

Aesthetic Normativity and the Acquisition of Empirical Concepts

IDO GEIGER*

Ben-Gurion University of the Negev, Israel

Abstract

In the Introduction to the *Critique of the Power of Judgment*, Kant claims that the *Critique of Pure Reason* accounted for the necessary conditions of experience and knowledge in general, but that it was not a complete transcendental account of the possibility of a particular empirical experience of objects and knowledge of empirical laws of nature. To fill this gap the third *Critique* puts forward, as an additional transcendental condition, the regulative principle of the purposiveness of nature. In this paper, I will attempt to show how Kant's account of pure aesthetic judgment can be read as articulating an aesthetic non-conceptual condition of the search for the conceptual order of nature and so as constituting an essential part of the account of the transcendental conditions of empirical experience and knowledge.

Keywords

Critique of the Aesthetic Power of Judgment, beautiful form, natural kinds, concept acquisition, aesthetic normativity, Ginsborg

* Academic affiliation: Ben-Gurion University of the Negev, Israel. Email: geigeri@bgu.ac.il

Introduction

In the Introduction to the *Critique of the Power of Judgment*, Kant claims that the *Critique of Pure Reason* accounted for the necessary conditions of experience and knowledge in general, but that it was not a complete transcendental account of the possibility of a particular empirical experience of objects and knowledge of empirical laws of nature. The forms of intuition and the pure concepts and principles of the understanding are necessary but not sufficient transcendental conditions of empirical experience and knowledge. They “yield such an interconnection among things with respect to their genera, as things of nature in general, but not specifically, as such and such particular beings in nature” (KU 5:183; see also: KU 5:181; EEKU 20:208-210). To fill this gap the third *Critique* puts forward, as an additional transcendental condition of empirical experience and knowledge, “the principle of the purposiveness of nature in its multiplicity” (KU 5:180).

The principle has two aspects: logical or conceptual and aesthetic. The first is the assumption that nature constitutes a comprehensive system of regularities and so can be subsumed under a comprehensive system of empirical concepts. Kant’s claim is that this assumption is a transcendental condition of empirical experience and knowledge, because the employment of any empirical concept presupposes the comprehensive and systematic conceptual purposiveness of nature. The assumption of empirical determination by a comprehensive hierarchy of concepts, leading up to the most general concepts and down to ever more specific concepts, is, I think, Kant’s way of talking about real or objective unity. The thought is that only the complete determination of the sensibly given by a comprehensive system of concepts would ground in full the claims to objectivity and truth we make when we subsume a particular under an empirical concept in a determinative judgment. Kant thus holds that employing any empirical universal concept to make a purportedly objectively true assertion presupposes the conceptual purposiveness of nature as a whole.

I further suggest that we should add to the picture of a comprehensive system of empirical concepts the thought that the hierarchy of concepts leads up to general causal

forces and laws and down to ever more specific complexes explainable in their terms. Ideally, for Kant, our empirical concepts are to inform us about the causal connections between things in the world. Kant is then concerned with the objectivity of kinds, causal laws and causal explanations. Thought of in this way, the assumption of the comprehensive conceptual purposiveness of nature underwrites the universality and strict necessity of empirical causal laws. The assumption of the conceptual purposiveness of nature is the transcendental bridge Kant draws between the general conditions of experience and the principle of causality specifically and, on the other hand, the conditions of a particular experience of nature comprising empirical concepts and causal laws.

The principle of the conceptual purposiveness of nature is a subjective regulative principle. It does not determine objects. But it is nevertheless a condition of our particular experience and knowledge of nature. For Kant, the investigation of nature is an on-going task. Empirical knowledge is continuously subject to critical scrutiny, refinement – and possibly, to radical revision. This is the deep significance of claiming that a transcendental condition of empirical experience is a regulative principle.

This sketch might seem to offer a complete if telegraphic answer to the question of how the third *Critique* completes the account of the transcendental conditions of experience and knowledge. In this paper, I will suggest that the principle of the aesthetic purposiveness of nature can be read as an essential part of Kant's transcendental account. My principal aim is not exegetical. Rather, I hope to show how Kant's account of pure aesthetic judgment can be read as articulating an aesthetic non-conceptual condition of the search for the conceptual order of nature and so as constituting an essential part of the account of the transcendental conditions of empirical experience and knowledge.

Pure Aesthetic Judgment and the Beautiful Forms of Natural Kinds

In what follows, I will describe briefly how I propose to read Kant's analysis of pure judgments of taste and to explain how they are related to the process of acquiring empirical concepts. I should say again clearly that although I will employ passages from the *Critique of the Power of Aesthetic Judgment* to support the view I am proposing, my

aims in this paper are not exegetical. Rather, I hope to put forward a philosophically valuable model for the acquisition of our most fundamental empirical concepts.

Pure judgments of taste, according to Kant, are not attributions of a property or set of properties to an object. They are reports of a distinct pleasurable feeling experienced by a subject in view of an object. More specifically, they are responses to what Kant characterizes as the purposive form of an object. Kant describes the pleasurable feeling as an animated self-sustaining absorption in the form of an object, which he thinks of as the “feeling of life” (KU 5:204; see also: KU 5:219; EEKU 20:230-231) and as the harmonious free play of the imagination and the understanding (KU 5:217-218) or the feeling of their mutual subjective correspondence or agreement (KU 5:218, 219). The feeling can be glossed, I suggest, as the feeling that the form of an object is cognitively significant. Although pure aesthetic judgments are not attributions of concepts to objects and do not furnish us with concepts, we nevertheless feel that for the objects, the forms of which evoke pure aesthetic pleasure in us, concepts can be found. In other words, we feel that the beautiful forms of objects reveal the conceptual order of nature.

It is of particular importance to Kant to underscore that pure judgments of taste are subjective, but that they nevertheless lay claim to universal assent. They “must be combined with a claim to subjective universality” (KU 5:212) – thus giving them the appearance of objective cognitive judgments. Indeed, Kant calls the necessity of pure judgments of taste “exemplary, i.e., a necessity of the assent of all to a judgment that is regarded as an example of a universal rule that one cannot produce” (KU 5:237). He calls this presupposition of universal assent the “indeterminate norm of a common sense” (KU 5:239). In other words, the pleasurable working of the mind, to which overt judgments of taste give expression, is taken to be common to all subjects. This, Kant opaquely suggests, explains why their analysis might be of interest to transcendental philosophy (KU 5:213).

The first step towards seeing how pure judgment of taste might be related to the task of empirical conceptualization is to ask what precisely Kant means by form. This is a deeply contested matter. But many readers agree that what Kant means is the spatial (or, less frequently, spatio-temporal) shape of an object. There is considerable textual evidence for this. But perhaps the clearest is Kant’s explicit statement that beauty in nature is

“ascribed to objects only in relation to reflection on their **outer** intuition, thus only to the form of the surface” (KU 5:375).¹ Pure aesthetic judgments express the feeling that a spatial figure or outline apprehended in intuition is cognitively purposive.

It is particularly important to see that although Kant emphasizes that pure aesthetic judgments are not the attributions of a property to an object but reports of the inner pleasurable feeling of the subject, they are nevertheless responses to an aspect of the object. The spatial figure or outline of an external object is a subjective aspect of its representation in the sense that space is the subjective *a priori* form of outer intuition. But as Kant says clearly, space “in spite of its merely subjective quality, is nevertheless an element in the cognition of things as appearances” (KU 5:189). – This is the first, very important clue about the relation between pure judgments of taste and the cognition of objects given externally in space.

The second crucial step to unraveling the connection between aesthetic judgment and empirical cognition is to see that Kant’s most prevalent examples are a host of what he thinks of as natural species or kinds. The most prevalent examples are flowers and other biological kinds. Specific examples include the rose (KU 5:215) and the tulip (KU 5:236 note); Kant speaks of wildflowers (KU 5:299) and most often of flowers in general (KU 5:207, 216, 229, 233, 281). Indeed, some of these *loci* seem to suggest that all flowers are beautiful. “Flowers,” Kant says, “are free natural beauties” (KU 5:229; cf., MS 6:443). Animal kinds are also very common examples: “Many birds (the parrot, the hummingbird, the bird of paradise) and a host of marine crustaceans are beauties in themselves” (KU 5:229); but Kant also speaks, generally again, of a bird or insect as beautiful (KU 5:299) as well as of seashells (KU 5:349).

It cannot be stressed enough that Kant lays great emphasis on the fact that “all judgments of taste are singular” (KU 5:215) and says emphatically that the statement that “roses in general are beautiful, is no longer pronounced merely as an aesthetic judgment, but as an aesthetically grounded logical judgment” (KU 5:215; see also, KU 5:285). Very surprisingly, he nevertheless self-consciously employs general terms or concepts to present

¹ I have very slightly amended the translation. Kant speaks in the singular: “*der Form der Oberfläche.*” For other particularly clear passages see, KU 5:189, 242, 299.

his examples. Kant is claiming, I suggest, that each ordinary or typical specimen of the general kinds he mentions is singly beautiful.

This surprising claim finds in fact considerable support in the text. First, consider the notion of an aesthetic normal idea of a species: it is “the image for the whole species, hovering among all the particular variously diverging intuitions of the individuals, which nature used as the archetype underlying her productions in the same species, but does not seem to have fully achieved in any individual” (KU 5:234-235). It is the shape we would get if we were “to superimpose one image on another and by means of the congruence of several of the same kind to arrive at a mean that can serve them all as a common measure” (KU 5:234). The discussion strongly suggests that Kant holds that very many species have such normal ideas. In pure judgments of taste, I am claiming, we typically and paradigmatically respond to spatial forms, the archetype of which is an aesthetic normal idea of a species. Indeed, it is precisely this claim that enables us to explain how Kant can say that “in beautiful nature the mere reflection on a given intuition, without a concept of what the object ought to be, is sufficient for arousing and communicating the idea of which that object is considered as the expression” (KU 5:320). The idea he is talking about in this vexed passage is the normal idea of a species.²

By saying that in pure judgments of taste we typically respond to spatial forms, the archetype of which is an aesthetic normal idea of a species, I don’t mean that we respond to them as (approximations of) normal ideas. This would make the judgment conceptual. What we respond to are particular intuitions of individual forms. It is Kant’s analysis that asserts that hovering among them and expressed by them is the normal idea of the species to which they belong.

Towards the end of the Critique of Aesthetic Judgment, Kant points once again to the beauty of flowers, “blossoms, indeed the shape of whole plants; the delicacy of animal formations of all sorts of species” and to the beauty of pheasants, crustaceans, insects (KU 5:347). He moves on to discuss inorganic matter, mentioning a variety of striking examples of the beauty of solids that have crystallized (KU 5:348-349; see also, MS 6:443). Significantly, he claims that solids generally assume “upon solidification a determinate

² For detailed defense of this claim see, Reiter, manuscript.

shape or fabric (figure or texture) [*Gestalt oder Gewebe (Figur oder Textur)*] which, where there is a specific difference in the matter, is different, but if the matter is the same is exactly the same” (KU 5:348). He further says that “internally all materials that were fluid only because of heat and which through cooling have become solid reveal, when broken, a determinate texture, and thus make it possible to judge that if their own weight or contact with air had not prevented it, they would also have displayed their specifically proper shape [*spezifisch eigentümliche Gestalt*] externally” (KU 5:349). Kant is clearly proclaiming that inorganic solid kinds have a “specifically proper shape.” The beautiful forms of the organic world, animal and vegetable, as well as the forms of solid matter, suggest how the kingdom of nature might initially be cut at the joints.

Finally, further very significant support for the claim that Kant is discussing the beautiful forms of natural kinds comes from an examination of the Idealist tradition in the theory of art, still very prominent in Kant’s own day, and its conception of the beauty of the idealized forms of natural kinds.³

The Forms of Natural Kinds as Conditions of the Acquisition of Empirical Concepts

Now it might well be thought that the mental process of constructing idealized forms of natural kinds presupposes the sorting of nature into such kinds (as indeed it does for the Idealist tradition) – and so cannot illuminate the process of acquiring our most fundamental empirical concepts. But Kant suggests that this is not the case. His proposed elaboration of the mental process of the formation of aesthetic normal ideas begins by contrasting the imagination’s capacity to recall for concepts, even after a long time, their sensible signs or marks with what the imagination can apparently achieve without the guidance of concepts. The imagination “also knows how to reproduce the image and shape [*das Bild und die Gestalt*] of an object out of an immense number of objects of different kinds, or even of one and the same kind; indeed, when the mind is set on making comparisons, it even knows how, by all accounts actually if not consciously, as it were to

³ For detailed defense of this claim see: Reiter 2020; Reiter manuscript. For a shorter sketch of the tradition see, Reiter and Geiger 2018, pp. 81-83.

Kant names Winckelmann in this context. See, V-Anth/Mron 25:1330. For the claim that Kant is following Winckelmann’s Idealist understanding of form, see: Biemel 1959, p. 54 note 6; Düsing 1990, p. 183.

superimpose one image on another and by means of the congruence of several of the same kind to arrive at a mean that can serve them all as a common measure” (KU 5:234). The important emphasis, I suggest, is that the imagination is not working under the conceptual guidance of the understanding. It does not create normal ideas for a conceptually sorted kind. Rather, it operates on its own. Kant goes on to say that the imagination operates “by means of a dynamic effect, which arises from the repeated apprehension of such figures on the organ of inner sense” (KU 5:234) – speaking only of the imagination and its capacity for apprehension. By speaking of a dynamical effect he seems to be stressing that the activity here is properly that of the imagination.

Kant is not claiming then that we arrive at normal ideas by a process of abstraction, which presupposes a conceptual sorting of objects that belong to a species or kind. Crucially for our concerns, he suggests that it is such normal ideas and the mental process of comparison it presupposes that make possible the empirical judgment of nature. He speaks of the normal idea as “the standard for judging it as a thing belonging to a particular species of animal” and as the “universal standard for the aesthetic judging of every individual of this species” (KU 5:233). Our capacity to apprehend the characteristic shape of a species is a condition of our possession of concepts for this species: “This **normal idea** is not derived from the proportions taken from experience, as **determinate rules**; rather, it is in accordance with it that rules for judging first become possible” (KU 5:234-235).

The First Introduction is even more explicit about this point. Kant there distinguishes the “multiplicity and diversity of [...] laws” from the “natural forms corresponding to them” (EEKU 20:209) – a distinction he also describes by speaking of empirical laws and “**specific** forms matching these, which however through their comparison with others are also **generically corresponding** forms [*generisch übereinstimmende Formen*]” (EEKU 20:213). Indeed, in characterizing what he calls there the principle of reflection he seems briefly to distinguish its aesthetic and conceptual tasks:

The principle of reflection on given objects of nature is that for all things in nature empirically determinate concepts can be found, which is to say the same as that in all of its

products one can always presuppose a form that is possible for general laws cognizable by us. For if we did not presuppose this and did not ground our treatment of empirical representations on this principle, then all reflection would become arbitrary and blind [*bloß aufs Geratewohl und blind*], and hence would be undertaken without any well-grounded expectation of its agreement with nature. (EEKU 20:211-212)

Kant suggests here that we seek general laws for objects that have in common their mere form. If we did not presuppose this first aesthetic sorting of nature then anything at all might be a potential object of the process of comparison through which we seek empirical concepts. We would have no clue what objects we are to compare – “all reflection would become arbitrary and blind.”⁴

In the note clarifying this passage Kant makes the decisive claim that the principle of reflection is not a principle of mere logic, which teaches us that we can compare objects and thus form concepts. It is a synthetic transcendental assumption, which is a condition of applying this principle of logic to nature.⁵

On first glance, this principle does not look at all like a synthetic and transcendental proposition, but seems rather to be tautological and to belong to mere logic. For the latter teaches how one can compare a given representation with others, and, by extracting what it has in common with others, as a characteristic for general use, form a concept. But about whether for each object nature has many others to put forth as objects of comparison, which have much in common with the first in their form, it teaches us nothing; rather, this condition of the possibility of the application of logic to nature is a principle of the representation of nature as a system for our power of judgment, in which the manifold, divided into genera and species, makes it possible to bring all the natural forms that are forthcoming to concepts (of greater or lesser generality) through comparison. [...] the (reflecting) power of judgment, which also seeks concepts for empirical representations, as such, must further assume for this purpose that nature in its boundless multiplicity has hit

⁴ Significantly, Ginsborg appears to take the emphasis on form to refer to the very possibility of applying concepts to objects (Ginsborg, 2015a, pp. 137-138).

⁵ This is reminiscent of the dependence of the logical principles of systematic unity, similarity, variety and continuity and transcendental principles bearing the same names in the Appendix to the Transcendental Dialectic (see: A650-651/B678-679, A654/B682, A657/B685, A660/B688).

upon a division of itself into genera and species that makes it possible for our power of judgment to find consensus in the comparison of natural forms and to arrive at empirical concepts, and their interconnection with each other, through ascent to more general but still empirical concepts; i.e., the power of judgment presupposes a system of nature which is also in accordance with empirical laws and does so *a priori*, consequently by means of a transcendental principle. (EEKU 211-212 note)

The logical process of the formation of concepts, alluded to in this passage, comprises three steps: comparison, reflection and abstraction (see, for example: V-Lo/Wiener 24:909; Log 9:94-95).⁶ But logic, Kant says, does not answer the question of “whether for each object nature has many others to put forth as objects of comparison, which have in common with the first their form.” This precisely is the role of the merely formal division of the manifold into species and genera. As proposals of comparison sets, it “makes it possible for our power of judgment to find consensus in the comparison of natural forms and to arrive at empirical concepts.”

Our aesthetic response to the beautiful forms of objects and the sorting that is based on it are to be understood as proposing a hypothesis. This is suggested, I think, by the fact that aesthetic judgments cannot claim universal validity and demand universal assent, for they are not grounded in concepts. Kant thus says that aesthetic judgment “solicits assent from everyone [*wirbt um jedes andern Beistimmung*]” (KU 5:237), adding that the “**should** [*Sollen*] in aesthetic judgments of taste is [...] pronounced only conditionally” (KU 5:237). Kant calls this assumption of universal assent, we saw, the “indeterminate norm of a common sense” (KU 5:239). The assumption is that we can all find the same forms beautiful and so sort nature aesthetically in the same way. This is a subjective condition of finding the objective conceptual order of nature.

The assumption of the aesthetic purposiveness of nature is then the assumption of the existence of aesthetically significant forms. Sorting nature into objects, which share these forms, is a condition of the search for concepts under which to subsume these objects and kinds. The assumption of the aesthetic purposiveness of nature is a necessary

⁶ Readers often quote this account of concept formation and take it to be a complete account of the formation of empirical concepts. For the claim that it is not see: Ginsborg 2015b, pp. 151-153; Allison 2001, pp. 20-30.

transcendental condition of empirical experience and knowledge. As I will claim below, it is very important that this first sorting of nature is aesthetic and non-conceptual.

Two Objections and Adaptations

I am claiming that for Kant the capacity of the imagination to construct idealized forms of natural kinds is a condition of the search for the empirical conceptual order of nature. This will inevitably raise a whole host of objections and questions. I will try to answer two that are most important in order to begin to make the idea plausible and interesting.

The first obvious objection is that even if we accept that Kant thinks there is a connection between non-conceptual aesthetic pleasure and concept acquisition, there might be reason to think the connection is somewhat looser than he claims. For there's tension between taking aesthetic pleasure to be the first step in or condition of discovering the empirical order of nature and claiming that we feel aesthetic pleasure when the imagination is "unintentionally brought into accord with the understanding" (KU 5:190) and that we experience pleasure in the form of an object "without any intention of acquiring a concept from it" (KU 5:190).

A way of resolving the tension would be to begin with what at the most fundamental level we would subconsciously identify as an object possessing significant form. It is these objects that we would pick out were we imaginarily first setting out to investigate nature; and we would naturally take their forms as first clues as to what objects possess common properties beyond their form. Our experiences of natural beauty can be thought of as making conscious such moments – but, in cases of aesthetic judgment, our attention remains focused on the object and goes no further. So pure aesthetic judgments would be very closely allied to what we imaginarily conceive of as the first step in or condition of the search for empirical knowledge, without themselves being the first step in that search. Indeed, it might make sense to think of aesthetic pleasure as an experience that presupposes possessing empirical knowledge of nature (as Kant clearly does) and as a disinterested and protracted return to those moments of naturally focusing on an object and its form. The experience of pure aesthetic pleasure would in this way reveal to us a

condition of empirical experience and knowledge, without itself being the condition. To get at what is philosophically significant in Kant's view, I propose reading him as revealing that a condition of the search for empirical knowledge of nature is a pre-conceptual identification of would-be objects and a rudimentary pre-conceptual sorting of them into would-be kinds.

The second no less obvious objection is that it seems implausible to claim that what Kant thinks of as significant form infallibly directs us to every natural object and kind. Some natural kinds might not possess a beautiful common form; and some objects which share such a form might not constitute a natural kind.

I suggest taking Kant to hold that pure judgments of taste and the pre-conceptual sorting of nature that they make possible offer a *first, partial* delineation of nature into objects, which in turn makes possible a first *provisional* sorting of nature into kinds. Pure judgments of taste are nevertheless a necessary condition of experience generally, because in the order of discovery they in effect serve as our *first, fallible and revisable hypothesis where the joints of nature are located*. Some of these hypotheses might ultimately have to be rejected; other joints will be discovered later by conceptually-guided empirical research. But in both cases, empirical investigation sets out from and so depends upon these first hypotheses. In what follows, I will emphasize the advantages of reading Kant in this way, relating it to the distinct normativity of pure aesthetic judgments.

Before proceeding, I want to acknowledge clearly that neither of these responses is found in Kant's text.

Ginsborg on The Acquisition of Fundamental Empirical Concepts

It will prove particularly fruitful to compare the view of our most fundamental experience of the world, which I am attributing to Kant, with the view Ginsborg defends in a number of important and detailed papers on this and closely related matters. One obvious reason for examining this body of work is the fact that Ginsborg is a leading interpreter of Kant's *Critique of the Power of Judgment* and of the *Critique of the Aesthetic Power of Judgment* in particular. Moreover, her account of our most fundamental experience draws

significantly on Kant's view of aesthetic judgment. These facts will facilitate the examination of her position and make for some interesting points of comparison. But it bears emphasizing again that the principal purpose of this paper is not to defend the reading of Kant I presented above as an exegesis of the third *Critique*. Its aim rather is to examine the philosophical value of the theory I am attributing to Kant; and I propose doing so by comparing it to an important contemporary account. It should be noted furthermore that Ginsborg herself does not claim that her view is an interpretation of Kant – though she does claim to be drawing on and developing central insights of his.⁷

More importantly then, Ginsborg's contribution to the debate over the nature of experience aims to account for the acquisition of our most fundamental concepts of observation. Significantly, she undertakes to offer a philosophical account of experience, according to which the acquisition of new conceptual capacities need not in all cases presuppose that such capacities are already in play and indeed presupposed by any experience. In other words, she aims to give an account that will help us make sense of the acquisition of our most fundamental empirical conceptual capacities. On this count in particular it will prove illuminating to compare her view to the position I attributed above to Kant. For this, I have claimed, is a task that the *Critique of Aesthetic Judgment* too undertakes.

To begin to describe Ginsborg's Kantian conception of experience it is very useful to turn to her discussion of his empiricist predecessors. According to the view we find in Locke and Berkeley, Ginsborg recounts, universal concepts are constructed from particular ideas by attending to some features different particulars share and disregarding other features peculiar to them. But the account is circular: It attributes to us the capacity to recognize common, general features; and it attributes to us the capacity to distinguish those features that make up the content of the universal concepts we employ from those that do not (Ginsborg 2015b, pp. 154-156). Significantly, the same problem would arise for Kant, if the often-quoted account of concept formation, which I discussed above and which

⁷ Ginsborg's official position seems to be that her account of experience draws or is modeled on Kant's analysis of pure judgments of taste. She lays great emphasis on the connection between the role reflective judgment plays in empirical conceptualization and aesthetic judgment, especially in Ginsborg 2015c. In the conclusion of this paper, she suggests that she might be describing correctly Kant's view of empirical conceptualization (see, Ginsborg 2015c, pp. 200-201). But she nowhere claims, as I would, that Kant's analysis of aesthetic judgment is in fact a central component of his account of empirical conceptualization.

Ginsborg too analyzes, were taken to be his complete answer to the question (Ginsborg 2015b, pp. 151-153). These accounts obviously fail to meet Ginsborg's demand for an account of empirical concept formation that does not presuppose the possession of such concepts.⁸

Hume's account of the customary association of a variety of particulars with a common name can be read as suffering from the very same circularity found in Locke and Berkeley. To acquire universal concepts we must view particulars as possessing certain relevant features and resembling others in just these respects. But Ginsborg proposes to read Hume differently, specifically as claiming that "it is a basic psychological fact about us that our association of ideas follow certain regular patterns [...] 'Finding a resemblance' [...] on this reading, does not precede the acquisition of the corresponding disposition; rather, acquiring the disposition is just what finding the resemblance consists in" (Ginsborg 2015b, p. 157). On this reading, Hume, unlike his predecessors, does not implicitly presuppose a basic capacity to represent universals, but offers a genuinely non-circular account of acquiring a capacity to identify resemblances or similarities. But there is an obvious problem with this dispositional account. It describes a subjective tendency rather than the normative representation of objective similarities (Ginsborg 2015b, pp. 158-159).

It is at this juncture that Ginsborg turns to Kant in order to give Hume what she describes as a normative twist.

[...] I want to see Kant as adopting a Humean view, but with two significant modifications. First, Kant expands the role that Hume had ascribed to the association of ideas, holding that dispositions to associate ideas are required not just for general thought and belief, but also for perception itself [...] Second and more importantly for the purposes of this essay, Kant gives the Humean view a normative twist. My perception of a tree not only involves my being in a state of readiness to call to mind – or in Kant's terms to 'reproduce' – representations of other trees; it also involves my taking it that, in so far as I do call ideas of other trees to mind, I am doing what I and everyone else ought to be doing under the

⁸ For a concise analytic presentation of the problem see, Ginsborg 2015c, p. 174. For the claim that Peacocke's non-conceptualist account of the acquisition of concepts equivocates between perceiving something in a certain way and perceiving it as being that way and is consequently also circular see, Ginsborg 2015c, pp. 174-182.

circumstances. The generality of my disposition is thus, so to speak, incorporated into my perception, rather than remaining external to it, as on the Humean view. I see the tree *as* a tree in virtue not merely of my state of readiness to call to mind previously perceived trees in connection with it, but also of my awareness that this state of readiness is *appropriate* given my present perceptual situation. (Ginsborg 2015b, p. 160)

Ginsborg claims that it is in Kant's account of the ruled-governed activity of the imagination that we find this view, specifically in his discussion of the first two stages of the threefold synthesis of the A deduction. Kant, she says, is usually understood as holding that the categories as well as empirical concepts of the understanding guide the reproductive syntheses of the imagination (Ginsborg 2015b, p. 162).

But we can also read Kant in a way that brings him closer to Hume while still doing justice to the rule-governed character of our reproductive associations. For the claim that our activity of imagination is governed by rules does not necessarily imply that our activity must be guided by those rules. Nor does it imply that the activity cannot be, as on Hume's view, the expression of natural dispositions of the kind that are shared by animals. On the reading that I am proposing, the activity of reproductive synthesis, like the association of ideas for Hume is simply something that we are naturally disposed to do. It is a natural psychological fact about human beings that, if shown a certain number of trees, they will develop a disposition such that the perception of one tree will tend to call to mind other previously perceived trees. What makes the corresponding associations rule-governed is not that they are guided by a specific, antecedently grasped rule, but rather the fact that we take them to have normative significance. The associations are rule-governed because in carrying them out I take myself to be doing not only what I am disposed to do, but also what I (and everyone else) ought to do. That is, I take my actual associations, blindly habitual though they are, to manifest conformity to a normative standard applicable to everyone. The rule-governedness of my associations is thus a function of my taking them to be rule-governed, which is in turn a function of my taking my natural dispositions as exemplifying a universally valid norm. (Ginsborg 2015b, p. 162)

As Ginsborg emphasizes, on her reading, Kant answers the question of how empirical conceptual capacities are acquired without assuming that rules must be grasped antecedently to the experiences through which we acquire these very capacities (Ginsborg 2015b, p. 162). She also emphasizes in different papers that the normative twist she attributes to Kant's account of experience draws on his analysis of pure judgments of taste: "the idea that our imaginative activity can be, and be recognized by us, as rule-governed, without our having any awareness of the relevant rules prior to engaging in that activity [...] is not explicitly articulated by Kant, but I take it to be a consequence of the account of aesthetic experience which he gives in the *Critique of Judgment*" (Ginsborg 2006a, p. 357).

Can Pure Aesthetic Judgment Serve as a Model for Fundamental Empirical Conceptualization?

To compare fruitfully the view of Kant I sketched above with Ginsborg's the first thing to do is to bracket the status of space and time as the subjective transcendental forms of receptivity and with it the Kantian distinction between the aesthetic transcendental and empirical aspects of our psychology. To insist on the indispensability of these foundational Kantian doctrines and distinctions would be to put a great, possibly unbridgeable distance between Kant and contemporary views about the nature of experience. Bracketing the matter also allows us not to make too much of the difference between Kant's exclusive focus on spatial form and empirically oriented approaches to perception that acknowledge its importance, but emphasize the importance of other fundamental sensible properties such as say color and whatever other deliverances of our sense modalities are discovered to be involved in our perception of the most fundamental order of nature.

Having said that a good place to start the comparison is to note that while Kant insists on the subjectivity of pure judgments of taste, Ginsborg describes the primitive feeling or consciousness of normativity as "*appropriate* given my present perceptual situation" (Ginsborg 2015b, p. 160) or as "*exemplary* of how the object *ought* to be perceived" (Ginsborg 2015c, pp. 190-191) and as "*appropriate* to those things" (Ginsborg 2006a, p. 359). The perception, for Ginsborg, is of a thing or object. Kant though describes

the comparable pleasurable feeling of harmony or fit as subjective, specifically, as a quality of the interaction of capacities of the mind of the subject.

But is this not to lay emphasis on just the sort of point I said above we should set aside? It might seem that to insist on the subjectivity of judgments of taste is to bring back into the discussion Kant's doctrine of space and time as the subjective transcendental forms of intuition. But bracketing this discussion, we should be willing to describe Kant as claiming that we take pure aesthetic pleasure in the form of an object. Indeed, as I pointed out above, Kant is obviously aware of the fact that spatial form can be ascribed to an object as its property. Furthermore, Kant sees very clearly that concepts that describe shapes are for us of special salience. It is precisely this that leads him emphatically to deny that simple geometrical forms are rightly called beautiful (see, KU 5:241).⁹

So Kant's insistence on the subjectivity of pure judgments of taste is perhaps a way of insisting on their non-conceptuality. But Ginsborg employs judgments of taste as a model for experiences that are conceptual.¹⁰ She crucially describes the primitive feeling of appropriateness as accompanying tasks of sorting objects, like with like. It is no coincidence that she speaks both of how an object – in the singular – ought to be perceived and of appropriateness to things – in the plural. It is this fact precisely that makes the feeling a way of grasping a concept. But Kant insists that aesthetic judgment “is not grounded on any available concept of the object and does not furnish one” (KU 5:191). Like Kant, Ginsborg emphasizes that the primitive feeling of appropriateness “is not grounded on any available concept of the object” – our most fundamental experience does not presuppose concepts on her view. But she does claim that it serves to furnish concepts.

But again, it is not clear what this difference amounts to. For Kant, on the reading I presented, holds that aesthetic judgment delineates a spatial form. I also suggested that he should further be taken to hold that we can recognize the same form in other objects. For I claimed that aesthetic judgments can serve for a first pre-conceptual sorting of objects according to mere shape. Presumably, Kant would not deny that we can register

⁹ It is hard to escape a sense of irony in realizing that the passage discussing the ascription of beauty to simple geometrical shapes amounts to a rejection of the canonical examples philosophers give of the simplest objects we perceive. For Kant our most fundamental experience is emphatically not of red balls, blue pyramids or pink ice-cubes.

¹⁰ This is the view presented in Ginsborg 2006a. For strategic reasons, the main argument of Ginsborg 2015c leaves the question of the conceptuality of experience open. See, Ginsborg 2015c, p. 185 note 40.

comparable similarities of other sensible properties such as color; and anyway, I suggested we should not insist on the difference between shape, color and other sensible properties. Why then would Kant deny that aesthetic judgment can serve to furnish a concept, say of objects with a certain shape or with a certain shape and color and whatever other sensible properties serve the most fundamental sorting of nature into kinds?

So perhaps a different way of getting at the difference might be noting that, on the interpretation I proposed, it is important that the claim of an aesthetic judgment to universal validity is grounded in the assumption of a common sense. Aesthetic judgment, as I have been emphasizing, “solicits assent from everyone [*wirbt um jedes andern Beistimmung*]” (KU 5:237); the “**should** [*Sollen*] in aesthetic judgments of taste is [...] pronounced only conditionally” (KU 5:237). For Kant then aesthetic judgment has a different normative status than does the feeling of appropriateness accompanying a sorting response described by Ginsborg. As I see it, an aesthetic judgment is not itself normative. It asks for or seeks assent rather than demands it, precisely because it is not grounded in concepts and for this reason is not itself already normative. It is proposed as the ground of a norm – but is not itself one. Ginsborg’s sorting responses too are not grounded in concepts. But they are normative or taken as normative. They demand universal assent. The child she describes as acquiring the concepts of a solid does not suggest or propose but rather simply “recognizes that the chalk *should* go with the stone” (Ginsborg 2015b, p. 165; see also Ginsborg 2015a, p. 141, 146).

But again, what is the significance of this difference? Kant thinks of aesthetic judgment as asking for assent. But he also appears to think that if others judge disinterestedly, assent will indeed be given. Considering the possibility that sorting responses might differ, Ginsborg similarly emphasizes that by and large “human beings naturally converge in the ways they are inclined to sort objects and, correspondingly, to associate representations” (Ginsborg 2015b, p. 167; see also Ginsborg 2015c, pp. 199-200). The difference between the views might not then be great.

Finally, Kant insists that “judgments of taste are singular judgments” (KU 5:215). They are responses to a single object. This, of course, is something of which Ginsborg is very clearly aware. She presents in detail the problem of the content of experience

precisely as a problem about the singularity of sensible intuitions (Ginsborg 2015b, pp. 150-154). But again perhaps the thought is that we can clearly identify the form of a single beautiful object in those similarly shaped; and the same presumably holds for other sensible properties. Judgments of taste can then serve as a model for sorting objects.

I think, however, that Kant should be read differently. I suggested reading Kant as putting forward a three-step model: 1) the delineation of objects in pure aesthetic judgments; 2) the sorting of objects according to form; 3) the search for empirical concepts describing these aesthetically sorted kinds. I claimed that Kant views the first two steps as pre-conceptual. Evidence of this is found in Kant's description of the common spatial form of a kind as an *aesthetic* normal idea. It is clearest in his claim in the First Introduction that the sorting of objects according to spatial form logically precedes the search for empirical concepts through the process of comparison, reflection and abstraction. The comparison of like-formed objects is a condition of the search for empirical concepts and not the first fruit of this search. Empirical concepts, for Kant, must properly contain more than a common form; and, extending again, empirical concepts must contain more than merely basic observational properties.

Facts and Norms

I emphasized above that Ginsborg's account of experience does not claim to be an interpretation of Kant's analysis of judgments of taste and that in any case this is not what is of interest to us in this paper. The comparison of Kant's view to the model Ginsborg proposes is meant to serve as a guide to getting at the philosophically significant differences between these accounts. I claimed that whereas for Kant pure judgments of taste are subjective, Ginsborg uses them as a model for fundamental objective norms. Very closely related to this is the fact that for Kant, as I propose to read him, pure judgments of taste presuppose an inter-subjective common sense that is a condition of sharing objective norms. Furthermore, Kant emphasizes the singularity of the judgments, while Ginsborg employs them as a model for how universal conceptual norms are furnished. Finally, whereas Kant emphasizes the non-conceptual nature of pure judgments of taste and insists that they do not furnish us with concepts, Ginsborg employs them as a model for an

account of how our most fundamental concepts are acquired. Though I have emphasized the differences between Kant (as I propose reading him) and Ginsborg, I think the comparison also shows that Ginsborg claims with very good reason that her account of experience is drawing on Kantian insights. The important question is this: What is the significance of the differences between the view I am attributing to Kant and the model Ginsborg defends?

As I emphasized above, Ginsborg lays great emphasis on the role played in her account by our natural modalities of sense. Indeed, this is an important part of the force of her view, specifically because it contends with the challenge of proposing a philosophical account of concept acquisition that can link up to the discoveries of the sciences of perception. Now Ginsborg clearly does not claim that the bare deliverances of natural sense modalities are normative. To so claim would be to attribute to non-rational animals standing in the space of reasons. This is precisely why she emphatically adds, we saw, a normative twist to the naturalist reading of Hume. But on her account, our natural dispositions are accompanied by a primitive awareness that we are perceiving an object as it ought to be perceived and thus that we are sorting it with others in the right way. The deliverances of our sense modalities are clearly natural and the primitive awareness of appropriateness appears to belong to our nature too. Indeed, to describe the feeling as primitive amounts perhaps precisely to claiming that it is part of our nature, though to our nature as potentially conceptual beings.¹¹ Thus Ginsborg ascribes to unsynthesized intuitions a merely causal and thus clearly natural role in the constitution of experience, while emphasizing the non-directive role the understanding plays in the process of synthesis (see, Ginsborg 2006b, pp. 94-96). To put the main point simply, on Ginsborg's account, our natural dispositions turn out to give us our most fundamental norms. This is indeed a principal advantage of her view.

We can begin to appreciate Kant's distinct view by recalling that, on the picture he has in mind, in aesthetic judgment the imagination is "taken not as reproductive, as subjected to the laws of association, but as productive and self-active (as the authoress of voluntary [*willkürlicher*] forms of possible intuitions)" (KU 5:240) and that it is

¹¹ Ginsborg doubts the sort of normative awareness she discusses can be attributed to non-human animals; she does not think it is implausible to attribute it to children, even in the early stages of language-learning. See, Ginsborg 2015c, p. 188.

“unintentionally brought into accord with the understanding” (KU 5:190). Both the fact that the imagination is not itself guided by a rule but rather freely produces and tries forms out (so to speak) and the fact that the faculty of concepts is required to respond in approval to a proposed form are significant. I suggest that this is a way of insisting that aesthetic pleasure is not natural – precisely not something we share with animals, though he emphasizes the fact that it is in part grounded in our animal nature: “beauty is valid only for human beings, i.e., animal but also rational beings” (KU 5:210). Nor is it a distinct natural feeling that accompanies an otherwise natural mental function we do share with animals. Animal cognition is pre-determined by laws of association (see, Letter 362 to Herz; 26 May 1789; Br 11:52); and, on Ginsborg’s account, so is our most fundamental experience of things. She says clearly that our activity of imagination is “the expression of natural dispositions of the kind that are shared by animals” (Ginsborg 2015b, p. 162). Kant though describes human cognition as distinct even at the most fundamental level. As rational creatures charged with making sense of what is given to us empirically even the most fundamental order is a result of a mental activity distinctive of conceptual creatures.

What is the significance of Kant’s insistence on the distinct cognitive and normative nature of pure judgments of taste? What, specifically, is the significance of the claim that the imagination is not reproductive and subjected to the laws of association but “productive and self-active” and of the role the understanding plays in pure judgments of taste?

It might be thought that a capacity that is not bound by given associative rules allows us to contend with potentially very different environments – including environments very different from our own. It would be the faculty of versatile investigators of nature equipped for all epistemic occasions. But it seems implausible to claim that even in an environment radically different from ours we would still find the forms of fundamental natural kinds (and their other distinctive sensible properties) cognitively significant. Think of being relocated to an environment, in which the most important distinctions are revealed by very subtle differences in odor or by electro-magnetic radiation other than visible light. Put differently, Ginsborg is in at least one sense right to insist on the continuity of human and animal cognitive capacities. Our cognitive capacities are evolutionary products of contending with our environment. For this reason it is not

promising to read Kant as thinking of our most fundamental experience of nature as, in this way, radically different from that of our animal ancestors. It would be far better to find a way of reading Kant that allows us to incorporate the sort of sober commitment to naturalism we find in Ginsborg's account.

Kant describes the imagination as freely producing forms and aesthetic pleasure as requiring the positive response of the understanding. But this interaction falls short of being conceptually normative. On the account I offered, aesthetic pleasure can serve to ground a conceptual norm. But it is not itself conceptually normative. Kant emphasizes that pure judgments of taste do not depend upon or furnish us with concepts. On the model Ginsborg presents, the imagination seems to present us with the rules by which it operates; it seems to impose these rules upon us. And these rules just are our most fundamental observational sortal concepts.

Against this view, Kant can be read as making a conceptual point: A natural fact cannot be a norm. For Ginsborg, the way in which we perceive objects and are disposed to sort them is a "natural psychological fact about human beings" (Ginsborg 2015b, p. 162). It also appears to be a fact about us that we take these dispositions to be normative. Somehow, these two facts together are supposed to yield a norm:

What makes the corresponding associations rule-governed is [...] the fact that we take them to have normative significance. The associations are rule-governed because in carrying them out I take myself to be doing not only what I am disposed to do, but also what I (and everyone else) ought to do. That is, I take my actual associations, blindly habitual though they are, to manifest conformity to a normative standard applicable to everyone. The rule-governedness of my associations is thus a function of my taking them to be rule-governed, which is in turn a function of my taking my natural dispositions as exemplifying a universally valid norm. (Ginsborg 2015b, p. 162)

To this suggestion Kant might respond that a fact about me, a blind habit, can't just be declared a norm.¹²

The Integration of Fundamental Perception into the Space of Reasons

It isn't clear though that this response makes sense in the context of the present discussion. After all, on my account, Kant allows for the aesthetic delineation of objects and for their sorting according to their spatial form alone. But I have also agreed that we should loosen the Kantian distinction between the formal-aesthetic and the material-conceptual and allow for sorting according to sensible properties generally – properties the identification of which Kant would understand as requiring concepts that apply to the matter of experience. How, in this looser account, does our most fundamental capacity to sort objects according to their fundamental observable similarities fall short of giving us a preliminary conceptual sorting of nature into kinds? How does this sorting fall short of providing us with conceptual norms?

I want to suggest that even for the more relaxed Kantian view we are considering our fundamental sorting is not in itself conceptually normative. What is missing in order to make them conceptually normative is taking upon ourselves rational responsibility for the natural operations of our mind. This means, among other things, that these fundamental proposed norms are not immune to rational criticism. We have the responsibility of testing them empirically. We accept them provisionally and take upon ourselves the rational responsibility to revise or even reject them – if that is required. Of decisive importance, on Kant's view, is the question of whether any further generalizations, crucially, any causal generalizations apply to a proposed sort or kind. Putting the point skeptically, on Kant's account, we might ultimately claim that what our senses most fundamentally present to us as similar are not in fact similar, or, more precisely, not similar in any way beyond being merely observationally similar. This is the way I am suggesting we gloss the distinction between aesthetic and conceptual normativity and between the aesthetic and the logical purposiveness of nature.

¹² In earlier work, Ginsborg says that “the capacity for bringing objects under empirical concepts is not a natural psychological capacity” (Ginsborg 2015a, p. 140).

Ginsborg's proposed kinds are not yet integrated into the sort of systematic and causally informative body of knowledge, which Kant envisions as our end in cognition. Suppose sorting like-shaped and similarly colored objects is causally just uninformative. They would then be precisely the causally unprojectible 'grues' and 'sphubes' of discussions of empirical conceptualization. I suggested in the introduction to this paper that Kant thinks that the idea of the complete determination of what is given to us sensibly by a comprehensive system of empirical concepts grounds the claims made by empirical determinative judgments to being objectively true. So for Kant, objects that are merely observationally similar are not objectively similar. Conversely, to claim that observationally similar objects are objectively similar is to claim that they would fit into the comprehensive system of concepts that fully describes the natural world and its laws.

Putting the point about the integration of observational kinds into a system of knowledge in this way brings to mind a very important passage from Sellars, in which he affirms that experience rests on observation *and* that these observations, like empirical knowledge generally, can be revised or rejected.

I do wish to insist that the metaphor of "foundation" is misleading in that it keeps us from seeing that if there is a logical dimension on which other empirical propositions rest on observation reports, there is another logical dimension in which the latter rest on the former.

Above all, the picture is misleading because of its static character: One seems forced to choose between the picture of an elephant which rests on a tortoise (What supports the tortoise?) and the picture of the great Hegelian serpent of knowledge with its tail in its mouth (Where does it begin?). Neither will do. For empirical knowledge, like its sophisticated extension, science, is rational, not because it has a *foundation* but because it is a self-correcting enterprise which can put *any* claim in jeopardy, though not *all* at once. (Sellars 1997, §32, pp. 78-79)

To put the point skeptically, the worry is that no further empirical propositions might rest on our fundamental observations and, conversely, that there would be no sense in which the observations rest on such further empirical propositions. Put non-skeptically, Kant's deep concern is getting right the precise status of our most fundamental observations. They are proposals or hypotheses; their normative status, content and truth ultimately depend on what they turn out to ground. Put slightly differently, our fundamental observations of similarity are not normative independently of revealing further similarities – crucially for Kant, similarities in causal properties. Insisting on this means that, on Kant's account, even our most fundamental observations of similarity can be put in jeopardy and corrected, if and when this is required. On Ginsborg's view, these fundamental observations are facts about us and seem immune to correction. But it should be definitive of empirical norms that they must not be immune to revision and possibly even rejection.

Recall here the important passage from the Introduction to the *Metaphysical Foundations of Natural Science* (ignoring in this context the very important distinction between properly and improperly so-called natural science).

[...] the doctrine of nature can be better divided into *historical doctrine of nature*, which contains nothing but systematically ordered facts about natural things (and would in turn consist of *natural description*, as a system of classification for natural things in accordance with their similarities, and *natural history*, as a systematic presentation of natural things at various times and places), and natural science [...] Any whole of cognition that is systematic can, for this reason, already be called *science*, and, if the connection of cognition in this system is an interconnection of grounds and consequences, even *rational science*. (MAN 4:468)

Systematically ordered our fundamental observations might perhaps constitute a historical doctrine of nature. But they would not qualify as rational natural science. I think Kant is assuming that the historical doctrine of nature and natural history specifically employ for classification similarities that can also serve for constructing a system in accordance with causal similarities. This is why natural history employs for classification

time and place. On the skeptical scenario we are considering, however, this would not hold true. The systematized descriptions or observations would be cognitively barren – in no way part of the self-correcting enterprise of a rational science of nature (in Kant’s sense) or of the logical space of reason (to use the Sellarsian phrase). It is in this way, I suggest, that Kant’s insistence on the subjectivity and distinct normative status of pure judgments of taste is of significance.

Experience, Assent and Commitment

I think there is reason to believe that the claims I have been making and the adjustments they suggest would not be rejected out of hand by Ginsborg. My reason for thinking this can be supported initially by returning to a criticism she raises against McDowell. McDowell holds that having an experience does not imply that its contents are endorsed; it requires, he claims, a further act to assent or commit oneself to the content of an experience. To this Ginsborg responds:

[...] if experiences do not carry with them commitment or assent to the claims figuring in their contents, then they cannot serve as rational grounds for judgments. This expression draws on the intuition expressed in Davidson’s well-known remark “nothing can count as reason for holding belief except another belief” (1986, 310). McDowell assumes that Davidson’s point can be recast as the claim that “nothing can count as a reason for belief except something that is already in the space of concepts” (1994, 140), but in fact Davidson wants to make the stronger point that, to be a reason, a psychological state must involve assent or commitment. The mere entertaining of a conceptual content is not enough to supply me with reasons for endorsing either that content, or any other content which is inferentially related to it. (Ginsborg 2006b, p. 79; see also, Ginsborg 2006a, p. 351)¹³

¹³ Ginsborg develops this criticism of McDowell in detail (Ginsborg 2006c, pp. 286-318). Stroud too makes this point: “But to be ‘saddled’ with a certain content in perception is not simply for that content to be ‘available’ to be entertained or contemplated, as it is in the unasserted antecedent of a conditional proposition, for instance. To take in some content in perception is to have accepted or endorsed that content, or to find oneself accepting or endorsing it.” (Stroud 2002, pp. 86-87.) Glüer puts the point succinctly: “Perceptions, be they as conceptual or propositional as you like, are reasons only if you believe that the proposition delivered is true” (Glüer 2004, p. 209).

In Ginsborg's account of concept acquisition, the primitive feeling of appropriateness obviously meets the requirement of experience involving assent or commitment. And now it is a matter of spelling out what assenting or committing yourself to an empirical content must be for an experience to be a reason for belief. But as Sellars claims, in the space of empirical experience and knowledge all beliefs are open to criticism, revision and even rejection. Part of what it is to commit yourself to an empirical content is to take upon yourself the responsibility of revising or even rejecting it – if there are reasons to do this. Indeed, it is precisely the commitment to take into account reasons that might demand revising our beliefs that makes these beliefs good reasons for endorsing other beliefs. Making them immune to criticism would also make their status as reasons highly questionable. The point can be made by saying that commitment to empirical beliefs is an on-going task that requires taking into account new evidence that might count for or against these beliefs. A great advantage of Kant's view of empirical knowledge is precisely his appreciation of the fact that the acquisition of empirical knowledge is an on-going task. This is the deep significance of claiming that the transcendental assumption of the aesthetic and conceptual purposiveness of nature is regulative. It governs our on-going investigation of the empirical order of nature.

Ginsborg emphasizes that when we acquire a concept the feeling of appropriateness that accompanies our mental activity in effect makes a normative claim on others. But she also says, more specifically, that “insofar as the subject's imaginative synthesis involves the awareness of its own appropriateness with respect to the circumstances, it carries with it the kind of commitment or endorsement that is characteristic of judgment” (Ginsborg 2006b, p. 94); the person whose synthesis it is “commits herself to it and thus in a sense makes it her own” (Ginsborg 2006b, p. 94). I am claiming that being open to criticism and so to the possibility of revision or rejection is characteristic of empirical judgments; we take upon ourselves this responsibility in making these acts our own.¹⁴

Indeed, in a recent essay, Ginsborg explicitly connects her account of concept acquisition with the assumptions of the systematicity of nature and of its conceptual

¹⁴ In a footnote, Ginsborg raises the question of what makes taking our mental activity to exemplify normative rules legitimate. She answers by appealing to the “dependence of our grasp of empirical concepts on our adoption of this normative attitude” (Ginsborg 2015b, p. 168 note 38). I am claiming that the openness to criticism characteristic of empirical concepts should be applied to the normative attitude that makes them possible.

purposiveness, explicitly addressing the issue of revisability. Her account, she says, “does not rule out the thought that we might come to reject particular concepts and systems of concepts in favor of concepts that we find more appropriate to nature than the ones we had before” (Ginsborg 2017, p. 84). But it does, she emphasizes, entail the denial of the thought that “while there are appropriate ways of conceptualizing nature, these are completely at odds with our natural ways of conceptualizing” (Ginsborg 2017, p. 84). This might sound like an emphatic rejection of the claim I am insisting upon. But I conceded above, on Kant’s behalf, that it makes good sense to think of the most fundamental operation of our cognitive capacities as evolutionary products of contending with our specific environment. In this sense, we cannot revise or reject them. And Ginsborg furthermore recognizes that it is only from the first-person perspective that we must view our distinct way of sorting nature as appropriate. Things look different when we consider the matter from the third-person perspective.

We assume, in our activity of conceptualizing, that nature calls for, or makes appropriate, this very activity. But even though we cannot exercise reflective judgment without conceiving of a normative fit between our activity of reflective judgment and nature, we can still step back and adopt a third-personal view on the relation between that activity, now conceived as the actualization of human sorting dispositions, and the ways in which natural things ought to be sorted. And from that point of view, the concept of a way natural things ought to be sorted comes apart from the concept of how human beings in fact sort them. We get the idea that there so much as are ways in which nature ought to be conceptualized – that there are, in other words, genuine natural kinds and corresponding empirical laws – only through taking our own ways of sorting natural things to be appropriate to nature, and thus ruling out the possibility of a radical mismatch between our ways of conceptualizing and ways in which nature ought to be conceptualized. But once we have the notions, on the one hand, of a way in which nature ought to be conceptualized, and, on the other, of the way in which human beings are naturally inclined to conceptualize it, we can see how the two might come apart. (Ginsborg 2017, pp. 87-88)

What I am insisting on is the importance of this third-person perspective on our attempt to conceptualize nature. How we most fundamentally sort nature is a fact about us. To take it to be rationally normative is a further step and comes with accepting that even the most fundamental concepts and distinctions we make might need revision or even rejection. Once again, I take it to be crucial for Kant to distinguish clearly aesthetic from conceptual normativity. As we just saw, Ginsborg makes room for a distinction that in an important respect resembles the Kantian distinction. But she also seems to want to merge the two perspectives and in doing so to assimilate the third-person perspective to the first person perspective. She claims that our fundamental sorting behavior is part of our nature. But she further claims that our attempts to arrive at increasingly systematic conceptions of nature are also natural.

There is also a second respect in which, in revising our systems of concepts, we rely on our natural sorting inclinations. This is that we are naturally inclined to sort things not only at the “basic level” and in ways corresponding to simple features like color and shape, but also at various different levels of specificity. We do not – and this is something that again comes naturally to us – rest content with just sorting Fido together with the other dogs. We also sort him more specifically with the poodles and, if we are dog fanciers, with a particular variety of poodles. In the other direction we sort him with other animals and more generally with living things. It is of a piece with this feature of how we sort that we are inclined to prefer ways of sorting that are more conducive to systematic classification. This is part of what drives us to revise our initial classifications. Our carrying out such revisions with the aim of arriving at an increasingly systematic classification of nature is itself a natural feature of our sorting behavior, and it is part of what makes it the case that we do not stop at the conceptualizing that is required for ordinary experience but rather go on to engage in scientific inquiry. (Ginsborg 2017, p. 85)

I don't think Kant would deny that the pursuit of a systematic conception of the empirical world is natural to us. But it is natural to us as rational creatures. It is part of the second-nature of creatures who move in the space of reasons – rational cognizers who seek to systematize their worldview and are driven by further discretionary intellectual and practical goals, the goals of scientists and dog fanciers. In this we differ from all other

animals. And Ginsborg emphasizes that our fundamental sorting behavior employs the “same kind of sorting or discriminative capacities possessed by animals” (Ginsborg 2017, p. 81) and she is explicit that the sense of appropriateness she highlights “cannot be spelled out in terms either of veridicality or of rational justification” (Ginsborg 2017, p. 82). I thus think Ginsborg is wrong to say that when we “come to classify whales as mammals instead of fish [...] we are still following our natural sorting inclinations” (Ginsborg 2017, p. 85). We classify whales as mammals, because there are good reasons to do so – though we continue to see them as fishlike. On Kant’s behalf, I am insisting on the importance of distinguishing our first from our second nature, precisely by distinguishing aesthetic from rational-conceptual normativity. We will not stop identifying certain things as objects or seeing fundamental similarities where we do. But we need not take these facts on as rationally normative. This is the lesson I think we should take from Kant.

Conclusion

In attempting to compare Ginsborg’s account of the acquisition of fundamental empirical concepts and the view I am attributing to Kant I made a significant concession on his behalf. I suggested that we set aside his exclusive focus on spatial form and accept the idea that our fundamental attempt to order the empirical world might involve all our sense modalities. Ultimately, I think it is a question for empirical investigation what sensible properties play a role in the performance of this task. I now suggest a further very significant concession: Perhaps Kant is wrong about the connection between aesthetic pleasure and cognition. Perhaps this too can be empirically decided. Then the views of Kant and Ginsborg could be seen as very close to one another. The remaining very important difference would be Kant’s insistence that the feeling that we are rightly perceiving objects and right to associate them with others cannot itself be epistemically or rationally normative. To become rationally rather than aesthetically normative we must take the deliverances of our natural dispositions to constitute hypotheses, to be corroborated or refined – possibly even rejected – by further empirical investigation. For in this way we take on rational responsibility for our natural dispositions and so integrate them into the self-correcting enterprise of discovering the empirical order of nature.

I think there is a very good reason to concede this last point to Kant. Ultimately, I think it is this crucial aspect of Kant's view that shows he is not vulnerable to the myth of the given. And the fact that for Ginsborg our natural dispositions account for our most fundamental conceptualization of nature threatens to make her vulnerable to the charge. For Kant, our most fundamental experience of the world is not conceptual or rational. It can nevertheless serve as the ground of conceptual norms and can thus be brought under our rational responsibility. On Ginsborg's account, the most fundamental deliverances of our sense modalities are proto-conceptual. But it seems we cannot reject them, precisely because on her view perception ties us to the empirical world. Our most fundamental experience of the world thus appears to be immune to rational control. For Kant, in contrast, there is an important sense according to which it is not perception that ties us to the empirical world. What ultimately ties us to the empirical world is the on-going and self-correcting investigation of nature. I have suggested that there are reasons to think Ginsborg should concede this last important point to Kant. In her terms, this would mean giving the third person perspective on our most fundamental encounter with nature its due – our natural conceptualizing dispositions too might need to be revised or rejected.¹⁵

Abbreviations

The *Critique of Pure Reason* is referred to by citing the pagination of the 1781 (A) and 1787 (B) editions of this work. All other references are to the volume and page number in the Academy edition. The page numbers appear in the margins of the translations I use.

I use the following abbreviations and translations:

A/B: Kant, I. (1998), *Critique of Pure Reason*, edited and translated by Paul Guyer and Allen W. Wood. Cambridge: Cambridge University Press.

¹⁵ I am grateful to Aviv Reiter for discussion of this paper. This research was supported by the ISRAEL SCIENCE FOUNDATION (grant No. 659/19).

Br: Kant, I. (1999), *Correspondence*, edited and translated by Arnulf Zweig. Cambridge: Cambridge University Press.

EEKU: Kant, I. (2000), “First Introduction to the *Critique of the Power of Judgment*,” in *Critique of the Power of Judgment*, edited by Paul Guyer, translated by Paul Guyer and Eric Matthews. Cambridge: Cambridge University Press.

KU: Kant, I. (2000), *Critique of the Power of Judgment*, edited by Paul Guyer, translated by Paul Guyer and Eric Matthews. Cambridge: Cambridge University Press.

Log: Kant, I. (1992), *The Jäsche Logic*, in *Lectures on Logic*, edited and translated by J. M. Young. Cambridge: Cambridge University Press.

MAN: Kant, I. (2002), *Metaphysical Foundations of Natural Science*. In *Theoretical Philosophy after 1781*, edited by Henry E. Allison and Peter Heath, translated by Gary Hatfield. Cambridge: Cambridge University Press.

MS: Kant, I. (1997), *Metaphysics of Morals*. In *Practical Philosophy*, edited and translated by Mary J. Gregor. Cambridge: Cambridge University Press.

V-Anth/Mron: Kant, I. (2012), *Anthropology Mrongovius*, in *Lectures on Anthropology*, edited by Allen W. Wood and Robert B. Loudon, translated by Robert R. Clewis. Cambridge: Cambridge University Press.

V-Lo/Wiener: Kant, I. (1992), *The Vienna Logic*, in *Lectures on Logic*, edited and translated by J. M. Young. Cambridge: Cambridge University Press.

Bibliography

Allison, H. E. (2001), *Kant's Theory of Taste: A Reading of the Critique of Aesthetic Judgment*. Cambridge: Cambridge University Press.

Biemel, W. (1959), *Die Bedeutung von Kants Begründung der Ästhetik für die Philosophie der Kunst*. Köln: Kölner Universitäts-Verlag.

Düsing, K. (1990), “Beauty as the Transition from Nature to Freedom in Kant’s ‘Critique of Judgement’,” *Noûs*, 24, pp. 79-92.

Ginsborg, H. (2017), “Why Must We Presuppose the Systematicity of Nature?,” in Michela Massimi and Angela Breitenbach (eds.), *Kant and Laws*, Cambridge: Cambridge University Press, pp. 71-88.

Ginsborg, H. (2015a), “Reflective Judgment and Taste,” in *The Normativity of Nature*, Oxford: Oxford University Press, pp. 135-147.

Ginsborg, H. (2015b), “Thinking the Particular as Contained Under the Universal,” in *The Normativity of Nature*, Oxford: Oxford University Press, pp. 148-169.

Ginsborg, H. (2015c), “Aesthetic Judgment and Perceptual Normativity,” in *The Normativity of Nature*, Oxford: Oxford University Press, pp. 170-201.

Ginsborg, H. (2006a), “Empirical Concepts and the Content of Experience,” *European Journal of Philosophy*, 14, pp. 349-372.

Ginsborg, H. (2006b), “Kant and the Problem of Experience,” *Philosophical Topics*, 34, pp. 59-106.

Ginsborg, H. (2006c), “Reasons for Belief,” *Philosophy and Phenomenological Research*, 72, pp. 286–318.

Glüer, K. (2004), “On Perceiving That,” *Theoria*, 70 (2004), pp. 197-212.

Reiter, A. (2020), *The End and Historicity of the Fine Arts: From the Idealistic Theory of the Renaissance to the Formation of a Systematic-Historical Conception in Hegel’s Philosophy of Art*, Ph.D. dissertation, Tel-aviv University, 2020.

Reiter, A. (manuscript), “Kant on the Aesthetic Ideas of Beautiful Nature.”

Sellars, W. (1997), *Empiricism and the Philosophy of Mind*. Cambridge: Harvard University Press.

Stroud, B. (2002), "Sense Experience and the Grounding of Thought," in Nicholas H. Smith (ed.), *Reading McDowell on Mind and World*, London: Routledge, pp. 79-91.

