

THE SUBJECTIVE UNIVERSALITY OF KANT'S AESTHETIC JUDGMENT

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... a judgment of taste involves the consciousness that all interest is kept out of it, it must also involve a claim to being valid for everyone, but without having a universality based on concepts. In other words, a judgment of taste must involve a claim to *subjective universality*. (*Critique of Judgment* 54; my emphasis)

How is this subjective universality possible? Indeed, the phrase itself seems to be an oxymoron. We often use "subjective" to refer to something that is person-relative while we use "universal" to refer to something that holds for everyone. In fact, as this paper will show, this very same *prima facie* tension exists in Kant's notion of subjective universality. The whole problem seems to be derivable from Kant's notion of "disinterest," and if left alone, without further elucidation, could almost be taken as a *reductio ad absurdum* of Kant's position. But Kant does not leave it alone. Kant's notion of "free play" between the faculties of understanding and imagination provides a context in which subjective universality *is* possible under certain conditions which will be shown herein. Furthermore, the notion of subjective universality and its cohesive factor of free play between the faculties has some interesting implications which result in at least one possible criticism.

To begin, we will see how the problem of subjective universality develops from Kant's notion of disinterest. Kant states that both the liking of the agreeable and of the good involve interest, the agreeable insofar as its gratification depends on the existence of an object (47-48) and the good insofar as its gratification depends on a concept (48-49). However, the liking involved in the judgment of taste must be disinterested, or independent of an object or a concept (51). He apparently makes his initial case for this through mere examples (52).

More importantly, Kant seems to be anticipating the concept of universality in making this assertion, since if a judgment is disinterested, it could be impartial and universal. Nevertheless, there are other ways to attain universality. With objective experience it is attained through the understanding's necessary legislation over the imagination which yields the universal categories. In practical reason, when the faculty of reason legislates, it yields universal maxims on the basis of non-contradiction. However, with regard to both of these previous faculties, judgments of pleasure are *not* universal: liking the agreeable is person-relative (e.g. liking a particular kind of food). And the liking of the good is certainly not universal, since if it was, we would not need the

Categorical Imperative.¹ Moreover, though the judgment of the good may be universal, such a judgment “would not have been made in reference to pleasure and hence would not be a judgment of taste” (63). Thus, though legislation yields universality in certain respects, it falls short of universality with regard to judgments of pleasure. Since imagination cannot attain the universality of a judgment of taste through legislation over the other faculties, it must find another way. This way is found in disinterestedness. Kant states: “All interest ruins a judgment of taste and deprives it of its impartiality” (68). So if a judgment is partial in any way, it cannot be connected to a “universally valid liking” (69). And this means that in order to be universal it must be impartial, or disinterested.

Not only is disinterest necessary for a judgment to be universal, but it would seem that a disinterested judgment would be non-conceptual (subjective). Indeed, if a judgment is conceptual then it is necessarily linked to the object of contemplation over which the concept legislates: “In order to consider something good, I must always know what sort of thing the object is [meant] to be, i.e., I must have a concept of it” (49). And if a judgment is dependent on the object of contemplation (to know what sort of thing it is and what it is meant to accomplish), then it holds an interest in the existence of the object. This is because to allow our judgment to be dependent on what sort of thing the object is supposed to be is to exhibit interest in the existence (i.e. the purpose and the role played) of the object (49). Thus, since interest is a result of a judgment being conceptual, it follows that a disinterested judgment must be non-conceptual: “A judgment of taste determines the object, independently of concepts, with regard to liking and the predicate of beauty” (63).

Now if a judgment of taste is non-conceptual then there is no way that one could determine rules that could govern us in our judgments of the beautiful (59). And it follows from this that there is nothing essential to the object in judgments of the beautiful. Instead there must be something essential in the observer or judge; Kant admits this as well (54). But it follows from these considerations that if beauty is dependent on the observer’s ability to view it as such and it is not dependent on the observer’s capacity to legislate into the object (Kant’s usual source of universality), then judgments of taste *seem to be* relative only to the observer and thus *not* universal.

However, this tension in the idea of subjective universality is not as problematic as it would seem. Kant solves this problem with a different kind of universality (85). This universality has its necessity grounded in something other than the legislation that results in the universality of the categories. As seen above, it is in disinterestedness and the free play that takes the place of legislation that a judgment of taste has necessity, and is thus universal.

First, we must understand what Kant means by “free play.” Since imagination does not legislate *per se*, it is either involved in a non-conceptual interaction with the understanding or in a conceptual interaction that lacks the determinacy of legislation. And since the interaction “cannot arise from concepts” (54), it must be a non-conceptual interaction. This interaction between the

¹In *Fundamental Principles of the Metaphysic of Morals* Kant says that because God desires to do that which is good He does not need any imperative (41).

faculties is thus *free* "because no determinate concept restricts them to a particular rule of cognition" (62). And if the interaction is not determined by a necessary (lawful) conceptual framework then it seems appropriate that this movement be compared to "play" as opposed to the orderliness implied by "work." So the interaction is a free play which results in the harmony that is the basis of the judgment of beauty. But now we must answer the question of how the harmony could be universal.

Now, we know from the *Critique of Pure Reason* that the cognitive faculties spoken of are universal in cognition—every rational being employs them. Thus, it follows that what can be done by them in any given situation can, by virtue of their very nature, be done by any rational being. Hence, every rational being is capable of participating in the free play. This may be part of what Kant means when he asserts that we have a "common sense" that is presupposed by subjective universality (89). And indeed there seems to be textual support for such a conclusion. For one, if it is the faculties that provide for the "common" element in "common sense," this would seem to explain the connection that Kant makes between "common sense" and universal communicability. Surely if we all have the same faculties then we could have the same concepts as well (e.g. the categories). And a common conceptual basis provides for a universal communicability. Moreover, the free play of the faculties could provide for the subjective element (sense, or feeling) that Kant insists is a part of aesthetic judgment. Indeed, the non-conceptual free play can only yield a "mental state [which] must be a feeling" (62). With the faculties being "common" and the free play yielding a sense, the free play of the faculties is the "common sense" necessarily presupposed for universal subjectivity.

Not only can all rational beings experience this free play, but it seems that free play necessarily yields judgments of taste. Kant does not ever explicitly state this; instead he seems to suggest that the harmony that results from free play is the pre-requisite for the experience of higher pleasure (62). Now if it were not only a pre-requisite but if the judgment of beauty and the state of free play were logically interdependent, then it would follow from this, and the fact that anyone can have the experience of free play, that any possible judgment of taste is possible for every rational being (85).

Insofar as the faculties are universal and free play necessarily yields a judgment of beauty, then it would follow that all people could see the beauty that objects could cause in us. And insofar as free play is different from cognition in that concepts are not involved, then the judgments that result from free play are subjective and not objective (i.e. not legislated by the faculty of understanding). Thus, it would follow that subjective universality is not only entirely possible but "obligatory" given this interpretation of the system in which Kant is working.

However, this conclusion is dependent on the conditions delineated above: (i) that the faculties are universal (an idea which is central to Kant's project) and (ii) that free play *necessarily* yields judgments of beauty. Of course, it is the latter that is controversial. However, if judgments of beauty were not a necessary result of free play, then it would follow that these judgments would entail no necessity whatsoever and would lose their universal status. Kant's subjective universality rests on these two conditions.

Before we go on to explore the implications of this interpretation of the nature of aesthetic judgments let us acknowledge a possible objection to this line of thought. One might argue that unless we assume that the mental state of the free play results for everyone in all the same conditions then our conditions (i) and (ii) above do not yield universal results and thus cannot explain the subjective universality. To illustrate, it does not seem to be a universal judgment when two people (person "A" and person "B") look at one painting by Picasso and disagree about whether it is beautiful. On Kant's account these persons have the same faculties and yet under the same external conditions they make conflicting aesthetic judgments. Moreover, A might very well be in the mental state we have called free play—a state which is causing her to make her judgment of beauty. Thus both conditions (i) and (ii) are satisfied and yet it does not seem that the judgment is a universal one.

The point of the criticism seems to be that if the conditions under which a subject experiences the free play are subjective ones, then the judgment cannot be universal. However, I do not think that this criticism is completely valid. By analogy, it must also say that if everyone did not subscribe to the law of excluded middle under the same conditions, then it must not be universal. However, this is an equivocation of "universal" and "universally accepted under certain conditions." If psychologism is false and logic is normative, then it would seem that it is universal even if someone dissents from it. The aesthetic judgment could be similarly universal. Suppose we modify the above example. Perhaps B knows that Picasso declared himself to be a communist and so she—being a loyal American—has a pre-disposition against Picasso. As long as she knows that the painting in front of her is by Picasso she may not be able to view it disinterestedly. But if she lacks this disinterest, according to Kant, then she cannot have the free play of the faculties. Thus she does not see the picture as beautiful. However, if she were capable of viewing the painting disinterestedly, then her faculties would be involved in the free play which necessarily yields the judgment of beauty. Therefore, A's contention that the painting is beautiful is universal because anyone who allows herself to see it disinterestedly will make a similar judgment.

Now, it is widely recognized that there are some interesting implications of Kant's *Critique of Judgment* in general. Nevertheless, on this interpretation and with regard to the discussion of the notion of subjective universality the implications are even more interesting. The first implication is that the idea of free play and its connecting role in attaining subjective universality provides a reason why the faculties might be able to interact in the first place (88).² Indeed, though the idea of the interaction of the faculties is not contradictory, there would seem to be an explanation lacking as to how these different faculties get together in the first place—why do they interact at all? In the case that the faculties of understanding and imagination can exhibit an *a priori* but non-conceptual harmony which results spontaneously, then their legislative interaction could be explained. Moreover, if this harmony is *a priori* and yet non-conceptual it shows how the universality of the concepts is not just

²This point is similar to the idea that common sense provides for the possibility of universal communicability.

a linguistic phenomenon—the pre-linguistic rational being could theoretically make judgments of taste, though she may be unable to express them.

Another implication of the above interpretation is that a judgment of beauty can be made about any object if it is seen disinterestedly. If a judgment of beauty could be made with regard to one set of things and not another, then there must be something about that set of things that warrants such a judgment that is not present in the others. But a conceptualization of this element would constitute a rule by which we could know if something is beautiful or not. And this strictly contradicts the implications of the fact that judgments of taste are non-conceptual (59). So, it follows that everything could yield judgments of beauty. Though Kant does not seem to not assent to this position explicitly,³ he does suggest it when he says: "About any presentation I can at least say that there is a possibility for it (as a cognition) to be connected with a pleasure" (85).

This evokes a possible criticism of Kant in that if everything can arouse a judgment of the beautiful, then the term "beauty" loses its meaning since nothing differentiates it from everything else. Yet, perhaps those who hold this criticism miss the point; they do not recognize that on this account judgments of beauty are definite results of the inner state of a judge. Judgments of beauty would become judgments that say more about the person who makes them than about the object judged. Hence, they retain a definite quality which differentiates them from other judgments.

The last implication of this interpretation seems to be the most important for Kant. It is with the *Critique of Judgment* that Kant successfully bridges the gap between our experience and the world of the *Ding-an-sich*. On my interpretation, the experience of the free play does not involve a conceptual legislation. And since it is the legislation of the faculties that provides for the subjectively active element of our experience, its absence leaves the possibility open for a more passive content in the aesthetic experience. A passive content, not being of the subject, must be from an external source—i.e. the *Ding-an-sich*. Thus, the experiencing subject is brought closer to the supersensible world. That Kant was attempting to close the gap between the two worlds with his third critique is obvious (among other places) in the second introduction: "judgment makes possible the transition from the domain of the concept of nature [the world of our experience] to that of the concept of freedom [the world of the *Ding-an-sich*]" (37).

Tension in the notion of subjective universality and its implications is soluble through understanding it in the context of Kant's overall project. With the purpose of showing the possibility of *a priori* judgments of taste, Kant sought a universality of a different nature than that found in his other Critiques. And since the means of attaining universality, i.e. the free play of the faculties from which necessarily results a judgment of beauty, makes the basis of such judgments non-conceptual, it follows that this peculiar universality can be none other than subjective in nature. Finally, subjective universality not only

³Indeed, there are places where Kant almost seems to deny this position implicitly (e.g. see p. 53), but I believe that there are ways to interpret such passages congruently with my interpretation of Kant's general position with regard to subjective universality.

provides for an *a priori* harmony of the faculties and a bridging of the gap between the two worlds, but the considerations from which it is derived imply that a universal judgment of beauty is possible with regard to any object, as long as the observer can be disinterested.

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