

THE SOURCES AND DEVELOPMENT OF KANT'S VIEWS ON AESTHETIC NORMATIVITY

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1. Introduction

The theme of the normativity of aesthetic judgments is an important and exciting topic in contemporary thought.¹ At the end of section §33 of the third *Critique*, Kant succinctly discusses the normativity of aesthetic judgments:

Its [the judgment of taste's] peculiarity, however, consists in this: that although it has merely subjective validity, it nevertheless makes a claim on all subjects of a kind that could only be made if it were an objective judgment resting on cognitive grounds and capable of being compelled by means of a proof. (KU, 5:285)

And although Kant considers Burke to be an acute author of the “psychological” method (or, according to the 1793 edition, the “physiological” method) employing an “empirical exposition”, he thinks this approach lacks the necessity and universality that a critique demands (KU, 5:277; cf. 20:238):

Thus the empirical exposition of aesthetic judgments may always make a start at furnishing the material for a higher investigation, yet a transcendental discussion of this faculty is still possible and essential for the critique of taste. *For unless this has a priori principles, it could not possibly guide the judgments of others and make claims to approve or reject them with even a semblance of right.* (KU, 5:278; emphasis added)

We can formulate a Kantian argument as follows:

Premise 1. “If there are universally valid aesthetic judgments, there are a priori principles of taste”.

Premise 2. “If there are a priori principles of taste, there can be a critique of the power of judgment”.

Conclusion. “If there are universally valid aesthetic judgments, there can be a critique of the power of judgment”.

¹ Representative commentaries in recent philosophical literature include: Ginsborg (2011 and 2014); Moran (2012); and Hamawaki (2006). Berger (2011:83-125) discusses Ginsborg's theory extensively.

But a skeptic might deny the consequent in Premise 1, and hold that there are no a priori principles of taste. The skeptic is, more generally, wary of Kant's transcendental method (cf. A11–12/ B25; Axvi–xvii) and its assumptions about judging under (so-called) ideal circumstances, and likewise questions the invocation of “properly” situated and informed aesthetic judges, conceiving of the latter as (e.g.) reflections of ideological commitments or struggles for power.

In this essay, I do not intend to give a philosophical *defense* of Kant's view of aesthetic normativity or of the normativity of aesthetic judgments. Instead, I will discuss how Kant arrived at his mature, critical view of how (or why) aesthetic judgments are normative. Indeed, I want to show that he has no one single *view* of aesthetic normativity, but that he held at least three distinct positions. Thus, I will characterize his developing views about how we can demand² others to agree with our appraisals and judgments, that is, to “assent to the aesthetic judgments that we make” (KU, 5:278). Specifically, I wish to argue for the following claims:

In the third *Critique*, Kant is engaging and responding to the eighteenth-century debate, involving the German and British aesthetic traditions. (At least, those are the two traditions I will focus on here.)

Kant responded to this debate in various phases. At one point (i) Kant claims that there are rules of taste and held a “rules-based” account, adopting a version of what can be called a rationalist aesthetics. But then (ii) he adopted a “consensus” based account inspired by Hume and Kames. He held there are no rules of taste and that aesthetics cannot be a science. He changed his mind yet again around 1787 (iii), when he thought he had discovered an a priori principle for the faculty of pleasure and displeasure. This led him to reject both the “laws of sensibility” and the “consensus” based accounts which he had once defended.

After presenting each of the major accounts, I will offer a brief assessment of its philosophical strengths and weaknesses.

Before proceeding, it is necessary to state that the “normativity” under discussion is the aesthetic judgment's claim to universal validity (or subjective universality). One way Kant puts this is:

By contrast, the possibility of an aesthetic judgment which is nevertheless a judgment of mere reflection grounded on a principle a priori, i.e., a judgment of taste, *if it can be shown that this is really justified in its claim to universal validity*, absolutely requires a critique of the power of judgment as a faculty with its own special transcendental principles (like understanding and reason). (EEKU, 20:244; italics added)³

² Kant is not always consistent about whether he aims to provide a defense of our “expecting” or instead of our “demanding” agreement. But leaving Kant's imprecise writing aside, I think that he is interested in the latter. Thus, the question concerning aesthetic normativity is not whether we expect others to agree, but whether we are justified in demanding their agreement, and why that is so.

³ It is useful to keep apart three related but distinct concepts: the *faculty* (or power) of judgment (*Urteilkraft*), the judgment (*Urteil*) conceived as a *proposition* (thus as having a propositional structure), and the *act* of judging (*Beurtheilung*). Earlier English translations tended to blend the difference between *Urteilkraft* and *Urteil* by translating *Urteilkraft* with (the more readable yet imprecise) “judgment”. The Guyer/Matthews translation meticulously catalogues Kant's use of *Beurtheilung* in footnotes in order to disclose his distinction between *Urteil* and *Beurtheilung*.

My task is not to delve into the difficult interpretive issues about the relation between pleasure, the act of judging, and the (pure) aesthetic judgment, issues raised above all in §9 of the third *Critique*, nor is it to provide a defense of his accounts of aesthetic normativity, but rather to discuss the sources and development of his views. How, before he arrived at his mature aesthetics, did Kant address the intersubjective validity of aesthetic judgments? To answer this, we have to learn more about the eighteenth-century intellectual debate.

2. Kant's Eighteenth-Century Sources

A proper investigation of this topic would need to extend to Hutcheson, Burke, Hume, Kames, Shaftesbury, Leibniz, Wolff, Baumgarten, Mendelssohn, Bodmer, Moritz, and Sulzer (as well as francophone authors like Batteux, Rousseau, and du Bos). Needless to say, there is space to examine only a few of these here.⁴ I will therefore focus on the writers who appear to have shaped Kant's thinking on aesthetic judgment's normativity and whom he explicitly acknowledges in this regard. Thus, I focus on Hume and Home (Lord Kames) as well as German rationalist aesthetics following on from Leibniz and Wolff.

I begin with Hume, who (like Kant) employs the metaphor of "taste". Hume sees taste as rooted in features of our shared humanity, specifically, in biological and psychological capacities with which human beings are endowed.⁵ But this does not mean that there is a Hutchesonian "sixth" sense, as if the capacity for taste were like vision. It is not sufficient, according to Hume, merely to open one's eyes or ears to arrive at an appropriate aesthetic judgment of a work or object of taste. Rather, Hume's answer to the question of taste is that the judgment is grounded in the consensus of seasoned critics over time. These critics set the "standard of taste", and the implication is that we should agree with them as much as possible. These reasonable and astute critics, he claims, provide the standard of taste and beauty. Proper critics have five abilities or qualities that enable them to serve as reliable and trustworthy judges. Hume summarizes this as follows:

Strong sense, united to delicate sentiment, improved by practice, perfected by comparison, and cleared of all prejudice, can alone entitle critics to this valuable character; and the joint verdict of such, wherever they are to be found, is the true standard of taste and beauty.⁶

The basis of aesthetic normativity in Hume's account, then, is the joint verdict of critics. So the grounding is empirical and contingent. Critics are bound to differ and diverge from each other, just as groups can differ from other ones. One may even disagree with one's past judgments: an older critic may disagree with one's "past" self. "At twenty, Ovid may be the favourite author; Horace at forty; and perhaps Tacitus at fifty".⁷ The contingencies of temperament and personality,

⁴ The third *Critique* does not *explicitly* mention or refer to any of the following key figures in the history aesthetics: Joseph Addison, Alexander Baumgarten, Lord Kames (Henry Home), Johann G. Herder, Francis Hutcheson, Georg Friedrich Meier, Moses Mendelssohn, Shaftesbury, Johann Georg Sulzer, Jean-Baptiste Du Bos. This does not imply, of course, that Kant did not engage with them, for in many cases he did, as will become evident in the following.

⁵ In "Of the Standard of Taste," Hume (1985:240) refers to the "great resemblance between mental and bodily taste".

⁶ Hume (1985).

personal experience, age, and culture will be reflected in the divergence of aesthetic judgments. Taking a (perhaps surprisingly) moderate and balanced position, Hume acknowledges the “diversity” in feeling beauty and assigning aesthetic value (“worth”) while at the same time maintaining that there is something like a standard or principle in taste (“approaching to principles”). In ‘The Sceptic,’ he writes:

There is something approaching to principles in mental taste; and critics can reason and dispute more plausibly than cooks or perfumers. We may observe, however, that this uniformity hinders not, but that there is a considerable diversity in the sentiments of beauty and worth, and that education, custom, prejudice, caprice, and humour, frequently vary our taste of this kind.⁸

As we will see, Hume’s conclusion is different from the one that Kant draws in the third *Critique*; yet, in the middle phase of Kant’s aesthetics, he adopts precisely this kind of position. Our understanding of this account can be supplemented by looking at Henry Home, aka Lord Kames. In *Elements of Criticism*, Home/Kames—a cousin of Hume—offers and applies general principles of criticism, to (mostly literary) works of art. Home/Kames proposes to offer general principles for the judgment of art. They are norms or patterns, that is, empirical generalizations based on models. A classic example of a rule that was once thought to be instrumental to a work’s successful creation and reception (though not one defended by Home/Kames) is the principle of dramaturgy, allegedly deriving from Aristotle’s *Poetics*, that all the action of a play should transpire within the span of twenty-four hours. Another guideline for the tragedian would be the following advice: If you want to arouse fear and pity in the spectator, the tragic hero must be of average virtue and suffer misfortune from a lack of judiciousness or error of judgment. Home/Kames offers similar guidelines, too. Here are two of them. Since “communication of thought” is “the chief end of language”, he reasons, “words that convey clear and distinct ideas, must be one of its capital beauties”.⁹ In other words, the language of any literary work should allow for a clear flow of thought. This idea allows Home/Kames to assess or judge what succeeds (or not) in the formal aspects of poetry, such as rhythm, rhyme, and figures of speech.¹⁰ Second, since “language ought to correspond to the subject” (i.e., topic), the emotional impact of language ought to correspond to what should be the emotional impact of its subject matter (for instance, heroic actions require elevated language).

These ideas are of course debatable and depend on controversial presuppositions. Home/Kame’s first guideline is offered on the basis of a questionable premise about the “chief end” of language (viz., the communication of thought). The second guideline about language and the subject matter could be considered to be stipulative. In fact, one could argue for the opposite namely, that a *contrast* between language and a given topic would be more desirable or effective, and that, for instance, in the case of heroic language, simple or plain language is needed. (Ernest Hemingway’s short stories seem to illustrate this point.)

⁷ Ibid.

⁸ Hume (1993:98). ‘The Sceptic’ was first published in the ‘Second Edition, Corrected’ of *Essays, Moral and Political* in 1742. Hume’s essays were translated into German as early as 1755 by Johann Georg Sulzer, although this edition did not include ‘Of the Standard of Taste’, which was not published until 1757.

⁹ Home/Kames (2005:382-383). This 2005 is based on the sixth edition of 1785.

¹⁰ Guyer (2014:192).

Even if Home/Kames's principles were appropriate and justified, they could be applied to particular works of art incorrectly or inconsistently. For instance, even if Home/Kames's identification of the chief end of language were plausible, it could be applied in various ways by aesthetic judges within a diverse, stratified society. But this does not seem to be a problem for Home/Kames, since he is very quick to recognize the diversity of taste. In fact, Home/Kames even applauds it since the various individuals within a group can find the aesthetic pleasures to their liking.¹¹

Although we have only skimmed the surface of this tradition, space requires us to turn to the next tradition to be discussed, since it is the one that Kant will take up in his first aesthetic phase.¹² The German rationalist¹³ aesthetic tradition (including, e.g., Wolff, Baumgarten, Meier, Sulzer, and Mendelssohn) addresses the topic of aesthetic normativity by appealing not to the seasoned judgments of critics over time, but to a concept of the object's perfection. The claim to agreement to a judgment of beauty is grounded in the object's (or artwork's) perfection. For instance, "perfection" might be understood as unity-in-variety.

The German rationalist aestheticians consider the judgment of taste to be a "clear" but "confused" logical judgment, a sensate intuition of a kind of perfection in the object.¹⁴ As Wolff (1720) puts it in §404 of *Vernünfftige Gedancken*, beauty is the intuitive cognition of perfection ("anschauenden Erkenntniß der Vollkommenheit"). In the *Metaphysica*, Baumgarten (1779) considers beauty (§§336–340) to be a kind of perfection (§662), and in the *Aesthetica*, he writes: "Aesthetices finis est perfectio cognitionis sensitivae, qua talis, haec autem est pulchritudo" ("The aim of aesthetics is the perfection of sensitive cognition as such; but this is beauty.")¹⁵ Finally, in *Allgemeine Theorie der schönen Künste*, Sulzer (1771) characterizes proper and improper beauty as kinds of perfection.

Thus beauty for the rationalist aesthetic tradition is a kind of a perfection—even if it is known confusedly and sensitively rather than intellectually. If this kind of perfection can be demonstrated, then it can lead to the formulation of what would function as a rule of taste, that is, as a major premise in a syllogism of taste.¹⁶ So if beauty is a kind of perfection (of the object),

¹¹ Home/Kames (2005:719-720).

¹² A number of Kant's earliest logic notes from the 1750s and 1760s could be read as if they were endorsements of the rationalist view; see Kant (2000:371n.34).

¹³ The label "rationalist" should not be taken too strictly and is applied broadly; there were of course "empiricist" current running through the writings of many of these authors. But given their appeal to concepts and rules, the term "rationalist" seems appropriate when discussing their aesthetics.

¹⁴ "Clear" means that I can recognize the beautiful object and distinguish it from nonbeautiful ones; and "confused" means that it is not possible to enumerate one-by-one all the properties that distinguish the beauty from other things, though perhaps one can identify some of them (such as unity-in-variety).

¹⁵ Baumgarten, *Aesthetica*, I, §14, in Baumgarten (1750/1758:10). My translation.

¹⁶ Here is an example of such a syllogism: *Premise 1*. "All aesthetic objects displaying features x, y, and z are aesthetically pleasing (beautiful)". *Premise 2*. "This object displays features x, y, and z". *Conclusion*: "Thus, this object is aesthetically pleasing (beautiful)".

then it is in principle demonstrable; and if there is an objective principle of taste, then a priori proofs concerning taste are possible.¹⁷

Despite their interesting differences, the writers in this tradition could thereby be interpreted as adopting a principle-based aesthetics. That is at least how Kant interpreted them. For instance, according to Kant, Baumgarten tried to bring “the critical judging of the beautiful under principles of reason” (A21). In other words, Kant saw Baumgarten’s approach as based on allegedly objective principles. As Pollok notes, sensibility, for Baumgarten, has its own rules, and for him “the goal of a theoretical aesthetics is to find out the rules of cognizing as well as artistically producing this kind of perfection [beauty].”¹⁸

It is this view that Kant would reject in the third *Critique*. But, before he adopted the third *Critique* position, he first endorsed a rationalist aesthetic position, and then second the “consensus” based account—in essence, adopting the two approaches just considered. This specific connection between the phases of his development and the two intellectual traditions is not an obvious one, and indeed this connection seems to have gone unrecognized in the literature on the development of Kant’s aesthetics.

Before we proceed, however, and resisting any facile opposition between “philosophical” and “historical” analysis, I would like to consider the philosophical merits and demerits of the rationalist aesthetic theory. That theory offers a clear basis or grounding for the normativity of aesthetic judgments, namely, in concepts, principles, or rules. For instance, such a rule might be that the work or object should exhibit “unity-in-variety”. Or, we can point to concepts such as that of *artistic genres* in order to back up our aesthetic evaluation (judgment) of a work of art. We could say that the film was good as a horror film, but not as a comedy, for instance. (In the case of natural beauty or the beauties of natural forms, our aesthetic judgment might likewise be grounded in concepts of what kind of thing the object is and in how it fares with respect to exemplars of its same sort. We can ground our judgment in ideas about what makes for a good specimen or instance of its kind.) Since these concepts are shared, the judgments based on them will have a common ground. As Kant mentions in his discussion of adherent beauty in §16 (5:231), pointing to concepts can help resolve aesthetic disagreements about the particular aesthetic or artistic merits of an object or artwork. One person may be looking at the work or object as an *x*, while another may be looking at it as a *y*. As Allison notes, both appreciators may be correct.¹⁹

But the theory has shortcomings. It seems to limit aesthetic judgments to those cases in which we have a shared concept. When such a concept is missing—say when we do not know exactly what we are looking at, although we are sure (making a judgment of taste) that we like it aesthetically—what is to ground the judgment? Presumably, we can find a color patch or color field aesthetically pleasing even without knowing what it is supposed to be, that is, without knowing the intentions of the artist, its genre, the “rule” it is trying to follow, what kind or category it belongs to, and so on. Or, to give an example from nature, a child could admire and delight in a rainbow’s beauty without knowing what a rainbow is, its name or causes.

If we adopt the perspective of the artist, we find a further weakness of the rationalist aesthetic theory. It limits the freedom of the artist, specifically, the freedom to violate conventional

¹⁷ By an objective principle of taste, Kant means “a fundamental proposition under the condition of which one could subsume the concept of an object and then by means of an inference conclude that it is beautiful” (5:285).

¹⁸ Pollok (2017:40).

¹⁹ Allison (2001:142).

norms about forms and genres. If aesthetic judgments are grounded in and appeal to such concepts as genre or artistic form, then when the artist breaks the conventional norms for a genre or form, then it seems that the proper response to the artwork is aesthetic displeasure and that it deserves a negative aesthetic judgment. But surely this is overly restrictive for artists; many artists break the rules successfully or reshape artistic genres in interesting and pleasing ways. J.M.W. Turner (whose paintings were called “blots” by Sir George Beaumont)²⁰ and Impressionists like Cezanne, for instance, were sometimes criticized for being unconventional and for subverting norms that governed a style, genre, or even an entire medium (i.e., painting). The rationalist aesthetic theory seems to imply that we must not find pleasure in such breaking of conventions and “rules” in art, but instead, that we should find pleasure only in works that conform to the conventional norms governing what counts as good instances (“perfections”) of the kind.

2. Three Phases:

Laws of Sensibility, Critical Consensus, and a Sudden Discovery

We can supplement what we know about Kant’s published views by looking at his correspondence, Reflections and literary remains (*Nachlass*), and lectures, to see how he arrived at the doctrine that finally made it into the third *Critique*. While I wish to avoid giving the impression that Kant’s intellectual development on this matter makes for an inevitable march toward the doctrine defended in the third *Critique*, I will examine his development on this issue, proceeding chronologically. One needs to turn to minor publications and texts because Kant published next to nothing on aesthetics between 1764 and 1790.²¹

I conceive of Kant’s aesthetics as developing in three main phases: from the 1760s up to the mid-1770s; from the mid-1770s up to the late 1780s; and in the late 1780s (the phase of the composition of the third *Critique*).²² In the early stage of Kant’s aesthetics, he grounded the normativity of aesthetic judgments in rules of sensibility, or laws of intuition. In the middle stage of his aesthetics, he started to deny that there were rules of taste in this sense. He modified his position yet again in the final phase of his aesthetics, which begins shortly after 1786 (as reflected in the changes to the well-known A 21 footnote in which he discusses “aesthetics”) and runs through December 1787 (as evidenced in his letter to Reinhold, 10:514-515). In this last phase, Kant still rejected the idea that there were rules of taste (5:284-285), but at the same time held that there was an a priori principle of judgment, namely, the principle of the purposiveness of nature. The aesthetic judgment makes a normative claim, he thought, but it is not grounded in rules of taste, concepts of the object’s perfection,²³ laws of sensibility, or the joint verdict of critics over time. Instead, it is founded on the *sensus communis* that human beings presuppose and share as a

²⁰ See Wilkinson (1974).

²¹ There are many classical studies of the development of Kant’s aesthetics, including works by Paul Menzer and Otto Schlapp. What is new here, however, besides focusing on the issue of aesthetic normativity and connecting Kant’s development to the eighteenth-century debate with which he engaged, is the availability of many texts (above all, lecture notes) that were not readily (or reliably) available to the authors of those studies. Kant’s lectures on anthropology were published in the Akademie Edition (volume 25) only in 1997.

²² There may be an inevitable element of arbitrariness to any such classifications, and one could perhaps divide it into more than three phrases, but this is at least one reasonable way to carve it up.

²³ Perfection does play an important role in the third *Critique*, but it does so under the concept of “adherent” beauty presented in §16 and §17.

condition of knowledge. In order to defend this new ground, Kant had to offer a deduction of judgments of taste, that is, of the a priori principle on which they were grounded.

A comment on the term “subjective” is in order. Like Hume—indeed, like many others writing on during the century—Kant thought that taste was subjective²⁴ and chose the metaphor of “taste” to reflect this. The question is what is meant by the term “subjective”. Clearly, the term is not meant to imply that taste is relative, that is, relative to particular groups or individuals, though we sometimes speak this way: “It’s just your subjective preference”. In the earliest phase of Kant’s aesthetics, the term “subjective” indicated that taste derived from the easy application of, or conformity to, the subjective laws of sensibility. As for Baumgarten, the basis for aesthetic pleasure is subjective in the sense of an *intuition* of a perfect or harmonious structure of the *object*.²⁵ In Kant’s middle phase, the term “subjective” is used, but the meaning changes. Here, it is used to indicate that the aesthetic pleasure comes from a harmony of a subject’s faculties, in the harmonious interplay between imagination and understanding. In his latest phase, finally, “subjective” continued to indicate the fact that the pleasure results from a harmony of the faculties, but the crucial feature of this final stage is that Kant thought that the pleasure was based on *the a priori principle of the purposiveness of nature*.

Let us now turn more closely to the texts to support the proposed interpretation and to show Kant’s engagements with the two previously-mentioned aesthetic traditions, a connection which I am putting forward as an innovative reading of the development of his aesthetics.

In the earliest phase of Kant’s aesthetics, Kant held that conformity to the laws of sensibility (or “laws of intuition”) gave rise to the feeling or experience of beauty. Ease of graspability (of intuition) was a necessary condition of finding and judging an object to be beautiful. It never reached the status of a sufficient condition, however, since, e.g., private interests could get in the way and block the aesthetic experience.

In a Reflection from around 1769, hence a fragment written by Kant, we read: “Beauty consists in the correspondence of the form—appearance—with the ... laws of sensibility. Order. Unity” (Refl, R1793, 16:117).²⁶ Kant explains our pleasure in beauty as arising from the agreement of an object with the laws of our sensibility. The following Reflection (also from circa 1769) shows both how such comprehensibility in intuition could be pleasurable as well as how Kant understands aesthetic normativity:

In everything that is approved by taste, there must be something that facilitates making distinctions in the manifold (something that stands out); something that promotes comprehensibility (relations, proportions); something that makes interconnection possible (unity); and finally something that promotes the distinction from everything possible.

²⁴ That Kant’s view is “subjective” is overemphasized in Gadamer (1975:39). There were many “subjective” views in this century, decades before Kant. As Hipple points out (1958: 84), aestheticians from Addison and beyond tended to see aesthetic experiences of the sublime and the beautiful as elicited by objects with certain kinds of properties.

²⁵ Pollok (2017:42) does not recognize that Kant’s earliest aesthetics shared precisely this feature with Baumgarten’s aesthetics.

²⁶ From 1769–1770? (1771– 1772?). Concerning the dating of Reflections, I follow the date ranges given by Akademie editor Erich Adickes and reproduce his particular method of indicating date ranges—which proceeds from the more to the less certain.

Beauty has a subjective *principium*, namely conformity with the laws of intuitive cognition; but this does not hinder the universal validity of its judgments for people, if the cognitions are all the same. (Refl, R625, 15:271)

In this phase, Kant drew the conclusion that graspability or comprehensibility in intuition provides the basis for the claim to taste's normativity, assuming, at least, that conditions such as impartiality and lack of bias were met. For instance, since music (harmony) and architecture (symmetry) readily conform to the laws of intuition, they are experienced with an aesthetic pleasure that can be reasonably expected from others. When something is easy to grasp, it is felt as a pleasure: given their common faculties, human beings can be demanded to respond to such pleasure in the same way.

In published works from this phase, Kant holds that there are rules of aesthetics. Kant's announcement of his courses for the winter semester of 1765–66 reads:

And in this, the very close relationship of the materials under examination leads us at the same time, in the critique of reason, to pay some attention to the critique of taste, that is to say, aesthetics. *The rules of the one at all times serve to elucidate the rules of the other.* (Announcement of His Lectures for 1765-1766, 2: 311; emphasis added)

Likewise, in the early 1770s logic lectures, in which he used G. F. Meier's 1752 text *Auszug aus der Vernunftlehre*, Kant identifies "aesthetic perfection" as a perfection according to laws of sensibility (Log-Blomberg, 24:45). In such cases, the normativity in aesthetic judgments of beauty comes from its conformity to the "laws of sensibility".

In 1772, Kant acknowledges "principles" of feeling, taste, and the power of judgment. In his 21 February 1772 letter to Marcus Herz, Kant claims that there are "universal principles" of these:

I had also long ago outlined, to my tolerable satisfaction, the principles of feeling, taste, and power of judgment, with their effects – the pleasant, the beautiful, and the good – and was then making plans for a work that might perhaps have the title, *The Limits of Sensibility and Reason*. I planned to have it consist of two parts, a theoretical and a practical. ... The second part ... would have two sections, (1) the universal principles of feeling, taste, and sensuous desire and (2) the universal principles of morality. (Briefe, 10:129; translated modified; underlining added)

While "principles" could here simply mean (as it did in later critical works) something like an a priori principle of a faculty (here, grounding judgments of taste), it is not clear that he has this sense in mind, and it is likely that he did not. For other sources confirm that he adopted a "laws of sensibility" approach in this period. For instance, the Collins notes from a course on anthropology (1772/1773) state that sensibility has rules as much as the understanding has them, and that these rules give rise to "rules of aesthetics":

Judgments about beauty and ugliness are objective but not in accordance with rules of the understanding, but of sensibility. Sensibility has its rules as much as understanding. Certain principles of taste must be universal and be universally valid. Thus there are certain *rules of aesthetics*: with them we must set aside stimuli and emotions. (Mo-Collins, 25:181; italics added)

He further held that, unlike ethical judgments, judgments of beauty apply only to finite rational beings (humans) who have a unique kind of sensibility. "Angels or rational creatures in other

planets: but the beautiful should not please them, for they can have other laws of sensibility” (Mo-Collins 25:198). Finite rational inhabitants of other planets may very well experience and judge something analogous to beauty. However, since these extraterrestrial creatures would have different forms of intuition or sensibility, they would likely find different objects and forms to be beautiful.

In short, the “rules” here are not (as before) concepts such as genre or artistic form or concepts of the purposes of the object (what Kant calls in notes and lectures from his pre-critical period, “self-standing” [*selbst-ständig*] beauty). The aesthetic judgment is not grounded in concepts of what *kind* of thing the object is, whether this be an exemplary natural specimen or an intentionally created artwork whose ends are determined by the artist or artists. Rather, the aesthetic judgment is grounded in the laws of intuition. Since these laws of intuition are shared, the judgments based on them will have a common ground, which in turn is based (as Kant’s remarks about extraterrestrial creatures suggests) in our particular biological-psychological constitution, viz., as equipped with the kind of intuition we have.

Before we examine Kant’s development in greater detail, let us consider the merits and demerits of this doctrine. It offers a clear grounding of the normativity of aesthetic judgments in the laws of sensibility or intuition; and it does a good job of capturing why we find pleasing objects or works such as: geometrical shapes and forms repeated in patterns, pure or simple colors and patches of color, simple musical harmonies, symmetrical sculptures and works of architecture such as the ones found in ancient Greece.

But the doctrine has several drawbacks, too. It seems to reserve positive aesthetic judgments only for spatial/temporal harmony or symmetry exhibited by the object or work. If an object seems to exhibit asymmetry or lack of harmony, the view would seem to imply that appreciators cannot find an asymmetrical object aesthetically pleasing or satisfying. But surely we do find some asymmetrical objects—from jagged, rough natural forms to many modern and contemporary artworks—to be aesthetically pleasing. So symmetry/harmony does not seem to be necessary for making a positive aesthetic judgment (finding it aesthetically pleasing). For instance, the color field paintings of Mark Rothko or the zip paintings of Barnett Newman, while playing with color, do not do so in a symmetrical fashion. Moreover, the position seems to reduce aesthetic pleasure to the perceptual, whereas an important part of aesthetic experience is undoubtedly shaped by the conceptual content of the work. For instance, whereas this view implies that we should have negative aesthetic responses to disharmonious artworks such as Picasso’s *Guernica*, in reality many of us find them aesthetically pleasing. Likewise, this position has few resources to account for conceptual art, performance artwork, and installations, or art that makes a political or social commentary, in short, art that does not appeal to the perceptual senses alone. (One might counter this by claiming that in the end such objects or works *do* exhibit a kind of harmony after all or that they exhibit symmetry of some sort. But this seems to be either question-begging or to be a merely semantic response.) Finally, from the perspective of the artist, this doctrine has a further weakness. For it seems to imply that if the artist wants to create aesthetically pleasing works, then s/he is forced to create symmetrical and harmonious works. This seems unnecessarily to limit the freedom of the artist.

Let us now turn to the middle phase (from the mid-1770s to circa 1787). In this period, Kant understands the *source* of aesthetic pleasure in a way that differs from his earliest approach. He proposes that the pleasure in beauty arises from a harmonious play between the faculties. (Indeed, Kant retains a version of this in the third *Critique*.) In adopting this doctrine, he rejects his earlier “laws of sensibility” approach. A consequence of this is that he rejects the idea that there

are rules of taste that were based on laws of intuition. If there are “rules” at all, they would have to be merely empirical generalizations.

We see this new view of the source of the pleasure in a Reflection dating from 1783-84. Kant does not call it a “harmony” of the faculties, but that is understandable since some variation in terminology is to be expected. He calls it the “mutual promotion of the cognitive powers by each other” and “a movement of all the cognitive powers that is capable of communication”. Pollok notes, and I think correctly, that the view expressed in this Reflection, while not yet to be identified with Kant’s critical aesthetics, “marks Kant’s critical turn from the objective and intuitable perfection epitomized in Baumgarten’s *Aesthetica* to a theory of taste based on the subjective conditions of judgments”.²⁷

How is an objectively valid judgment possible, which yet is not determined by any concept of the object? [...]

If the judgment expresses the relation of all the cognitive faculties in correspondence with the cognition of an object in general, hence expresses only the mutual promotion of the cognitive powers by each other, as it is felt. For in that case then no concept of an object can bring forth such a feeling, but only concepts.

If the judgment is related to the object (and only by means of the concept of it to the subject), yet if at the same time the judgment does not make necessary any determinate concept of any object, nor any relation of it (the concept) to the subject that is determinable in accordance with rules: then it must be related to the object in general through the cognitive powers of the mind in general. For then there is no determinate concept, but what contains the ground of the judgment is only the feeling, through concepts in general, of a movement of all the cognitive powers that is capable of communication. (Refl, R988, 15:432)

The phrase “concepts in general” (rather than a concept of an object) implies that aesthetic judging is not a matter of picking out features of an object or marks the possession of which would justify calling the object beautiful, that is, it is not a matter of finding features that would count jointly as sufficient conditions for attributing the predicate beautiful to the object. A concept is employed during the mental play, but it is a concept of the object “in general” and the feeling is produced “through concepts in general.” To put it in terms (already adopted during this period) used in the third *Critique*, there is a free play between the understanding (the faculty of concepts in general) and the imagination.²⁸

Although the Vienna Logic, which stems from lectures given in the early 1780s, sometimes characterizes the pleasure in beauty as deriving from the “necessary and universal laws of sensibility” (Log-Wien, 24:807), it undeniably also reflects the middle phase of Kant’s thinking, in which Kant adopts a “consensus”-based approach.

The rules of taste are empirical, but these do not make our judgment true; rather, they only serve to bring our judgment under certain concepts when it is cultivated through much practice. Taste, accordingly, cannot in any way be treated as a science. ... The attempts of the fine arts always come

²⁷ Pollok (2017: 42).

²⁸ For an interpretation of how the understanding or “concepts in general” could be involved (in the third *Critique* account), see Reiter and Geiger (2018). They hold that in pure aesthetic judgments, one sees the spatial-temporal forms as representative of *natural kinds*.

first, followed then by the rules, which serve, however, only for criticizing art. Thus one must acquaint oneself with models of beauty, in order to acquire taste thereby.” (Log-Wien, 24:812; translation modified)

Given his adoption of a model-based account, he calls the quasi-universal validity pertaining to aesthetic judgments only a “common” validity, and he distinguishes this from the “universality” proper that is associated with logical judgments (Log-Wien, 24:810). He invokes the notion of a “subjective universality,” and grounds it in “popularity” over time and in suitability for the common sense (*sens commun*):

Aesthetic universality, i.e., popularity, that a cognition is suited for the *sens commun*. I must presuppose the way I judge, the way everyone else can judge. Here, then, there is subjective universality. (Log-Wien, 24:810)

Likewise, he considers the “modality” of the judgments of taste to be only an “empirical necessity” (Log-Wien, 24:810). “Necessity and certainty of aesthetic perfection, that a cognition of the senses is necessary, i.e., that the experience and voices of all people confirm it. Subjective necessity is custom” (Log-Wien, 24:810; translation modified). This clearly reflects a “consensus”-based account.

We can now turn to the well-known footnote in the first edition of the *Critique of Pure Reason* (1781). Still in the middle phase, in the footnote Kant comments on the use of the term “aesthetics”. He expresses skepticism about the scientific status of aesthetics (as a science of taste), and he adopts a view aligned with that of Hume and Home/Kames. The most that can be hoped for, he says, are empirical generalizations drawn from the consensus of past critics:

The Germans are the only ones who now employ the word “aesthetics” to designate that which others call the critique of taste. The ground for this is a failed hope, held by the excellent analyst Baumgarten, of bringing the critical judging of the beautiful under principles of reason, and elevating its rules to a science. But this effort is futile. For the putative rules or criteria are merely empirical as far as their sources are concerned, and can therefore never serve as *a priori* rules according to which our judgments of taste must be directed, rather the latter constitutes the genuine touchstone of the correctness of the former. For this reason it is advisable again to desist from the use of this term and to save it for that doctrine which is true science (whereby one would come closer to the language and the sense of the ancients, among whom the division of cognition into *aestheta kai noeta* was very well known) [Greek transcription modified]. (A21)

The A21 footnote implies that criticism is possible, but it clarifies that it cannot amount to a science, in other words, it cannot have its own rules, principles, and laws.²⁹

²⁹ In Reflection 1588, 16:27 (1769-1770? 1771-1771? 1760?-1768?; 1773-1775??), Kant writes: “The beautiful/fine arts allow only allow for criticism. *Home*. For this reason [there is] no science of the beautiful” (my translation). “Schöne Künste erlauben nur critic. *Home*. Daher keine Wissenschaft des Schönen”. Given the content of this passage and its similarities with A21, I would conjecture that the *later* end of the date range (i.e., 1773-1775) is the most accurate.

The “consensus”-based position even appears in the *Jäsche Logic* (1800). (We should not be misled by the late publication date of the *Jäsche Logic*. The text is a compilation of student lecture notes from different years.³⁰) An important passage begins:

Aesthetics ... as mere critique of taste has no canon (law) but only a norm (model or standard for passing judgment), which consists in universal agreement. ... (Logik, 9:15)

The passage then asserts a position that again appears to stem from the middle phase (and is in agreement with A21). Kant endorses a Homeian/Kamesian view while rejecting Baumgarten’s approach:

The former [aesthetics] has only empirical principles and thus can never be science or doctrine, provided that one understands by doctrine a dogmatic instruction from principles a priori, in which one has insight into everything through the understanding without instruction from other quarters attained from experience, and which gives us rules, by following which we procure the required perfection.

Some, especially orators and poets, have tried to engage in reasoning concerning taste, but they have never been able to hand down a decisive judgment concerning it. The philosopher Baumgarten in Frankfurt had a plan for an aesthetic as a science. (Logik, 9:15)

The passage continues with a statement of the “consensus”-based position, according to which “criticism” derives its “rules *a posteriori*”:

But Home[Kames], more correctly, called aesthetics criticism, since it yields no rules a priori that determine judgment sufficiently, as logic does, but instead derives its rules *a posteriori*, and since it only makes more general, through comparison, the empirical laws according to which we cognize the more perfect (beautiful) and the more imperfect. (Logik, 9:15)

What are the merits and demerits of this position? It has the virtue of providing a clear grounding of the normativity of aesthetic judgments. The position grounds aesthetic normativity in the judgments of many appraisers or critics over time. It finds evidence or proof of a work’s aesthetic value in the work’s passing the test of time, to being subject to scrutiny and aesthetic evaluation and criticism over decades or centuries. The grounding has the virtue of being objective, namely, in the sense that over time a canon of outstanding works is created. Models of taste form, and these models ground future aesthetic judgments about similar works. In comparison to works by Cervantes, John Milton, Emily Dickinson, or Mary Shelley, for instance, we can explain why a work of poetry or fiction does or does not succeed aesthetically.

There are downsides to this approach, however. It has trouble recognizing and making room for the autonomy of aesthetic judgment. Sometimes we feel that our aesthetic judgment is correct, even when our judgment goes against the received view of appraisers (Hume’s “critics”). In such a case, it is not clear that we should simply go along with the judgment of the appraisers.

³⁰ Problems with the *Jäsche Logic* are well known (see, e.g., Boswell 1988). For instance, Kant’s early aesthetics (the “laws of sensibility/intuition” account) lingers on in Jäsche’s text (Logik, 9:36-38). See, e.g., “[o]ne should look principally to formal aesthetic perfection, the agreement of a cognition with the laws of intuition, because it is just in this that the essentially beautiful ... consists” (Logik, 9:38).

That the doctrine seems to discourage judging for oneself leads to a second point: the canon can be conservative and resistant to innovation. Perhaps worse, it almost seems *by its very nature* to be resistant to modification. A canon of received excellent works can be hard to change or modify. The works that pass the test of time have a way of sitting there, as if a power of inertia cannot move them. This seems to leave little room for either artistic innovation or for the autonomy of appraisers.

Finally, one might question how unbiased and impartial the “critics” or judges making these judgments are. Who is making these judgments, and are these critics to be trusted, or suspected? Like the skeptic of transcendental approaches mentioned earlier, one could view aesthetic judgments as ultimately a function of a struggle for economic-political power or influence.

We can now turn to the third phase of Kant’s development regarding aesthetic normativity: Kant’s critical aesthetics. In this final phase, Kant holds that “perfectionism” has nothing to do with the feeling of pleasure and displeasure (EEKU, 20:228). “An aesthetic judgment is of a unique kind, and affords absolutely no cognition (not even a confused one) of the object” (KU 5:228). He also rejects the view that the standard of taste was an empirical standard established by critics over time. Instead, the position is that aesthetic normativity lies in the application of an a priori principle of pleasure and displeasure: the harmonious play of two faculties common to human beings (imagination and understanding) leads to an aesthetic pleasure on the basis of which we make an aesthetic judgment and speak with a “universal voice” (KU, 5:216).

He defends the notion of the autonomy of the aesthetic judgment. According to this view, as noted, an aesthetic judge does not and should not follow the opinion of others (even notable critics); this notion comes into tension with the “consensus” based account:

If someone does not find a building, a view, or a poem beautiful, then, first, he does not allow approval to be internally imposed upon himself by a hundred voices who all praise it highly. (KU, 5:284)

The poet who is convinced he is right about the aesthetic value of a poem will not change his mind simply based on the testimony of others. Rejecting the “consensus”-based approach to the normativity of aesthetic judgment, he denies the possibility of *empirical* proofs of the correctness of a judgment of taste.

Kant is even more convinced that there cannot be *a priori* proofs. “An a priori proof in accordance with determinate rules can determine the judgment on beauty even less” (KU, 5:284). If so, a rule of taste cannot function as a major premise in a syllogism or “proof” concerning taste. In fact, Kant dismisses both “consensus”-based and rule-based approaches (“a priori grounds of proof”) in the very same paragraph:

If someone reads me his poem or takes me to a play that in the end fails to please my taste, then he can adduce Batteux³¹ or Lessing, or even older and more famous critics of taste, and adduce all the rules they established as proofs that his poem is beautiful; certain passages, which are the very ones that displease me, may even agree with rules of beauty (as they have been given there and have been universally recognized): I will stop my ears, listen to no reasons and arguments, and would rather believe that those rules of the critics are false or at least that this is not a case for their application than allow that my judgment should be determined by means of a priori grounds of

³¹ Charles Batteux (1723–1780) attempted to reduce the arts to a single principle, namely, to mimesis or imitation of beautiful nature.

proof, since it is supposed to be a judgment of taste and not of the understanding or of reason. (KU, 5:284-285)

We can now revisit the A21 footnote in the *Critique of Pure Reason*. In 1786, as he was preparing the B edition (1787), Kant softened his assessment regarding the use of the term “aesthetics.” The 1787 edition states (B 35-36) that rules of taste are merely empirical as far as their “most prominent” sources are concerned. Kant leaves conceptual space for a priori sources and for *non*-determinate a priori principles (perhaps leaving room, for instance, for the a priori principle of the purposiveness of nature). The term “aesthetics” might be “shared” with speculative philosophy (as a science of space and time), he says, and one can take the term partly in a “transcendental” meaning and partly in a “psychological” one. We find both transcendental and psychological elements in the third *Critique*: it undoubtedly adopts a transcendental perspective, but it also contains many psychological elements and observations as well. Indeed, when we get to the First Introduction to the third *Critique*, we find Kant struggling with his use of the term “aesthetic”.³² Here, I can offer an admittedly speculative conjecture about why Kant changed the important footnote at A21. Kant (perhaps unconsciously) revised the footnote in light of his imminent “discovery” of an a priori principle for the faculty of pleasure and displeasure, the discovery of which he recounted in his (nearly contemporaneous) 1787 letter to Reinhold (Briefe, 10:514).³³

Finally, let us review the strengths and weaknesses of this account of aesthetic normativity, which grounds our speaking with a “universal voice” in an underlying similarity of our imagination and understanding, and specifically, on their capacity to interact in a way that produces a harmonious free play. This position accounts for an important facet of aesthetic experience, namely, the autonomy of aesthetic judgments: appreciators are free to judge and think for themselves when making judgments, and to base their judgments on their particular responses to the object or work. This is an advantage since the position can account for a genuine and significant part of aesthetic experience. From the perspective of the appreciator or judge, we can make aesthetic judgments without feeling pressure to conform to a received view of the canon or to a perceived consensus about the object or artwork.

This point goes in the direction of creator-aesthetics, too. Taking the perspective of the artist or creator, the position has the advantage that it leaves creative room to the artist and creates a place for artistic freedom in creating art works. The artistic creator does not feel *bound* to rules or concepts of the art form (though the artist may still be guided by them), and this position accounts for this important dimension of the creative process.

On the other hand, the position does not seem to have the resources to resolve disputes well. For how does one know that one’s aesthetic judgment is correct, if it is merely based on one’s subjective pleasure? If there is no grounding in either a consensus, rule, or concept (all of which,

³² “Since all determinations of feeling are merely of subjective significance, there cannot be an aesthetic of feeling as a science as there is, say, an aesthetic of the faculty of cognition” (EEKU, 20:222). “Hence our transcendental aesthetic of the faculty of cognition could very well speak of sensible intuitions, but could nowhere speak of aesthetic judgments” (EEKU, 20:223).

³³ Even in the early and middle stages of his thinking, Kant also grounded the normativity of some aesthetic judgments in the utility or goodness of the object, or in how well it was an instance of its kind. Kant called this kind of beauty “self-standing” (*selbst-ständig*) beauty. Since such aesthetic judgments were based in features of the object (i.e., its ends and purposes), they were partly-objective or quasi-objective, and thus more easily secured the agreement of others. In the third *Critique*, he called these kinds of judgments “adherent” and, in comparison to “free” beauty, gave them a relatively diminished role (§16).

in their respective ways, make for objective groundings), how is one to ground an aesthetic judgment? To say that it is grounded in one's aesthetic pleasure or feeling of satisfaction in response to the work or object seems irredeemably subjective. How, in the end, would we actually distinguish between (what the third *Critique* calls) a feeling of the "agreeable" from that of genuine "beauty"? In other words, the skeptic might still insist that we have varied, divergent responses to different artworks, and one person might not feel aesthetic satisfaction while another person does. If the ground is merely subjective, who is to say who is right in such a case? And if correctness cannot be shown or demonstrated, in what sense do aesthetic judgments have normativity at all, beyond one person simply insisting that their judgment is correct?

Moreover, this position has difficulty accounting for judgments about intentional, purposive artistic beauty and aesthetic judgments based on or appealing to concepts such as genre, artistic form, and the artist's intention (including what Kant called "adherent" beauty). How is such purposive, artistic beauty still a kind of beauty, if all beauty (as the view alleges) is free of concepts and cannot be determined by concepts? Now, it may well be that this position can offer a compelling response to this (in fact, I think it can).³⁴ But the point is that on the surface this appears to be a weakness of this position.

3. Conclusion: Philosophical and Historical Motivations

In the foregoing, I have showed how Kant appropriated the German and British traditions in the first two stages (respectively) of his intellectual development on the issue of aesthetic normativity. In making this connection, I have uncovered Kant's sources and developing views, working from relatively overlooked texts and minor writings; I do not know of any scholarship that makes this precise connection, so it is difficult to show where my thesis differs from others in the literature. In addition, I have offered brief assessments of these positions. I have not attempted to provide a defense of why aesthetic judgments are normative for Kant; nor will I attempt to do so in my concluding remarks. Instead, I would like to close by mentioning contemporary and historical reasons for undertaking this analysis, and indicating where future discussions might lead.

I begin with the contemporary reasons. First, Kant's early "laws of sensibility" account finds echoes in fields not normally associated with Kant and transcendental philosophy, such as current psychological research into symmetry and harmony as a principle of beauty, illustrated by empirical investigations of the aesthetic responses and evaluations of facial symmetries.³⁵ While this strand of research work does not explicitly invoke the concept of "laws of sensibility" or intuition, it does resonate with the approach that led Kant to identify harmony and symmetry as evoking shareable aesthetic pleasures. This attempt to explain the ubiquity or generality of aesthetic judgments of beauty goes back at least to Kant, and indeed in the western tradition probably goes back even further, to ancient Greek aesthetics and to Platonic ideas about beauty. If we are interested in connecting to such research, then retrieving the early Kant may provide a fruitful way to do so.

This leads to a second point. As we have seen, some of Kant's earlier positions are philosophically interesting and even have some merits. This has not gone unnoticed by some contemporary philosophers and scholars, even those critical of transcendental philosophy. For instance, Frederick Beiser tries to rehabilitate rationalist aesthetics and its appeal to concepts, rules,

³⁴ See Allison (2001:138–143) for a proposed solution.

³⁵ See, e.g., Chatterjee (2014).

and principles in judgments of artworks and beauty.³⁶ But one need not go all the way back to Wolff and Baumgarten for this: it is also in Kant. And it is not just in the early Kant and his notion of “self-standing” or purpose-based beauty, the kind that is determined by the purposes or ends of the object or work. Rather, this “rationalism” carries over into Kant’s critical aesthetics, namely, under the name of “adherent” beauty (§16). Thus, both the early Kant and the Kant of the third *Critique* provide positions that are potentially useful even to critics of transcendental approaches to aesthetic normativity.

Third, the question of aesthetic normativity continues to be very relevant today. Perhaps surprisingly, the very idea of assessing and evaluating artworks is controversial in some humanistic disciplines such as literary theory and art history. Meanwhile, evaluation continues likewise to be debated in philosophical aesthetics.³⁷ Similarly, a broader debate about the normativity of judgment is alive and well in current philosophy generally, as can be seen in the work of Robert Brandom, Hannah Ginsborg, Richard Moran, and many other philosophers. I am not attempting to enter into that debate here, as noted; I merely wish to highlight that the concept of normativity is widely discussed across the philosophical and theoretical disciplines (including social sciences such as sociology and psychology). Thus, it would seem that a deeper appreciation of Kant’s distinct positions would be useful and would allow for a richer contribution of “Kant” to this debate. There is no single Kantian doctrine here. Understanding his various theories would give to scholars and writers involved in this contemporary debate more food for thought and philosophical resources to draw from.

In addition to these contemporary reasons, there are also *historical* and Kant-centered justifications for such an undertaking. By considering the theories he once adopted, we can make sense of some of the puzzling moves Kant makes in the third *Critique*. His “laws of sensibility” account sheds light on why in the third *Critique* Kant may have suddenly emphasized the “purposiveness of form” (5:223; 5:411; 20:249), a move that has given rise to formalist interpretations of his aesthetics (by, e.g., Clement Greenberg) and which has puzzled some of Kant’s commentators. Kant’s sudden reference in §13 (5:223) to beauty as a play in space and time (the forms of intuition) has struck some commentators (e.g., Paul Guyer)³⁸ as a sleight of hand. While it still may not philosophically justified, the reference to “form” at least seems less surprising if we keep his earliest aesthetics in mind.³⁹ His view that what is beautiful is what is graspable for intuition carries over into his view that in pure beauty we attend to the “form” of the object, where this is cashed out as spatiotemporal forms.

Finally, such an investigation may help us understand Kant’s systematic aims better. What does it mean to approach the question of aesthetic normativity as a *transcendental* philosopher? Kant had a concept of the “universal validity” of aesthetic judgment as early as the 1760s, long before he thought (around 1787) he had discovered an a priori principle for the faculty of pleasure and displeasure. What changed was the *justification* for the claim, that is, what he thought grounded the aesthetic judgment’s claim to universal validity. By looking at his earlier theories,

³⁶ Beiser (2009).

³⁷ See, e.g., Kivy (2015).

³⁸ Guyer, Editor’s Introduction, in Kant (2000:xxix).

³⁹ Other early passages that assert the universal validity of pleasure in response to *form* include: R 627 (1769? 1770?), 15:273; R 672 (1769–1770), 15:298; R 1796 (1769–1770), 16:118–19; and Anthropologie Collins (1772–1773), 25:181.

we see Kant's various ways of justifying an aesthetic judgment's claim to universal validity. We see that the claim to universal validity can be unhinged from the transcendental approach—a point that should be of interest to contemporary skeptics of transcendental philosophy. For, in the earliest phase of his aesthetics, Kant grounded the claim to universal validity in (i) laws of sensibility while not adopting a transcendental approach. Once he gave up the “laws of sensibility” approach, he also (ii) gave up on the notion of universal principles and rules of taste (strictly speaking) and adopted a “consensus” based approach. Modifying his position yet again, once he thought he had found an a priori principle for the faculty of pleasure and displeasure (iii), he defended once again the idea that the judgment makes a claim to universal validity. Seeing that the claim to universal validity can be unhinged from the transcendental approach may make clearer the lines between empirical and transcendental philosophy and thus help us—whether defenders of transcendental approaches to aesthetic normativity, or its critics—understand what is at stake in adopting a transcendental approach and using transcendental arguments.

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