgments we make—in particular, aesthetic and teleological ones. Arguing for a unified reading of the third *Critique,* Ginsborg suggests that we think of purposiveness as "normative lawfulness" (2015, 10).[103] She distinguishes this from what she calls the "rational" normativity that is exhibited in theoretical and practical judgments; this kind of normativity, she says, "does not derive from the normativity associated with truth," as is the case with cognition (ibid, 173). While she claims that this is "the same normativity" that she associates with the power of judgment in general, she also argues that this kind of normativity is "thinner" than cognitive or moral normativity (ibid, 10). It should be apparent by now that the normativity associated with the subjective conditions of judgment must be seen as 'thicker' at least in the following sense: it is not merely a derivate form or weaker

[102] cf. Allison: "one [must] simply be able to see whether or not a datum or state of affairs instantiates a rule" (2001, 14). This requires "the capacity for such nonmediated 'seeing,' or…'feeling'" (ibid).
[103] A further problem with Ginsborg's account, on my view, is how little it makes use of the notion of purposiveness with respect to the issue of the normativity of judgment. On only one occasion does she discuss the idea of subjective purposiveness in any detail (2015, 227-254). The only other mention of it comes in a brief footnote which I consider shortly.

version of an already existing, more robust form of normativity, but instead the basis for the kind of normativity that exists in those other domains.

Elsewhere, Ginsborg articulates this notion in terms of what she labels 'primitive normativity': our awareness of the appropriateness of our imaginative responses. To judge in this way is to take oneself to be judging as one ought to, even though one cannot specify a rule according to which one's judgment is correct. In general, this seems in keeping with what I have said about all three features of the principle of purposiveness.[104] Ginsborg acknowledges this in a footnote, saying that the purposiveness of nature for our cognitive faculties can be understood as the idea that "nature and our cognitive faculties stand in a relation of mutual appropriateness" (2015, 84fn48). In other words, we take ourselves to be judging as we ought in the sense that the objects are appropriate for our judging just as much as our judging is appropriate to the objects. The primitiveness consists in this: "an irreducible harmony or fit between the object and the imaginative activity it elicits" (2015, 90).

However, if what comes along with the notion of 'primitive' is the idea that nothing more can be said, then it strikes me as lacking in explanatory power. It is difficult to see how this notion is anything other than a naturalistic account of what we do in mere reflection—a concern which Kant attempted to avoid when he warned of empirical psychological explanations that tell

[104] At the same time, Ginsborg's attempt to unify purposiveness in a transcendental principle for the power of judgment also involves showing what merely reflecting judgment has in common with what happens in reflecting judgment that results in the formation of empirical concepts (2015, 135-147). Gorodeisky criticizes Ginsborg in precisely the same way that I have already criticized Longuenesse, claiming that her account forces us to conclude that "aesthetic judgement is only a failed instance of reflecting judgement" (2011, 421fn28). Even though one of Ginsborg's main motivations is to secure a distinct normativity for aesthetic judgments, it seems that she may end up in the same position as Longuenesse and Zuckert insofar as she identifies the principle of aesthetic judgment with logical purposiveness. This is particularly evident in her overall emphasis on Kant's claim that aesthetic judgments satisfy "the conditions of the possibility of a cognition in general" without amounting to cognition (*KU* 5:218, 292). In other words, Ginsborg seems to think that the uniqueness of merely reflecting judgments is that they allow us to see clearly the contribution that reflection makes to cognition.

us “only how things are judged, but never…how they ought to be judged” (*KU* 5:278). Of course, at some point it will be the case that one’s spade is turned, as Wittgenstein says—one hits bedrock and is unable to give a further explanation (i.e., no more reasons) as to why one judges as they do. But it seems as if something more can be said about the normativity of judgment. To continue the metaphor: Ginsborg stops digging too soon. If such a primitive notion of normativity is to be discovered, it will be found at a deeper level, not at the level of the fit between us and the world, but rather within our own mind and its faculties.

4.3.2. *The mutual suitability of the faculties*

Kant describes a relationship that is entirely internal to the subject: “the purpose is not posited in the object at all, but strictly in the subject and indeed in its mere capacity for reflection” (*FI* 20:216). What does it mean that the purposiveness is posited *in* the subject? I suggest that we take this in a very literal sense. This is the second kind of subjective purposiveness which I have been hinting at. In merely reflecting judgment, we become aware of “a mutual subjective correspondence of the powers of cognition *with each other*” (*KU* 5:218; my emphasis).

Kant says of the purposiveness of nature (what I am calling the first kind of subjective purposiveness): “This is what first gives us the concept of an objectively contingent but subjectively (for our faculty of cognition) necessary lawfulness” (*FI* 20:243). For Kant, this is what first makes us aware of the notion of suitability as such. However, there is also a second, more fundamental kind of purposiveness. This must be prior to the pleasure we experience when we feel the fit between our faculties and nature because this latter kind of agreement presupposes a kind of unity of the faculties, which cannot be taken for granted. That nature is purposive for

our faculties is only intelligible on the condition that our faculties are already purposive for each other. Were the imagination and understanding in perpetual discord, there would be no possibility of nature being purposive for us. In characterizing the principle of purposiveness, then, as the transcendental principle of the power of judgment, we should specify it in terms of the purposiveness of the imagination for the understanding—and then work outward, specifying logical purposiveness, for example, as an instance of this more fundamental suitability.

My claim is that this second notion of purposiveness is not found in the first half of the critique of aesthetic judgment, where Kant discusses the judgment of beauty, but instead in the second half, where Kant treats judgments of the sublime. This notion is hinted at in the introduction, where Kant presents the distinction between 'internal' and 'relative' purposiveness—a distinction which, he notes, cuts across the distinction between subjective and objective purposiveness (which is to say that it applies to both). The notion of the purposiveness of the faculties for each other arises in this latter notion of relative purposiveness.

Kant describes 'internal' purposiveness as grounded in the representation of the object in itself. In mere intuition, without any concept, we perceive the object as purposive for the power of judgment. Hence, we attribute subjective purposiveness to the thing and indeed to nature as well. But Kant argues that there is a purposiveness that does not relate to the form of the object whatsoever. We do not detect anything purposive in it in mere reflection, but only make "contingent use" of the object (*FI* 20:249). Kant describes 'relative' purposiveness as a feature of a representation of an object insofar as it can be "applied to a purposiveness lying in the subject *a priori*" (*FI* 20:249-250).

What is this purposiveness that lies in the subject? Something lacking internal purposiveness can nevertheless acquire a "purposive use" insofar as it "arous[es]" a feeling—not

of beauty, but of sublimity (*FI* 20:250). This is not a feeling of pleasure, in perceiving the suitability of the object's form for our mind, but rather of awe, for its function in bringing to light "the inner purposiveness in the disposition of the powers of the mind" (ibid). It is the feeling that the imagination, as the faculty of intuitions, and the understanding, the faculty of concepts, are made for each other—such that the reflecting power of judgment does not 'strive' to rise from intuitions to concepts in vain.

Kant claims the judgment of the sublime is not to be excluded from the critique of aesthetic judgment, since it also exhibits subjective purposiveness (at a deeper level, I would add). To be sure, the sublime has received far less attention than the beautiful. This may be partially explained by Kant's somewhat cryptic remark that the former is a "mere appendix" to the latter, which is unfortunate, since Kant also ascribes to the sublime an important role in making us aware of the idea of subjective purposiveness (*KU* 5:246).

In the Analytic of the Sublime, Kant asks: "What is this subjective purposiveness?" As already stated, the presentation of subjective purposiveness in the sublime does not arise from the form of the object, as displayed in the judgment of beauty. Instead, it arises from the "purposive use that the imagination makes" of a representation in its efforts to advance from the sensible to the supersensible (*KU* 5:246; cf. 5:268). In apprehending an object without regard for its form, Kant notes that "limitlessness is represented," which he connects to the imagination's striving toward the infinite—and its "presentation of an indeterminate concept" of the understanding (*KU* 5:244, 250). Accordingly, the judgment of the sublime "indicates nothing purposive in nature itself, but only in the possible use of its intuitions to make palpable in ourselves a purposiveness that is entirely independent of nature" (*KU* 5:246). Moreover, the ground of such a judgment lies solely "in ourselves" (ibid). Hence, sublimity "must be sought

only in the mind of the one who judges" (*KU* 5:256). Without displaying purposiveness in its form, the object (in our apprehension of it) "provides the occasion for becoming conscious of this [idea of subjective purposiveness]" (*KU* 5:280). It does this by revealing "a purposive relation of the cognitive faculties" (ibid).

Kant returns to this sort of language in the final pages of the critique of the aesthetic power of judgment, describing nature as providing "an occasion for us to perceive the inner purposiveness in the relationship of our mental powers in the judging of its products" (*KU* 5:350). We can thus conclude by considering this in light of Kant's definition of purposiveness as "the lawfulness of the contingent as such" (*FI* 20:217, 228; *KU* 5:184, 404). This definition no doubt applies to nature and its particular laws and forms which certainly could have been otherwise (all of which nonetheless conform to the formal laws of the understanding). But, more fundamentally, it applies to the contingent agreement of the imagination and the understanding. For what could account for such harmony in the absence of a rule to oversee their respective activities? In the determinative context, Kant speaks of a concept as the kind of thing that "unites" the understanding and the imagination, yielding cognition of an object (*KU* 5:218). By contrast, the "subjective unity of the relation [of imagination and understanding] can make itself known only through sensation" (*KU* 5:219). Kant describes this as:

> that sensation which the harmonious play of the two faculties of cognition in the power of judgment, imagination and understanding, produces in the subject insofar as in the given representation the faculty of the apprehension of the one and the faculty of presentation of the other are reciprocally expeditious [*beförderlich*] (*FI* 20:224).[105]

We observe that the imagination and understanding are mutually beneficial, "promoting" each other's respective tasks, as if they were made for each other or had each other in mind (*FI*

[105] cf. Kant's later remark that the determining ground of an aesthetic judgment is "the feeling (of inner sense) of that unison in the play of the powers of the mind, insofar as they can only be sensed" (*KU* 5:228).

20:231). Thus, Kant speaks of "the *purposive* disposition of the [free] imagination for its correspondence with the faculty of concepts in general," i.e., the understanding—as well as "the *suitability* of the imagination in its freedom to the lawfulness of the understanding" (*KU* 5:319, 344; my emphasis).

In mere reflection, the imagination and understanding contingently agree, and their agreement manifests itself in terms of a feeling that they belong together. This feeling is not only that through which we can recognize the suitability of two things for each other, but also the only thing that is capable of yielding such a judgment. It is not merely that no discursive rule exists to govern the activities of the cognitive faculties in free play, but also that no rule *could* exist. When we reflect, we hold our representations up to each other and affectively respond to them so as to judge that they belong together in a certain way.

In this chapter, our interests lay in the principle of the reflecting power of judgment as a higher cognitive faculty in its own right. I framed this as the beginnings of an effort to identify and articulate the aims of mere reflection. We are some way towards answering this question, insofar as we have a better understanding of not only the structure of the activity but also the principle that guides it—such that we can now ask what it looks like for this faculty to operate successfully.

Chapter 5. What is orientation in judgment?:

Geography, mediation, critique

The previous two chapters considered, respectively, the nature of the power of judgment and its principle. Let us recall that what I established at the end of the chapter 3 was based on a conditional proposition rooted in Kant's conception of a higher cognitive faculty: *if* the power of judgment is a higher cognitive faculty in its own right, *then* it must have its own principle—which, in turn, entails that it must have interests which are independent of the needs of another faculty. I argued that the power of judgment is fundamentally reflecting, and that when it operates solely under the guidance of its own principle, it acts only with regard to its own aims. In chapter 4, I provided an account of that principle as subjective, indeterminate, and affective. Now that we know something about both the nature of the power of judgment *and* the nature of its principle, we are in a position to consider what is accomplished in those acts of the power of judgment which are not in service of another faculty.

At the same time, we cannot forget that Kant describes aesthetic pleasure as "maintaining the state of the representation of the mind and the occupation of the cognitive powers *without a further aim*" (*KU* 5:222; my emphasis). One might conclude from this, along with the more general notion of 'purposiveness without a purpose,' that there could not be any aims for such a faculty. However, given what I have shown thus far, we need not rule out the idea that the reflecting power of judgment itself has internal aims, even if the state of mind it brings about is not itself something that has an aim. In other words: we must distinguish the aimlessness of an aesthetic judgment itself from the aims of the faculty responsible for aesthetic judging. What

might seem to be an initially confused idea, then, is simply a matter of locating the aims behind these aimless states. On my account, the idea of purposiveness is grounded in the suitability of the faculties for each other. The recognition that nature is purposive for our faculties is derivative of this more fundamental purposiveness, one that is entirely internal to the subject. In legislating to itself, the power of judgment takes the structure of its own activity to be something that could hold for the world. We are now well-positioned to explore why this is something that judgment not only does but must do. Indeed, Kant even speaks of it in terms of "this need of ours" (*FI* 20:205).

In this final chapter, I argue that this self-legislation of judgment is due to the fundamentally orientational nature of the power of judgment, which seeks out purposive unity wherever it goes. Moreover, I argue that it performs this task not only in its own activities but in guiding and directing all of the faculties of the mind. I am thus suggesting that the principle of purposiveness can be understood as a principle of orientation, and that, more specifically, the intrinsic aim of the power of judgment *is* orientation. I should note at the outset that, in contrast with the previous chapters, there is a speculative and reconstructive dimension to the argument of this chapter. There are only a few places where Kant directly discusses the notion of orientation. Beyond the 'Orientation' essay, Kant uses the term 'orientation' only once in the third *Critique*—and just a handful of times in his unpublished notes. Thus, unlike the arguments of prior chapters, which made the textual case for attributing a particular view to Kant, I propose a reading that, while not explicitly defended by Kant, is both consistent with his writings and illuminating of his theory of judgment.[106]

[106] At the same time, I do not go as far as Tinguely, who draws on Kant's notion of orientation to make a more general philosophical point without reference to "the historical question" of what Kant may have thought (2018, 185). Tinguely's position is reminiscent of both Longuenesse and Allison's 'moment of reflection' as a condition on cognition: "knowledge claims about sense objects…cannot be made without

I begin by making a link between purposiveness and orientation. By focusing on Kant's 1786 essay, 'What is orientation in thinking?', I highlight the salient features of orientation. These are twofold: (i) its affective dimension—that is, a link to feeling; and (ii) its function in bringing together two contingent, disconnected elements (§5.1). This allows us to look for orientation in other places within the Critical philosophy—in particular, with respect to the notion of judgment as mediator. I suggest that the mediating activity of the power of judgment is orientational, which makes its status as mediator not one of 'mere' mediation, but rather as something that brings unity because of a pre-given need that lies in the nature of judgment itself (§5.2). I conclude by looking at the various geographical and topographic metaphors that Kant uses through his Critical philosophy to make even more palatable and concrete the orientational nature of the power of judgment (§5.3).

Before beginning, a few words are in order regarding the affinity between judgment and critique.[107] Such an affinity can be traced to the opening pages of the first *Critique*, where Kant outlines the critical project he is about to embark on—placing the power of judgment at the center of this discussion. Long before Kant realizes that this faculty too must submit itself to scrutiny, he recognizes its intimate connection to critique. In the Preface to the A-edition, Kant singles out the power of judgment in particular as what places the demand on reason to engage in a critique of itself and its claims. After discussing the indifference towards metaphysics that is

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an irreducible aesthetic or felt discrimination" (ibid). However, the topic of judgment plays almost no role in Tinguely's account. For a discussion of the way in which judgments are orientational (a Kantian-inspired one, at that), see Düring & Düwell (2015). The authors operate on the basic assumption that "human beings orient themselves in the world via judgments," noting the many varied kinds: factual, perceptual, prudential, and so on (2015, 943). While their focus is on moral judgment in particular, they discuss the aesthetic and reflecting aspects of judgment as essential for the purpose of orientation by allowing one to step back and form a perspective on their surroundings (ibid, 950-952).

[107] For a discussion of the relationship between orientation and critique, see Goldman (2008; 2012). Goldman's focus is on the orientational role of the ideas of reason in their regulative use, as set out in the Appendix to the first *Critique*'s Dialectic, so I do not discuss him further here.

characteristic of this age, Kant somewhat surprisingly praises this as, rather than thoughtlessness, evidence of its "ripened" power of judgment (*KrV* Axi). Discontented by false claims to knowledge, it is 'the power of judgment' [*Urteilskraft*] which "demands that reason [*Vernunft*] should take on anew the most difficult of all its tasks, namely, that of self-knowledge, and to institute a court of justice, by which reason may secure its rightful claims while dismissing all its groundless pretensions… [T]his court is none other than the critique of pure reason itself" (*KrV* Axi-xii). While the legal metaphor of a 'court of reason' has been widely discussed, the role that the power of judgment plays in its institution has been entirely overlooked. By the end of the Preface to the third *Critique*, Kant declares: "With this [critique of the power of judgment] I bring my entire critical enterprise to an end" (*KU* 5:170). In other words, it is the power of judgment that sets into motion the task of critique *and* completes the project, which both starts and ends the Critical philosophy.

Furthermore, judgment and critique bear an important etymological relation. Terms like 'critique' and 'criticism' derive from the ancient Greek verb *krinein* [κρίνω], variations of which were used by many classical authors to mean not only 'judge,' but also 'discern,' 'separate,' 'decide' (Tonelli 1978, 120-121). Hence, the 'age of judgment' mentioned above can be seen as another way of expressing Kant's declaration of his own time as "the age of critique" [*das Zeitalter der Kritik*] (*KrV* Axi).[108] It is indeed not accidental that Kant makes such a remark in a footnote placed on the singular use of *Urteilskraft* just mentioned.

[108] For more on the relationship between judgment and critique, see Brodsky (2010); Soni (2016).

5.1. *From thinking to judging: the 'Orientation' essay*

In 1786, Kant wrote an essay entitled, 'What is orientation in thinking?'—his contribution to the ongoing debate between Mendelssohn and Jacobi regarding the question of Lessing's Spinozism (also known as the pantheism debate [*Pantheismusstreit*]). Kant's overall remarks concern the limits of speculative (or theoretical) reason, and the issue of how we are to approach objects whose existence and nature go beyond the boundaries of our knowledge (i.e., supersensible objects of which we cannot have cognition).

Kant defines 'orientation' as follows: "To orient oneself…means to use a given direction…in order to find the others" (*WO* 8:134). We divide a horizon into four quadrants, availing ourselves of one of these as a point of reference by which we can locate the others. To be successful in this, Kant notes: "I must necessarily be able to feel a difference within my own *subject*" (ibid). In the case of spatial orientation, this is a felt difference between my right and left hands. Kant continues: "I call this a *feeling*"—claiming that this is because they "display no perceptible difference as far as external intuition is concerned" (*WO* 8:135). These are internally (qualitatively) identical, and yet I am able to discern right from left. Kant conceives of feeling as an alternative mode of knowing to discursivity—indeed, one that can accomplish or ascertain certain things that conceptuality cannot: "Thus, in spite of all the objective data…I orientate myself…purely by means of a subjective distinction" (ibid). Hence, even if one possessed all relevant knowledge of a set of objects, they would still be unable to orient themselves among such objects if they utterly lacked affective capacities.

The first sense of orientation Kant discusses is that of orientation in space, which he calls both "geographical" and "mathematical" (*WO* 8:136). We determine some set of objects (say, regions of the heavens) by making reference to a specific thing (e.g., the place the sun rises). For

instance, if I know from which direction the sun rises, I can say, when it is midday and the sun is in the sky, which way is south (and north, east, and west). The object we choose is irrelevant—as long as it is a fixed point. I can navigate a dark room if I am able to grab onto something (say, a couch) that indicates to me where I am relative to everything else. Kant asserts that "it is obvious that the only thing which assists me here is an ability to define the position of the objects by means of a *subjective* distinction…the feeling of difference between my two sides, my right and my left" (*WO* 8:135).[109] This is easily displayed by the hypothetical scenario that Kant puts forward: If everything were to be transposed all at once while maintaining their relations to each other, we would not notice the difference through reasoning alone—but only through feeling *dis*oriented.

More important for our purposes is the further sense of orientation which Kant goes on to discuss "by analogy" to spatial orientation (*WO* 8:136). This is the orientation 'in thinking' to which the essay title refers, which he calls "logical." We move about in a logical 'space' where we have no knowledge of the surrounding objects, which is the realm of the supersensible, where we are not given any intuition of an object—even if we might have concepts of possible objects of thought. Kant claims that when we are here we are "no longer…in a position to subsume our judgments under a specific maxim with the help of objective grounds of cognition, but only with the help of a subjective ground of differentiation in the determination of our own faculty of judgment" (ibid). Kant's language here suggests a particular relationship between orientation and the activity of judgment. In a footnote to this passage, he describes orientation in thought as a matter of being guided by "a subjective principle" when an objective principle is not available

[109] Cf. with Kant's description of 'feeling' [*Gefühl*] as an "obscure discrimination of the power of judgment [*Urteilskraft*]" in the *Groundwork* (4:450-451).

(ibid). The subjective means by which we orient ourselves is feeling; what remains available to us is "the feeling of need" that is "inherent" to our cognitive faculties (*WO* 8:137).

What Kant says here does not just apply to our thinking about supersensible objects, but also describes judging in the absence of a concept, or, when no universal is given, which is to say, when it is merely reflecting.[110] Additionally, we can fruitfully see the heautonomy of the power of judgment as a matter of acting on this need. In the Preface to the third *Critique,* Kant states that judgment must provide itself with its own concept, not for the sake of cognizing an object "but which only serves a rule for…itself"—and he is careful to reiterate that this is not an objective rule but only a subjective one (*KU* 5:169). The principle of purposiveness steps in as both a subjective and affective principle to guide us when we find ourselves in a situation in which we have no choice but to judge.

Indeed, there is a natural link between purposiveness and orientation, one that is made plausible by the following passage from the Introduction to the third *Critique*:

> [O]ur concept of a subjective purposiveness of nature in its forms, in accordance with empirical laws, is not a concept of the object at all, but only a principle of the power of judgment for providing concepts in the face of this excessive multiplicity in nature (*in order to be able to be oriented in it*) … (*KU* 5:193; my emphasis).

[110] Makkreel also observes a relationship between reflecting judgment and orientation, which he characterizes primarily in terms of its hermeneutical or interpretive import (1990, 154-172; 2008; 2015, 59-60). For Makkreel, orientation is a "meta-experiential" process, whereby we reflectively systematize (organize and combine) objects that we already have conceptual experience of—and not, as Longuenesse and others might have it, a proto-discursive synthesis of what is given in sensibility (2006, 242). Further, he sharply distinguishes the logical act of reflection in the *Jäsche* logic from the reflecting judgment of the third *Critique.* Makkreel's view on the relationship between determining and reflecting judgment is in stark contrast to the one I have put forward here. For Makkreel, reflecting judgment supervenes on already existing determining judgments (e.g., 'coordinating' them into a coherent whole). It is a mode of evaluation of objects that goes above and beyond our initial cognition of them—rather than preceding them as a necessary condition of their possibility. Now it is entirely possible, within Kant's framework, that reflecting judgments also *follow* determining judgments in the way that Makkreel suggests. But I leave this matter aside for my purposes here.

In this particular passage, Kant discusses the presupposition that nature admits of being carved up into empirical concepts by us. The logical act of reflection by which empirical concepts are generated is thus a clear instance of the orientational function of the power of judgment—one "without which," Kant says, "the understanding could not find itself in [nature]" (ibid). Faced with the potentially "infinite multiplicity" of nature—what Allison calls "the specter of empirical chaos" (2001, 39)—in which everything in its radical particularity would be "entirely alien" to us, we must assume that the objects we come across in the world are capable of being seen as instances of a more general type, which is to say, subsumed under a universal (*FI* 20:203). All of this only further supports the idea the power of judgment's legislation of the principle of subjective purposiveness is for the sake of orientation.[111]

At this point, a few features of orientation can be gleaned from Kant's remarks. First, orientation has an essentially affective dimension. One is only capable of orienting oneself through feeling, and not discursively (through concepts).[112] No amount of knowledge can tell

[111] Cf. Pippin, for whom the link between the specific case of aesthetic judgment and the wider notion of reflecting judgment concerns how "[a] subject can achieve some sort of 'orientation' in any investigation of nature or intentional activity" (1996, 567). Pippin describes this orientation as "pretheoretical" (ibid, 568). Orientation—understood as an end or goal—is not achieved through the application of a rule or a law, for this already presupposes such orientation is possible for us. There is no practical principle that states: 'If one wants to orient themselves, then do X.' By contrast, due to an already existing need for orientation, the power of judgment gives itself a law to oversee its own activity. What is presupposed is the suitability of the objects about which we judge, which is to say, purposiveness. It is only once one has oriented oneself that they will be capable of applying concepts and following laws at all. For this reason, Pippin describes the heautonomy of the power of judgment as "self-orientation" to distinguish it from the self-legislation of understanding and reason. Thus, we can now see how this self-orientation in fact both precedes and grounds the self-legislation in the domains of nature and morality.

[112] Some commentators have discussed the orientational aspect of feeling, which should not be surprising—given that it is the fundamental faculty for which the higher cognitive faculty at issue legislates. Cohen argues that feelings "play an indispensable orientational function in the Kantian mind" (2019, 2). For Cohen, feelings provide a necessary function as "affective appraisals of our activity," including our subjective relation to the world (ibid, 18). There is also here an essential role for reflection; we must reflect on our feelings before they can be taken as "reliable guides" (ibid, 20). See also Matthews, who discusses the feeling of beauty as it pertains to the way that rational beings seek to orient themselves in the sensible world (1997, 9-12, 127-136). Matthews claims that Kant makes use of the notion of orientation in the third *Critique* beyond its use in the 'Orientation' essay, but she cashes this out primarily in terms of the way that

someone where they are located. Moreover, this feeling is internal (within the subject) before it is external; in other words, one must first discern the difference between their own right and left sides before being able to situate themselves relative to the world. This also coheres with the reading of subjective purposiveness that I provided in the previous chapter, where I argued that the internal suitability of the faculties for each other forms the basis for any suitability between the faculties and the external world.

Second, orientation is necessary; we *must* do it, because we must judge. While not explicitly addressed by Kant, a related, further feature of orientation can be extracted from his remarks in the 'Orientation' essay—namely, that it serves to connect two initially disconnected things. Adding to this notion: there is no necessary way to make such a connection, entailing that any potential union will always remain contingent. More specifically, even in the absence of any objective necessity (i.e., a rule to dictate their unification), it is still subjectively necessary that I unify them. While this may seem trivial—even bordering on tautological—it is significant in light of judgment's mediating function, which we are about to consider. In the case of spatial orientation, where the subject and the external world are at issue, it is clear orientation is geared towards bringing into relation two things that stand apart from each other (and, again, where no obvious relation presents itself). Moreover, orientation is not a matter of applying a determinate rule, for what is being sought is not an objective feature *of* the world, but a subjective relation *to* the world, which is achieved only through a principle that is both indeterminate and affective.

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the aesthetic orients us in meeting our cognitive and moral demands: it "provides orientation for the other two powers" (ibid, 136). Regarding the first of these, Matthews states that aesthetic pleasure indicates the purposiveness of objects of nature "in reflection…for our theoretical goal" (ibid, 130).

5.2. *Judgment as mediator*

In chapter 2, we saw that Kant introduces the power of judgment as a third higher cognitive faculty, and, in particular, as an intermediate one. Likewise, in chapters 3 and 4, we saw that Kant's inquiry into the nature of the power of judgment and its special principle involved attending to its "intermediary" status (*KU* 5:168, 177; *FI* 20:202). In this section I will argue that the mediating nature of the power of judgment should be understood as orientational.

The language of mediation appears to suggest subservience. One may be inclined to conclude, as Gasché does, that "however important its function may be, the power of judgment is marked by a certain self-effacement, a subservience and a lack of independence" (2003, 13). As we have seen, the power of judgment, in certain domains and contexts, plays what we might call a handmaiden role; it finds its identity solely in terms of the help it provides to another faculty. But we have also already seen that it cannot be reduced to a 'mere' mediator insofar as it is an autonomous and independent cognitive faculty. Either it is the case that it does something more than just mediate, or that this mediation can be understood in a way that is consistent with its autonomy. I propose the latter.

Let us consider the different kinds of mediation that the power of judgment performs across the Critical philosophy. In the first *Critique*, the power of judgment in its determining use functions to subsume a particular under a universal. This is chiefly seen in the case of cognition, where it is an issue of the connection of intuitions and concepts. In the Schematism—the first part of the Transcendental Doctrine of the Power of Judgment—Kant takes up the question of how the pure concepts can be applied to appearances. The generality of the former and the singularity of the latter makes them entirely heterogenous such that they require a "third thing" in order to be brought together, which he calls a 'schema' (*KrV* A138/B177). Kant describes this

"mediating representation" as something that must share features with both kinds of representations while at the same time remaining sufficiently distinct (ibid). To whatever extent cognition can be thought to have a syllogistic structure, the schematism of the power of judgment can be seen as a more specific instance of the way in which the power of judgment provides the middle term in a syllogism (which we discussed in chapter 2).

Kant opens his 'Theory & Practice' essay by stating that there will always remain a gap between theory and practice—where the former refers to a set of general rules, the latter to their concrete instantiation. Thus, "a middle term is required between theory and practice, providing a link and a transition from one to the other" (*TP* 8:275). One can never move directly from the general to the particular (in a syllogism or in experience), but always requires judgment to act as intermediary. Accordingly, Kant argues that "a concept of the understanding, which contains the general rule, must be supplemented by an act of judgment whereby the practitioner distinguishes instances where the rule applies from those where it does not" (ibid). Kant's statement echoes what he says about the power of judgment in the first *Critique*—that it is a special talent by which one can determine whether a particular is a case of a rule or not. Here again, he mentions the doctors and lawyers who, despite all knowledge (many rules in their head), are unable to apply in their daily business.[113]

[113] In his logic lectures, Kant writes: "To orient oneself, means to put oneself in a certain standpoint where one can easily consider the things *in concreto*" (*DWL* 24:779). From earlier, we know that the notion of a healthy understanding, which was a precursor to Kant's account of the power of judgment, was construed in just these terms—as that by which one can descend from thinking something merely *in abstracto*. Along similar lines, Kant invokes orientation in an unpublished reflection to note that it is what one must take up "when one has become too abstract" (*Refl* 1629, 16:48; translation mine). The related notions of common reason [*Gesunde Vernunft*] and *sensus communis* are invoked in each of the remaining places where Kant discusses orientation in his logic lectures and notes (*JL* 9:57; *Refl* 2269, 16:292; *Refl* 6320, 28:637). Additionally, Kant mentions them at the very beginning of the 'Orientation' essay when discussing the way that Mendelssohn characterized his own maxim of orientation in thought.

Like schemata, which must be "homogeneous" with both intuitions and concepts, the power of judgment itself can be "annexed" by either the theoretical or practical domains—all the while enjoying independence from both (*KrV* A137/B176; *KU* 5:168). This amounts to saying that either the understanding or reason can enlist the power of judgment in order to bring about determining judgments (either cognitive or moral in nature). So far we have considered the first kind. Kant also notes that distinguishing the cases in which the principles of morality apply (and how they apply) requires "a judgment sharpened by experience," which can thereby determine the will *in concreto* (*G* 4:389). In a short section of the second *Critique*, entitled the 'Typic of pure practical judgment' [*der reinen praktischen Urteilskraft*], Kant describes the capacity to relate the moral law to a possible action as a matter of practical judgment (*KpV* 5:67-71).[114]

Beyond mediation within, respectively, theoretical and practical reason there remains the task of mediating these two domains themselves—the professed aim of the third *Critique*. As Kant famously writes in the Introduction: "there is an incalculable gulf fixed between the domain of the concept of nature, as the sensible, and the domain of the concept of freedom, as the supersensible…. Just as if there were so many different worlds" (*KU* 5:176). In other words, a lingering problem from the first two critiques—wherein the reality of both the natural and moral worlds was established, and, accordingly, our existence in them—is that these two worlds bear no relation to each other. Thus, it also follows that our own existence as human beings is split across two entirely different realms. Such fragmentation undoubtedly leads one to ask: *where am I*? Lyotard puts it eloquently, noting the task of the third *Critique* is to bring about unity to philosophy after "the severe 'division' inflicted on it by the first two *Critiques*," and that it is

[114] A recent monograph is the first dedicated entirely to the Typic, though its discussion of both *Urteilskraft* and reflection is rather minimal (Westra 2016, 22-26, 94-95, 161).

reflection which has been "summoned to the task" (1993, 375-376).[115] The power of judgment is thus called upon to provide nothing less than the ground of the unity of the sensible and the supersensible—which, in supplying the "mediating concept," functions as the "bridge" (*KU* 5:195-196).

In this way, we can think of cognitive and moral orientation as two species of orientation, but which do not exhaust such orientation. For I may be oriented cognitively and oriented morally but lack orientation as a cognitive and moral being. The purposive unity that is only brought about through the power of judgment is precisely the idea that my cognitive and moral natures belong together—that the former, as sensible, was made for the latter, the supersensible. Kant invokes the interconnection of the faculties in order to elucidate how our vocation as both sensible and supersensible beings is only unified via the activity of the power of judgment. By "fill[ing] in a gap in the system of our cognitive faculties," a critique of the power of judgment makes possible "a complete system of all the powers of the mind" (*FI* 20:244). The "transition" from nature to freedom occurs only "by means of the power of judgment, which connects the two parts through its own special principle" (*FI* 20:246). Thus, systematic unity is achieved "through the critique of a faculty (the power of judgment)"—which, Kant notes, "serves only for connecting" the domains of theoretical and practical reason (ibid). This points to a new way of understanding the mediating function of the power of judgment. Its status as a mediator is not one of 'mere' mediation, though it certainly plays the latter role in specific contexts. For, more importantly, the unity that the power of judgment brings can be traced back to an already existing need that lies in the nature of judgment itself—namely, one of orientation.

[115] See also Genova (1970), who provides a particularly eloquent description of the problem that the third *Critique* is intended to solve.

5.3. *The geography of judgment*

Throughout his Critical philosophy, Kant makes use of geographical metaphors. In this final section, I want to briefly present these, in order to make the orientational nature of the power of judgment even more palatable and concrete. To start, let us consider the following unpublished note:

> In metaphysics, like an unknown land of which we intend to take possession, we have first assiduously investigated its situation and access to it. (It lies in the (region) hemisphere of pure reason;) we have even drawn the outline of where this island of cognition is connected by bridges to the land of experience, and where it is separated by a deep sea; we have even drawn its outline and are as it were acquainted with its geography (ichnography), but we do not know what might be found in this land, which is maintained to be uninhabitable by some people and to be their real domicile by others. We will take the general history of this land of reason into account in accordance with this general geography (*Refl* 4458, 17:559).[116]

This is but one example—albeit a particularly illustrative one—of the kind of language Kant uses in both his published works, as well as his lectures and reflections.[117] Commentators have discussed Kant's engagement with this topographical language. For instance, Merritt writes that

[116] Cf. Kant's remarks in the first *Critique*, in which he introduces the phenomena-noumena distinction: "We have now not only traveled through the land of pure understanding, and carefully inspected each part of it, but we have also surveyed it, and determined the place for each thing in it. This land, however, is an island, and enclosed in unalterable boundaries by nature itself. It is the land of truth (a charming name), surrounded by a broad and stormy ocean, the true seat of illusion, where many a fog bank and rapidly melting iceberg pretend to be new lands and, ceaselessly deceiving with empty hopes the voyager looking around for new discoveries, entwine him in adventures from which he can never escape and yet also never ring to an end. But before we venture out on this sea…it will be useful first to cast yet another glance at the map of the land that we would now leave, and to ask, first, if there is no other ground on which we could build; and, second, by what title we occupy even this land, and can hold it securely against all hostile claims" (*KrV* A235/B294-A236/B295).

[117] The topic of metaphysics often causes Kant to use such language. For another example, see the Preface to the 'Real Progress' essay: metaphysics is "a shoreless sea…whose horizon contains no visible goal" (*RP* 20:259). Kant proceeds to describe the removal of error (a kind of 'negative' progress) as an instance of "a person who has strayed from the right path, and returns to his starting point in order to pick up his compass … [who] reverted to his point of departure *in order to orient himself*" (20:261; my emphasis).

Kant's use of "geographical metaphor focuses our attention on the principle task of the [first] *Critique*, which is to determine the extent and bounds of human reason" (2006, 69).[118]

Nuzzo extends these observations to the third *Critique*, even invoking the notion of orientation:

> Kant opens the introduction of the *Critique of Judgment* by sketching out a topological map portraying the inner geography of the human mind. The aim is to provide us with orientation within the new realm of transcendental inquiry to which the last part of the critical project is dedicated. Thereby, he also presents a reflection on the path followed so far by transcendental philosophy… In Kant's topography of the human mind we find a renewed effort at differentiating regions in (mental) space… Aesthetic judgment turns out to be the vehicle for our orientation out of the labyrinth of nature (2005, 268).

Nuzzo's remarks concern Kant's division of philosophy in the introductory material, which sets up the project of the third *Critique*. Immediately prior to the above passage concerning the 'incalculable gulf' that must be bridged, Kant makes use of four geographical terms to illustrate the particular nature of the problem: field [*Feld*], territory [*Boden*], domain [*Gebiet*], and residence [*Aufenthalt*] (*KU* 5:174-5). All concepts have a field, which is the realm where the concepts might apply irrespective of whether cognition of the objects they refer to are possible for us, which is the merely logical possibility of an object. A *field* is the most extended region, and has no regard for the particular cognitive faculty at issue. A *territory* is more specific; it is the part of the field where cognition *is* possible for us, and thus draws in our specific cognitive faculties for this purpose, which Kant calls 'real possibility.' Even more specifically is a *domain*, which is the part of the territory where the concepts are legislative (along with the relevant cognitive faculty that provides the law). By contrast, a residence is any part of the territory where concepts are *not* legislative.

[118] See also Feloj, who discusses Kant's distinction between boundaries [*Grenzen*] and limits [*Schranken*] in the *Prolegomena* (2011, 352); Louden (2015, 453-454); Malpas & Thiel (2011); Malpas & Zöller (2012); O'Neill (2011), who links the geographical language to the political imagery that Kant uses towards the end of the 'Orientation' essay.

Kant then affirms that our faculty of cognition has two domains: nature and freedom, which are *a priori* legislative on "the set of objects of all possible experience" (*KU* 5:174). There are thus "two different legislations on one and the same territory" (ibid). All that has been demonstrated up until now is "the possibility of at least conceiving without contradiction the coexistence of the two legislations" (*KU* 5:175). It is worth highlighting the modal claim that Kant makes in order to draw out an earlier theme regarding the actualizing role which the power of judgment plays in its mediation. Despite lacking its own domain, legislating only to itself (and not for objects), the power of judgment is nonetheless able to transform the mere possibility that these two distinct domains could be brought together into an actual unity.

Sweet observes that Kant offers "an extended geographical metaphor that allows us to discern how he conceives of the way that the theoretical and practical may be connected to one another through another sphere—the sphere of judgment" (2018, 135). Sweet notes that it is reflecting judgment, in particular, which plays this mediating role—"occupying a liminal space out beyond the two clearly delineated spheres of cognition and morality, and nature and freedom, and also enabling the success within each of these spheres" (ibid). In sum, the power of judgment does not merely mediate between the two, by making the transition possible, but also grounds them together as a unified system of philosophy.

In addition to fields, territories, and domains, Kant often speaks of horizons, borders and boundaries, surfaces and spheres, planes and paths (e.g., *KrV* Bvii-xv, A74/B99, A135/B174, A229/B282, A238/B297, A296/B352, A707/B735, A762/B790; *Prol* 4:353-357, 370; *G* 4:405, 456-457; *KpV* 5:15; *FI* 20:244-245; *ML* 28:567). In both the A-edition Preface and the Discipline of Pure Reason, Kant invokes metaphors of travel and habitation, along with those pertaining to the development of the human being. I will conclude with perhaps the most compelling case—

one that extends the sentiment from the already-mentioned A-Preface and, in doing so, reiterates the significance of judgment for critique.

Kant states that reason, in its infancy, erects edifices wherever it wishes, without any concern for whether it had any right to the land. In other words, its childhood is marked by it taking certain things for granted—as givens which it does not think it needs to examine. As reason grows up, it rejects these dogmatic claims to a "permanent cultivation of the soil" (*KrV* Aix), tearing down groundless structures only to see its opponents rebuild them once again in the same foolhardy way. In its adolescence, then, reason takes up the stance of the skeptic, which "gives evidence of the caution of the power of judgment sharpened by experience"—for it learns that it must not hold certain principles which it has not examined (*KrV* A754/B782). Kant refers to this condition as "nomadic," noting that while skepticism may be a "resting-place" for reason, it is not a "dwelling-place" (*KrV* A761/B789). And so the skeptic must "make a survey of the region," in order to "choose its path" and thereby determine the direction in which it ought to proceed. The third stage that ensues "pertains only to the mature and adult power of judgment" (ibid). This is critique, where only those principles are held which have been subjected to scrutiny. Only then does reason find its place of permanent residency. Thus, if reason is despotic (dogmatic) or nomadic (skeptical) or uncommitted (indifferent), then it has no home—no justified claim to a land, no island of certainty. Orientation is thereby the very goal of critique, and judgment is the faculty of our minds by which we embark on this endeavor.

Conclusion

"Die Urteilskraft ist eine schwierige Sache"

—Heidegger to Arendt[119]

My account fills a serious lacuna in the literature on Kant. Commentators who have dealt with Kant's theory of judgment have tended to focus exclusively on his account in the first *Critique*. Those who have attended more closely to the account of reflecting judgment in the third *Critique* have almost entirely concluded that its sole aim is to bring about the kinds of judgments which Kant is concerned with in the first *Critique*. Thus, both strands of scholarship have overlooked the power of judgment as a faculty in its own right, one that is not only at work in bringing about cognitive and objectively valid judgments, but is in fact the subjective formal condition of judging in general. My account thus unifies the notion of judgment across the domains of the Critical philosophy by accounting for the faculty of the mind that underlies *all* judgments.

Still, this has not been an exhaustive account. My focus has been on the development of Kant's thinking on judgment in order to show how the power of judgment continues to gain prominence within his taxonomy of the mind. The major stopping points were: his pre-critical account (prior to its introduction), the first *Critique* (where it is first introduced), and the third *Critique* (dedicated to a critique of this faculty). As I noted in the Introduction, I have passed over the second *Critique*, and thus the relationship of the power of judgment to the faculty of reason. However, the preceding account lays the ground for an investigation into the role of

[119] Cited in Wieland 2001, 5.

reflection in moral judgment. More broadly, while I have here provided only an answer to the abstract question of what the power of judgment *is*, this nonetheless makes possible a turn to the practical question of how it is that we can acquire and cultivate such a power.

Even then, a number of important questions remain concerning the transcendental account. One could even be forgiven for thinking that Kant's final account, despite being the product of his attempts to address certain issues that he saw as inherent to all previous theories of judgment, involves complexities that we have not yet fully resolved. That is, it may seem as if Kant begins his career with an account that is clean and clear, even if implausible, only to end up with an account that is not only needlessly convoluted but mysterious in its own way. Nevertheless, we can distill a number of points from our inquiry into the nature of the power of judgment, noting some of the tangible ways in which Kant's mature conception of judgment is more promising than his early view—the view of both his predecessors and the tradition.

We can summarize the outcome of the foregoing account in terms of a two-stage development—first, from the pre-critical to the beginning of the Critical period (with the publication of the first *Critique*), and secondly, within the Critical period itself (from the first *Critique* to the third). This corresponds to the ground covered in chapters 1 and 2, followed by the account given in chapters 3 and 4. In chapter 5, I made the case for understanding this progression in terms of orientation.

First, we saw that the crucial change between the pre-Critical and first *Critique* account was not the move from general to transcendental logic, but rather the recognition of the limits of *any* merely logical account of judgment, which, in turn, merited the introduction of the power of judgment. Kant's pre-critical account of judgment, as articulated in the *False Subtlety* essay, is quite simple: judging is a matter of connecting concepts in the mind. But it also fails to address a

host of philosophical questions. While some of these issues are addressed in the context of the Metaphysical and Transcendental Deductions, such modifications only serve to refine the already existing logical account of judgment. In other words, further rules cannot solve the regress problem that arises from the very idea of judgment as a logical act of applying rules. There can be no rules for the application of rules, and so there must instead be a faculty that is responsible for this and yet is itself not rule-governed. This faculty is the power of judgment. Yet Kant's account of this new power in the first *Critique* contains little content. It has no special principle, leaving its operations ultimately mysterious; Kant only calls it a "special talent" or skill that cannot be taught (*KrV* A133/B172). It follows from this that Kant also, at this stage, saw no need for a critique of this faculty.

The second major development took place between the first and third *Critique*—when Kant comes to realize the necessity of a critique of the power of judgment, through which it is also assigned a special principle. Kant not only distinguishes between the power of judgment in its determining and reflecting use, but, as I argued in chapter 3, elevates the latter as expressing the essence of this faculty. And, in chapter 4, I argued that, as the capacity for purposive subsumption in general, it is governed by a principle that is subjective, indeterminate, and affective. Further, by taking seriously the notion of a higher cognitive faculty, for Kant, I argued that the reflecting power of judgment must have interests and aims that are irreducible to those of the understanding and reason (the latter of which both provide principles that yield determining judgments). So, while the activity of reflection is necessary for bringing about theoretical and practical cognition, these ends are not the sole reason for which it acts. Instead, I suggested, in chapter 5, that the ultimate ends of the power of judgment are orientational in nature; in all of its activities, it seeks to bring purposive unity.

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