

CONTRA MOTHERSILL CONTRA KANT: THE IMPERATIVE JUDGEMENT OF TASTE IN *BEAUTY RESTORED* AND THE *CRITIQUE OF JUDGEMENT*

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In the *Critique of Judgement*, Kant isolates aesthetics as an autonomous field of human experience and philosophical study by characterizing the aesthetic judgement of the beautiful as a synthetic judgement based on no determinate concept and yet laying claim to a priori universal validity. Explicating the obligatory force of this judgement "of taste," he refers to the judgement as "demanding, requiring, exacting," and "imputing" agreement. In *Beauty Restored*, Mothersill criticizes this imperative language as a misdirected attempt to distinguish judgements of the beautiful from ordinary empirical judgements.

Characterizing aesthetic judgements as "commands" is, she says, theoretically unattractive and untrue to phenomenological reflection. In particular, this peremptory view of the judgement of taste is inconsistent with the commonplace request for reasons in support of a judgement and denies the possibility of tentative judgements of taste. She argues that aesthetic judgements of the beautiful are most aptly construed, not as "implicit commands," but as assertions concerning a genuine property of the object in question. I will argue that: (1) Kant's use of imperative language to describe the judgement of taste is an emphasis on the universal validity of the judgement as opposed to the merely personal validity of the judgement of sense and is not primarily a distinction between the judgement of taste and the ordinary empirical judgement. (2) Mothersill's characterization of the Kantian judgement of taste as a "command" is a misleading dramatization of the normative force of the aesthetic judgement which informs her therefore misplaced phenomenological objections to Kant's text. (3) The primary distinction between the aesthetic judgement and the empirical judgement is not the extraordinary normative dimension of the former but that, because the judgement of taste is not based on determinate concepts, there exist

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no secure procedures for confirming the truth of a judgement of taste. Because of this inherent difficulty, judgements of taste solicit agreement and offer themselves as examples of potentially genuine judgements; the uncertainty of aesthetic confirmation necessitates the existence of aesthetic dialogue. (4) The Kantian portrait of the judgement of taste as soliciting agreement to a universally valid claim not only allows but depends on the request for reasons and the possibility of tentative aesthetic judgements.

Summary of the Deduction of the Judgement of Taste. Kant distinguishes the aesthetic judgement of sense from the aesthetic judgement of taste. The former may be influenced by personal interest and emotion and declares an object to be agreeable, while the latter is free of these impure influences and declares an object to be beautiful. In contrast with cognitive judgements, whether theoretical or practical, the aesthetic judgement of taste is not based on a determinate concept of the object of judgement. With this preliminary characterization, Kant deduces, as he did in the first two *Critiques* for theoretical and practical judgements, a principle grounding the universal validity of the genuine judgement of taste. Because the judgement of taste is based on neither personal interest nor a concept of the object, it has reference only to the mere form of the object, what Kant calls the "subjective purposiveness of the presentation of the object". Because it is a formal judgement, the judgement of taste is located in the free play of the cognitive faculties of the imagination and understanding; the obscure notion of free play records, among other properties, that aesthetic presentations engage the cognitive faculties without being restricted by any particular rule of cognition. These cognitive faculties of imagination and understanding may be presupposed in everyone, and moreover presumed the same in everyone, because they are the basis for the communicability of all cognition. Therefore, the pure aesthetic judgement of taste, depending only on these communicable cognitive faculties, is universally communicable and lays claim to universal validity. Now to defend (1)-(4).

(1) *That the judgement of taste and the ordinary empirical judgement are alike in "demanding" and "requiring" agreement.* Consider an ordinary empirical judgement: upon consideration, I announce that there is a telephone pole standing between us. You reply that it is rather a tree. I glance up to confirm my judgement and, confirmed, conclude that you have failed to consider the scene carefully or your eyesight is poor or you don't know what a "telephone pole" is or else

are teasing me. I am confident my judgement is true. Would I say that you *should* judge in agreement with me? There is no reason you need judge at all, but if you undertake to judge, to assert a fact about what is the case, you are under obligation to do so properly. Whether the obligation is to judge truly or only to take appropriate measures to ensure that you are qualified to judge (look up, get glasses, buy a dictionary of roadside attractions), in either case, there are definite constraints on the conditions of your reply. If you ignore these obligations, you are not undertaking to *judge* but are playing a game, or stretching your vocal cords, or speaking in code.

The aesthetic judgement appears to have a similar normative structure: when I judge that *Ulysses' Gaze* is a beautiful film, I am, according to both Kant and Mothersill, making a claim to truth or general validity.¹ You reply that it was ugly (worthless?); I watch it again and am quite convinced otherwise – I resolve to discuss it with you, but in the meantime may hypothesize that you fell asleep during the film or your eyesight is poor or you haven't read the *Odyssey* or are trying to upset me. *Ought* you to judge in agreement with me? Again, if you undertake to judge, you should do so properly, whether that means judging truly, or making proper preparations to judge, or both.

In her chapter "Kant: Three Avoidable Difficulties," Mothersill acknowledges that the normativity of the two judgements might be aligned in this way, but she says that Kant's repeated reference to "demand, requirement," and "implicit command" in the judgement of taste reflect his belief that "the claims of beauty are ... more *peremptory* than the claims of 'fact.'"² Consider the full length of a passage Mothersill quotes in this connection:

Hence [a judgement of taste, which involves] this pleasure[,] is like any empirical judgement because it cannot proclaim objective necessity or lay claim to a priori validity; but *like any other empirical judgement*, a judgement of taste *claims* only to be valid for everyone, and it is always possible for such a judgement to be valid for everyone despite its intrinsic contingency. What is strange and different about a judgement of taste is only this: that what is to be connected with the presentation of the object is not an empirical concept but a feeling of pleasure (hence no concept at all), though, *just as if it were a predicate* connected with cognition of the object, this feeling is nevertheless to be *required of everyone*. A singular

empirical judgement, e.g., the judgement made by someone who perceives a mobile drop of water in a rock crystal, *rightly demands* that anyone else must concur with its finding, because the judgement was made in accordance with the universal conditions of the determinative power of judgement under the laws of a possible experience in general. *In the same way*, someone who feels pleasure in the mere reflection on the form of an object, without any concern about a concept, *rightly lays claim* to everyone's assent, even though this judgement is empirical and a singular judgement.³ [emphasis added]

Kant emphasizes that the judgement of taste has, despite its intrinsic subjectivity, a claim to universal validity; in doing so, he repeatedly stresses the similarity between the normative structure of the judgement of taste and the ordinary empirical judgement. He repeatedly applies the same imperative language of "claiming", "demanding", and "requiring" to both types of judgement. Presumably Kant does not believe the ordinary empirical judgement is particularly "peremptory" in its claim to general validity; therefore his description of the "demand" and "requirement" implicit in the judgement of taste is not meant to highlight an especially strong normative dimension to that judgement. Throughout the Critique Kant's use of imperative language contrasts the judgement of taste with the judgement of sense by emphasizing the universal validity of the former, and is not meant primarily to distinguish judgements of taste from ordinary empirical judgements. For example:

In making a judgement of taste (about the beautiful) we *require* everyone to like the object, yet without this liking's being based on a concept ... and that this *claim to universal validity* belongs so essentially to a judgement by which we declare something to be beautiful that it would not occur to anyone to use this term without thinking of universal validity; *instead, everything we like without a concept would then be included with the agreeable.*⁴ [emphasis added]

For although the principle [grounding the judgement of taste] is only subjective, it would still be assumed as subjectively universal (an idea necessary for everyone); and so it

could, like an objective principle, demand universal assent...⁵
[emphasis added]

The frequency and strength of Kant's imperative language records his consciousness of the counter-intuitive nature of deducing the universal validity of a subjective, non-conceptual judgement. Let us proceed directly to the most extreme imperatives which Mothersill takes as evidence for Kant's "peremptory" stance.

(2) *That Mothersill's characterization of the Kantian judgement of taste as a "command" is misleading; that her phenomenological objections are misplaced.* Mothersill suggests that Kant focuses on the "demand" and "requirement" implicit in the judgement of taste in order to distinguish it from a mere fact or assertion:

It is, in other words, the normative aspect of the judgement of taste that is not captured by the analysis that would entitle us to say that at least some judgements of taste are 'true'. And it is with a view to supplying the lack that Kant says that in judging something beautiful, I 'exact' (or demand or require) that everyone else find the object a cause of pleasure.⁶

Why Kant does not permit the application of the predicate "true" to judgements of taste is a topic for careful consideration, but whatever the eventual answer, his imperative characterization of the judgement of taste is not undertaken in an attempt to supply any extraordinary normative dimension that might not be captured by a more conservative description. As suggested in section (1), the "demand" and "requirement" emphasize the universal validity of the judgement of taste, and confirm the status of the aesthetic judgement alongside other forms of general assertion.

Mothersill proceeds with her discussion of Kant's supposedly peremptory concerns by quoting from the "General Comment on the Exposition of the Reflective Aesthetic Judgement"; to my knowledge this is the only passage of Kant's that she quotes containing the word "command", and moreover this is the only passage of which I am aware in the entire first division of the *Critique* in which "command" is used in association with the judgement of taste; in particular I do not find the word in the Analytic of the Beautiful or in the Deduction of Pure Aesthetic Judgements:

We can never arrive at such a principle [to ground the judgement of taste] by scouting about for empirical laws about mental changes. For these reveal only how we do judge; they do not give us a command as to how we ought to judge, let alone an unconditioned one. And yet judgements of taste presuppose such a command, because they insist that our liking be connected directly with a presentation.⁷

It is a striking misinterpretation to presume from this passage that judgements of taste *are* commands or imply commands. "Command" is here used as a substitute for "principle"; the focus of the passage is Kant's argument that empirical studies of our taste can never ground an unconditioned principle which would serve as a basis for the universal validity of the judgement of taste. Universal validity is a logical feature of the judgement of taste and therefore the judgement of taste *presupposes* such a principle as a condition of existence; without it, all aesthetic judgements would be mere judgements of sense. Because there is no explicit evidence that Kant views the judgement of taste as a command *per se*, I presume Mothersill reads the Kantian "demand" or "requirement" as synonymous with an implicit "command" and that this association informs her phenomenological objections to Kant's position.⁸

Mothersill's primary criticism of Kant's discussion depends on a dictatorial interpretation of the obligation implicit in the judgement of taste:

I spoke earlier about the difficulties of making sense of the command, "Be pleased by O." Some of these are mitigated if the thought is recast in the third person as "Let everyone be pleased by O," or "Everyone ought to be pleased by O." We might then imagine Kant as holding that just as the judgement of taste (speech act) implicates "O pleases me", so it also implicates "Everyone ought to be pleased by O." But is this the case? The only test is to appeal to reflective consciousness, and though the former claim passes the test, the latter (it seems to me) does not. In putting forth my primary judgement, I make a claim on behalf of the object, a claim to the effect that it has a special sort of power. But I do not recognize the intention to issue an order or a *fiat*, nor is a concern with what other people *ought* to think a conscious (still less a dominant) element of what I mean to convey.⁹

However close Kant's "claim to general validity" is to Mothersill's interpreted "implicit command," it is unquestionably not a "fiat" and nowhere does Kant suggest that the "dominant" element of a judgement of taste is a "concern with what other people *ought* to think." The claim is a logical feature of the judgement and is, if anything, prior to intentional meaning.

Nevertheless, Mothersill's characterization of the statements "Be pleased by O" and "Let everyone be pleased by O" as odd and unnatural is accurate. In this connection she quotes Kant, from Section 38, saying "we must be entitled to require this pleasure from everyone." But her focus on pleasure is an artifact of another confusion: near the beginning of the *Critique*, in Section 9, Kant indicates that the pleasure resulting from a beautiful object follows the judgement of taste as its consequence: "It must be the universal communicability of the mental state, in the given presentation, which underlies the judgement of taste as its subjective condition, and the pleasure in the object must be its consequence."¹⁰ Thus, by Section 38, when Kant speaks of "requir[ing] pleasure from everyone," he is substituting a consequent in place of the direct requirement: I require that everyone assent to my judgement and thereby experience the associated pleasure. Kant footnotes this line, which is the only line in the section referring to pleasure, with the immediate clarification that the phrase "require this pleasure" refers to "laying claim to universal assent to a judgement of the aesthetic power of judgement."¹¹ In short, objecting to the Kantian judgement of taste as implying the questionable imperatives "Be pleased by O" and "Let everyone be pleased by O" is a mistake. Even were we to accept that Kant's judgement of taste entails a strong implicit command, the statements "Judge in accord with P" or "Let everyone judge P" are neither odd nor unnatural, but quite common.

(3) *That the judgement of taste is different from the ordinary empirical judgement, not in its imperative claim to universal validity, but in having no determinate testing procedures; explication of the exemplar model.* We have focused on the similarities Kant establishes between the normative structure of the genuine judgement of taste and the ordinary empirical judgement. But the aesthetic judgement is not based on a determinate concept of the object of judgement, as is the ordinary empirical judgement, and this imposes a strong condition on the proper application of the power of aesthetic judgement. If, unintentionally, I issue an aesthetic judgement based on a concept of the

object, I may have given a practical or theoretical judgement or uttered a judgement of sense, but I will not have succeeded in making a genuine judgement of taste. Kant describes other hazards which may befall a judgement of the beautiful: if it is tainted by personal interest, or is based in an emotional response or in the mere "charms" of the object, the abortive judgement of taste will become a judgement of sense or a practical judgement. If these various conditions of felicity are met, the power of aesthetic judgement is properly employed and the resulting judgement will be universally valid. In this case, Kant says, the judgement has been "correctly subsumed under the principle of subjective universal validity".

If the aesthetic judgement was based on a determinate concept, there would exist rules or procedures, given by the concept, for determining whether the power of judgement has been properly employed. For example, if I praise this painting of a woodpecker because the woodpecker painting market is on the rise, which Kant calls judging according to the concept of utility, you could determine whether the woodpecker painting market is, in fact, on the rise, and whether this is, in fact, a painting of a woodpecker and thus worthy of my accolade; alternately, were I to praise the painting because it is an excellent representation of a woodpecker, which Kant calls judging according to the concept of perfection, you could conjure a woodpecker and compare ("But woodpeckers don't have green feet!"). Ordinary empirical judgements are based on concepts of the objects involved; therefore, when I judge that there is a raven in the belfry, you may go up to the belfry and trap all the birds and see whether any of them match the concept "raven." Kant's judgement of taste is never based on a determinate concept, and therefore no such procedure exists for aesthetic judgements. That the difficulty of confirming the proper application of the power of aesthetic judgement in no way undermines the universal validity of the genuine judgement, Kant indicates in numerous passages:

Beauty is not a concept of an object, and a judgement of taste is not a cognitive judgement. All it asserts is that we are justified in presupposing universally in all people the same subjective conditions of the power of judgement that we find in ourselves; apart from this it asserts only that we have subsumed the given object correctly under these conditions. It is true that this latter assertion involves unavoidable diffi-

culties that do not attach to the logical power of the judgement (since there we subsume under concepts, whereas in the aesthetic power of judgement we subsume under a relation of the imagination and understanding, as they harmonize with each other in the presented form of an object, that can only be sensed, so that the subsumption may easily be illusory). ... For as far as the difficulty and doubt concerning the correctness of the subsumption under that principle is concerned, no more doubt is cast on the legitimacy of the claim that aesthetic judgements as such have this validity (and hence is cast on the principle itself), than is cast on the principle of the logical power of judgement (a principle that is objective) by the fact that [sometimes] (though not so often and so easily) this power's subsumption under its principle is faulty as well.¹²

If this difficulty of confirmation is extreme, if we can find no method for confirming aesthetic judgements, how is the lengthy deduction which determined the universal validity of genuine judgements other than otiose?

Though he does not describe the connection explicitly, Kant hints that aesthetic discussion provides a method for confirmation of judgements of taste in the absence of explicit testing procedures, and in his "Aesthetic Problems of Modern Philosophy," Cavell elaborates this possibility. Consider two passages in which Kant mentions the difficulty of aesthetic verification:

Hence the ought in an aesthetic judgement, even once we have all the data needed for judging, is still uttered only conditionally. We *solicit* everyone else's assent because we have a basis for it that is common to all. Indeed, we could count on that assent, if only we could always be sure that the instance had been subsumed correctly under that basis, which is the rule for the approval.¹³ [emphasis added]

Whenever we make a judgement declaring something to be beautiful, we permit no one to hold a different opinion, even though we base our judgement only on our feeling rather than on concepts; hence we regard this underlying feeling as a common rather than as a private feeling. ... Hence the

common sense, of whose judgement I am at that point *offering my judgement of taste as an example*, attributing to it exemplary validity on that account, is a mere ideal standard. ... [this judgement] could, like an objective principle, demand universal assent insofar as agreement among different judging persons is concerned, provided only we were certain that we had subsumed under it correctly.¹⁴ [emphasis added]

Because I am never certain of the proper application of my own power of aesthetic judgement, when making judgements of taste I "solicit" agreement from all others and "offer" my judgement "as an example" of the common, genuine judgement. As Cavell says, in making an aesthetic judgement, I turn to the other "not to convince him without proof but to get him to prove something, test something, against himself. [I am] saying: Look and find out whether you can see what I see, wish to say what I wish to say."¹⁵ If together, in aesthetic dialogue, we can find a judgement in common, an understanding we can agree upon, we assert it as valid and hold to it until another person comes to question us or until we decide to question one another again. Thus, we might say, dialectic is the main instrument for the acquisition of aesthetic knowledge; because of the conditional inherent in the judgement of taste, the other holds a hallowed place in our aesthetic lives.

(4) *That the Kantian model of aesthetic judgement as soliciting agreement to a universally valid claim admits the request for reasons and tentative judgements.* Mothersill motivates the supposed Kantian command by saying, "The advantage (it might seem) of a *command* is that provided you have the requisite *authority*, the request for reasons is out of order" (16). Immediately following this, she counters, "as a matter of fact, the request for reasons is *not* out of order." As we have seen, Kant's judgement of taste lays claim to general validity only on the implicit condition that it is genuine, and the confirmation of that condition is always uncertain. There is ample room in the process of confirmation for the request for reasons and, in fact, the process depends on that request. The "requirement" of agreement which appears to threaten this openness to questioning is a logical feature of the judgement, as the claim to universal validity is a logical feature of an ordinary empirical judgement. When I assert that there is a owl in the barn, I expect you to agree, but that never precludes you asking how it is I know.

Mothersill raises a related objection concerning the categoricity of the judgement of taste, namely, that Kant's judgement of taste could not be tentative. She says:

The security I feel in those of my primary judgements which cluster at one end of a spectrum ... Kant wants to construe as a logical feature of the judgement of taste itself. It is as if no one ever made a *tentative* appraisal or was ever persuaded that he had made a mistake. An opinion can be ventured, floated for discussion, modified over time, revised, abandoned, but it is not clear, nor does Kant explain how such modalities are construed on the view that makes the judgement of taste a 'command' which is 'unconditioned' and which extracts a 'necessary universal delight'.¹⁷

Another conflict born of her reading of Kant: that a judgement of taste lays claim to universal validity is a logical feature of the judgement and is the condition of the existence of such judgements. Without it, they would be mere judgements of sense. Mothersill would be the first to agree that when I venture that a film is good, I am being tentative about the accuracy of the claim, but not in the least about the categorical implications of the judgement if true. If confirmed, my judgement is, as Mothersill would put it, a claim that the object itself has a power that is valid for everyone. Ordinary empirical judgements again provide a model. When I say, "I suspect there is a grouse in the pantry," I await confirmation or disconfirmation of my claim ("Get a flashlight!"), but all the while the claim concerns a grouse in the pantry *for me* and *for you* and for anyone else who cares to look.

When Mothersill reconsiders Kant's Critique in Chapter XI, she acknowledges more explicitly that Kant is aware of the contingencies inherent in the power of aesthetic judgement and she refers to a number of the passages quoted above that indicate Kant's position is not so far removed from her own. She says, "I argued earlier that if Kant were willing (as he sometimes seems to be) to weaken the notion of what we 'demand' of everyone and allow that the 'ought' of the judgement of taste is to be construed as a subjunctive, he would have come very close to the truth."¹⁸ The extent of the difference between Kant's position, as it stands, and Mothersill's revision is, as I hope I have shown, a matter for more careful consideration;

perhaps Kant's emphasis on the "demand" implicit in the judgement of taste is not intended with the dictatorial force Mothersill reads in it. Nevertheless, Mothersill reiterates a remaining objection to Kant's characterization of the conditions on the truth of the judgement of taste:

My quarrel with Kant, as suggested earlier, is that he presents a conceptual claim in such a way as to suggest that the task of a critic, that is, someone who wants to communicate, test, and consolidate his findings, is largely introspective ...¹⁹

She goes on to say, with reference to her imagined perplexity at finding a brush-and-ink scroll beautiful, "An investigation (if I care to undertake one) will focus not on my inner life but on the scroll I see before me."²⁰ Kant's conditions on the proper application of the power of aesthetic judgement, namely that the judgement is made without a determinate concept and without reference to personal interest or emotion, are *internal* conditions. This characterization of the contingency in the judgement of taste appears to conflict with the phenomenological fact that we resolve doubts concerning the truth of aesthetic judgements by attention not to our mental or emotional state but to the object in question — confirmation is an *external* process.

Aesthetic dialogue can, through mutual external scrutiny, confirm and facilitate the satisfaction of the internal conditions for genuine judgement. Consider an extreme example of aesthetic disagreement: I attest that my friend's novel is one of the best of the year, you respond that it is trash. Your denial of my judgement alone may be sufficient for me to reconsider; I reread the novel and discover that it is, in fact, trash — perhaps it occurs to me that my earlier judgement was biased, perhaps not; in either case, I have arrived at an unbiased, disinterested judgement through confrontation with the judgement of another. Or again: you rave about *The Brothers Karamazov*, but your extended discussion of the intricacies and subtleties of Ivan's character leave me bewildered; I realize how strongly I identified with Alyosha and recognize that my love of the novel bears, not reconsideration, but refocusing. We are each prone to a different set of aesthetic failures; the variety of favorite subjects, personal biases, and emotional responses ensures that in confronting another over an aesthetic judgement, I will have my prejudices and

confusions challenged, perhaps by other prejudices and equal confusions but nevertheless in a mode which, if I am open to it, may move me toward a more honest evaluation of the work in question.

NOTES

1. It is worth noting that our paradigmatic examples of ordinary empirical judgements are specific statements, while examples of aesthetic judgements tend to be generic. Does this suggest that our aesthetic vocabulary is impoverished or that our real aesthetic judgements are embarrassing or betray a fantasy or confusion of our theoretical model-or does it reflect an inherent difference in the structure of the two judgements?
2. Mary Mothersill, *Beauty Restored*. p. 215.
3. Immanuel Kant, *Critique of Judgement*. Trans. Werner S. Pluhar ak.191. All quotations are from Pluhar's translation. All section references are to the *Akademie* edition.
4. *ibid.*, 215.
5. *ibid.*, 239. I will not defend this point further. See section 6.211-2, s.7 entire, s.8.214, s.18.236, and s.20 entire. That Kant's imperative language distinguishes the judgement of taste from the judgement of sense and not from the ordinary empirical judgement is also evidenced in the quotations given in section (3) below.
6. Mothersill, p. 214.
7. Kant, 278.
8. In any discussion where distinctions turn on apparent subtleties of word choice, we must be wary of confusions and artifacts of translation. For the purpose of this discussion, I can only take Pluhar's translation on faith; he does, however, specifically attest to the accuracy of rendering *ansinnen* and *zumeten* as "require" in footnote 26, p. 57. We may hope his other choices are as true to the original.
9. Mothersill, p. 215.
10. Kant, 217.
11. *ibid.*, 290.
12. *ibid.*, 290-1.
13. *ibid.*, 237.
14. *ibid.*, 239.
15. Stanley Cavell, "Aesthetic Problems in Modern Philosophy" in *Must We Mean What We Say?*, p. 95-6.
16. Mothersill, p. 217.
17. *ibid.*, 162.
18. *ibid.*, 328.
19. *ibid.*, 329.
20. *ibid.*, 330.

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