

Kant and the Need for Orientational and Contextual Thinking: Applying Reflective Judgement to Aesthetics and to the Comprehension of Human Life

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Abstract

This essay explores the relation between worldly orientation and rational comprehension in Kant. Both require subjective grounds of differentiation that were eventually developed into a contextualizing principle for reflective judgement. This kind of judgement can proceed either inductively to find new universals or by analogy to symbolically link different objective spheres. I will argue that the basic orientational function of reflective judgement is to modally differentiate the formal horizontal contexts of field, territory, domain and habitat laid out in the Introduction to the *Critique of the Power of Judgement*. Assessing which context takes priority will be important in making aesthetic judgements and for applying practical reason to comprehend human affairs.

Keywords: Kant, orientation, reflection, judgement, contextualization, comprehension, symbolization, Dilthey, Langer

1. Introduction

In 1786, Kant published an essay titled ‘What Does it Mean to Orient Oneself in Thinking’, which extends the idea of spatial orientation to the level of ideas. Spatial and bodily orientation allows us to direct ourselves from ‘a given locality (*Gegend*)’ (8: 134)¹ to others that are not directly visible. If I see the sun rising in the east, I will know where to turn to find something in the north or south, but only if I orient myself by distinguishing between the left and right sides of my body. This felt

difference is characterized as a ‘subjective ground of differentiation’ (8: 135) whereby I orient myself as I move into unfamiliar regions. By analogy Kant asks how reason can orient us when it starts

extending itself beyond all the bounds of experience and finding no object of intuition but merely space for intuition; for then it is no longer in a position to bring its judgments under a determinate maxim according to objective grounds of cognition, but solely to bring its judgments under a determinate maxim according to a subjective ground of differentiation in the determination of its own faculty of judgment. (8: 136)

Here Kant is looking for a subjective ground of judgemental differentiation to orient reason in the debates about the basis for the belief in God that were raging at the time. Even though reason is not as powerful in disclosing the nature of God to us as Moses Mendelssohn thought, it is important according to Kant to not forego the use of reason and give in to leaps of faith. But a principle of judgement must guide our reason as it seeks to fulfil its interests. Reason cannot be left unchecked, for its ‘first use’ tends to ‘degenerate into a misuse’ (‘Orientation in Thinking’, 8: 146). Kant suggests that this initial misuse of reason can lead us into dogmatic speculation, which can in turn arouse religious fanaticism in the proponents of mere faith.

What Kant is indicating here is that rational comprehension can only be critical if it is restrained by our power of good judgement. I see this as a step in the process that leads Kant to supplement determinant judgement with reflective judgement in the *Critique of the Power of Judgement* and in the later lectures on logic. The idea of reflective judgement builds on the relation between reflection and the orientational thinking that was just discussed. It also follows up on Kant’s earlier discussion on the need for reflection about the ‘transcendental place’ (A268/B324) of concepts in the *Critique of Pure Reason*. There the Appendix on the Amphiboly of the Concepts of Reflection informed us that ‘all judgments, indeed all comparisons, require reflection, i.e., a distinction of the cognitive power to which ... given concepts belong’ (A261/B317). In judging whether representations belong to the pure understanding or to sensible intuition, ‘transcendental reflection’ must also discern how to implement four sets of contrasting relations in which representations can stand to each other in consciousness: identity and difference, agreement and opposition, inner and outer, matter and form. Obviously, identity characterizes universal judgements of the understanding and difference

generates the particular judgements that can refer to sensible intuition. But when it comes to thinking about individual objects both identity and difference apply and the question becomes in what order they should be placed. Kant concludes that when dealing with phenomenal objects we must put difference before identity, but when thinking of noumenal objects we must consider their identity first. The same ordering rule holds true for the other three sets of contrasting reflective concepts. Thus when it comes to the inner–outer distinction Kant asserts:

In an object of the pure understanding only that is internal that has no relation (as far as the existence is concerned) to anything that is different from it. The inner determinations of a *substantia phaenomenon* in space, on the contrary, are nothing but relations, and it is itself entirely a sum total of mere relations. (A265/B321)

The inner determinations of phenomenal substances are not knowable from the start or apart from their relations and as a consequence we are not entitled to treat material substances as monads that are self-sufficient. The Leibnizian idea of monads is only applicable to the noumenal realm and will generate a disorienting ‘transcendental amphiboly’ (A270/B326) if applied to the phenomenal world.

2. This-Worldly Orientation

So far, the idea of orientation has dealt with two kinds of placement: within the phenomenal world and within the noumenal world, as well as the importance of not confusing them. But once we focus on how Kant ends the *Critique of Pure Reason* with the aim of replacing academic philosophy (*Philosophie nach dem Schulbegriff*) and all its antinomies with a this-worldly cosmical philosophy according to a *Weltbegriff* (A838/B866), the problem of orientation becomes more earthbound. And we will see that this earthly world as our common horizon needs to be contextually differentiated from within.

When we navigate the earth we live on, we must learn to adapt to different surroundings like land and water, arable terrain and inhospitable areas. Kant treats human beings like amphibious creatures who must recognize these regional or contextual variations in order to avoid falling into those confusions that he calls amphibolies. Although he did not travel because of health concerns, he was extremely interested in what other world travellers had discovered. Kant lectured on geography and made use of topological imagery throughout his writings. Thus in a

section on ‘the discipline of pure reason’ in the *Critique of Pure Reason*, he writes that ‘if I represent the surface of the earth in accordance with sensible appearance’ as a flat surface, ‘I cannot know how far it extends’ (A759/B787) and can only speak of blind *limits*. ‘But if I have gotten as far as knowing that the earth is a sphere ... then from a small part of the latter ... I can cognize its diameter and, by means of this, the complete *boundary*’ (A759/B787). He then differentiates his critical philosophy from David Hume’s scepticism by complaining that the latter unduly stresses the limits of experience and dismisses any role for reason beyond its empirical use. He classifies Hume among those ‘geographers of human reason’ (A760/B788) who survey the earth solely in terms of its sensible appearances and leave its horizon indeterminable. While it is important to base knowledge claims on the empirical understanding, we must remain open to what could lie beyond the horizon of sense. Critical philosophy must therefore supplement ‘the *limits* of actual geographical’ surveys of the earth with ‘the *boundaries* of all possible description of the earth’ (A759/B787, emphasis mine).

Kant briefly explicates this distinction between limits and boundaries in his *Prolegomena to Any Future Metaphysics*. Limits (*Schranken*) are merely negative empirical markers that do not consider what could lie beyond them. Boundaries (*Grenzen*) are positive in that they ‘presuppose a space existing outside a certain definite place and enclosing it’ (4: 352; p. 111).² The earthly limits that confine the senses need to be critically reconceptualized as worldly boundaries that leave room for reason to search further. From this we can infer that, whereas earthly limits are imposed from without, the worldly boundaries that the understanding can draw are partly self-imposed or self-binding.

Another way to formulate Kant’s distinction is to say that limits produce hard borders and boundaries create adjustable borders that can be renegotiated. We saw that earthly limits serve as external negative *restraints* on the understanding, but worldly bounds can be regarded as internal positive *constraints* on human reason in its attempts to comprehend both what we can and cannot know. Whereas the understanding (*Verstand*) needed for empirical cognition is discursive and proceeds one step at a time, the comprehension that reason (*Vernunft*) seeks is holistic and therefore more problematic. In the Transcendental Dialectic, Kant warns that many ideas of reason are sophistical, but his overall project of philosophy according to a world-concept leads him to continue to think about what human comprehension can achieve. I will argue that comprehension properly conceived is a task where reason must be allied

with a mode of reflection that is judgementally self-binding, namely, reflective judgement.

Before developing the relation between rational comprehension and reflective judgement in Kant, it is important to make clear that, although reflective judgement involves reflection, it is not to be confused with the comparative reflection that is discussed in relation to concept formation. As is made clear in the Jäsche *Logic*, the purpose of empirical concept formation is to reflect on and compare the given marks of things in order to abstract what is common to them (9: 94–5; pp. 592–3). The reflection that is relevant to reflective judgement is discussed more than 30 pages later (9: 131–2; pp. 625–6) and is inferential in nature. Now reflection is given a broader, coordinative function. Defined logically, reflective judgement ‘infers from many to all things of a kind, or from many determinations and properties, in which things of one kind agree, to the remaining ones, insofar as they belong to the same principle’ (9: 132; p. 626). In the one case, reflective judgement is inductive, in the other it specifies by means of analogies. There is also an interesting *Reflexion* by Kant where he claims that the determinant judgements of the understanding are *immediate inferences* applying concepts to particulars and that reflective judgements go further and are *mediate inferences* like those of reason (see *Refl-Logik* 3200, 16: 709). Accordingly, reflective judgements are ‘inferences to what is provisional (*Schlüsse zu Vorläufigen*)’, i.e. far-ranging inferences with a provisional scope; they ‘do not aim for determinant judgements’ (ibid.) but go beyond them. Since reflective judgements can give provisional estimations about overarching principles of classification, it is misleading for Longuenesse to claim that in reflective judgements ‘the effort of the activity of judgement to form concepts fails’ (Longuenesse 1998: 164). Reflective judgements involve more than the reflection relevant to the formation of empirical concepts; they seek a comprehensive way of ideationally organizing things. The reflection used in concept formation is merely preparatory, the reflection used in reflective judgement provides a provisional mode of comprehension.

In the Jäsche *Logic*, ‘rational comprehension (*begreifen (comprehendere)*)’ is described as an attempt ‘to cognize something ... *a priori* to the degree that is sufficient for our purpose or intent (*Absicht*)’ (9: 65; p. 570). Comprehension as a mode of rational cognition is thus simultaneously theoretical and practical. In the earlier Vienna lectures on logic, Kant also called comprehension ‘something requiring much delicateness (*etwas sehr delicates*)’ (24: 846; p. 300); it can be said to involve tactfulness or reflective

skill in the use of human reason (Makkreel 2018: 1304). We can conclude from this that a comprehensive rational claim cannot be the kind of objective determinant judgement of the understanding that we associate with the natural sciences. It is important to note that in the *Critique of the Power of Judgement* (hereafter *CPJ*), Kant introduces an aesthetic sense of ‘comprehension (*Zusammenfassung*)’ (5: 254) to respond to the confusion caused by the overwhelming experience of the sublime. There are no determinant judgements to communicate aesthetic states of mind and it is made clear that we must resort to reflective judgement to produce an intersubjectively valid consensus on the basis of a felt communicability.

Determinant judgements subsume particulars either to generally accepted concepts of human discourse, universal laws of science or agreed-on norms. These judgements exemplify Kant’s cognitive ideal because they are distinctly communicable. However, reflective judgement must be brought to bear when we confront something out of the ordinary such as an unexpected occurrence or a thing of rare beauty. Here there is no available concept or rule to rely on in determining what to think and how to convey it to others. To comprehend things that are unfamiliar and beyond the scope of what we can presently explain we must seek a new rule that can serve as an organizing idea. No longer directed by what is already known or guided by the past, we must reorient ourselves and find a new frame of reference. We need to pause and ask whether there are analogous cases that suggest a new commonality. Reflective judgement is initially defined in the *CPJ* as moving from a particular toward a new universal (First Introduction, 20: 211; Introduction, 5: 179). But it is just as much a process of properly contextualizing something unfamiliar. This contextual discernment reinforces the relevance of reflective judgement to Kant’s project of human comprehension. Although comprehension may be inspired by reason, it should not legislate in theoretical matters and must be content to proceed reflectively and rely on judgemental discernment. Reason may legislate only in practical matters that concern ourselves.

3. Aesthetics as a Reflective Mode of Recontextualization to Seek Consensus

In this section, I will consider aesthetic judgements as reflective judgements that aim to comprehend things evaluatively and properly organize and contextualize them. In his first attempt in §8 of the *CPJ* to move aesthetic appreciation beyond private feeling, Kant speaks of a judgement of taste as ‘generally or commonly valid (*gemeingültig*)’, by which he means it is a ‘public (*publike*)’ (5: 214) judgement. If one considers this

claim in relation to his lectures on logic, it becomes clear that this could be merely a consensus of popular taste. At this local level we call something beautiful on the basis of the *assimilated* tastes of those around us. Here we are not yet freely orienting ourselves but allow ourselves to be directed from the outside by the attitudes of those around us. This leaves this first attempt at reaching an aesthetic consensus at the level of ‘fashion’ or what Kant called ‘a prejudice of taste’ in the Blomberg lectures on logic (24: 172; p. 135).

To move beyond this level of assimilation so that we can more actively *acquire* good taste, we must aim for a consensus that is ‘universally valid (*allgemeingültig*)’ (*CPJ*, 5: 215). Aesthetic pleasure can only be pure if it is referred, not to our bodily satisfaction and to the content of the local fashions of those around us, but to the formal harmony of our own cognitive faculties. This harmony is then more fully explicated in §9 as a reciprocal interplay of the imagination and understanding or a reflective appreciation of beautiful form. It is this level of ‘sharable attunement (*Zusammenstimmung*)’ (5: 219) applicable to ‘us human beings in general’ (5: 462) that lies at the heart of Kant’s aesthetics. However, sometimes Kant also points to a stronger consensus that would produce a universal voice (*allgemeine Stimme*) that encompasses the concurrence of everyone (*jedermanns Beistimmung*) (5: 219). This third mode of consensus can be linked to what Kant sketches in the appendix of the Critique of Aesthetic Judgement as ‘a culture of the mental powers . . . aimed at the highest degree of perfection’ (5: 355). Whereas pure aesthetic purposiveness is a purposiveness without a purpose and therefore not about perfection, the third kind of consensus represents a regulative ideal of perfection that points ahead to the theory of culture in the Critique of Teleological Judgement. This will be the universal voice of a more determinate communal *appropriation* that is grounded in Kant’s moral writings and will be public (*öffentlich*) in a more open sense than the local public (*publike*) fashion he started with.

To elucidate what is involved in the intermediate but pure aesthetic consensus that Kant is mainly concerned with in the first half the *CPJ*, we must consider what it means to actively attain good taste. The universality of an aesthetic judgement ‘must be of a special kind, since the predicate of beauty is not connected with the concept of the object considered in its entire logical sphere and yet it extends the predicate over *the whole sphere* of those who judge’ (5: 215). This involves a shift in the sphere or context of our attention, the significance of which needs to be clarified. To do so we will look at sections II and III of the Introduction, where Kant

indicates that, when we think of an object, we can contextualize it in four different ways. We can locate it as part of either (1) a field (*Feld*), (2) a territory (*Boden*), (3) a domain (*Gebiet*) or (4) a habitat (*Aufenthalt*) (5: 174). To consider an object in terms of a field is to leave it open whether it can be experienced or not. It could be something that is merely logically or imaginatively *possible* relative to ‘our faculty of cognition in general’ (5: 174). Kant also speaks of the invisible sphere of the supersensible as a field. By contrast, a territory denotes that contextual sphere ‘within which cognition is possible for us’ (ibid.) given our actual human capacities, sensibilities and dispositions. This would be the sphere of phenomenal objects that we can *actually* experience. Then Kant proceeds to distinguish those parts of a territory for which our cognitive faculties are legislative. Those are domains governed by *necessary* lawful relations. There are two such domains for us: that of the theoretical laws of nature as dealt with in the first *Critique* and the domain of the moral laws of the second *Critique*. The third *Critique*, however, also considers those parts of the territory of experience where we have not discovered universal laws and where the most we can hope for are empirical concepts or vague notions. These are local habitats where order is ‘*contingent*’ (5: 174). Habitats exhibit what I would call the order of familiarity of where we happen to be. Although Kant does not assert this, each of these contexts exhibits a different modality of order. An analysis of how Kant uses these terms here indicates that a field is a sphere of mere possibilities, a territory defines what is possible for us, thus actualizable, a domain is governed by necessary laws, and a habitat is a local sphere of contingent but familiar order.

These modal distinctions will be used to clarify the scope of the reflective judgements that define aesthetic pleasure and organic order in what follows. Clive Cazeaux mentions three of these spheres in the course of an effort to characterize aesthetic experience in Kant as a metaphorical mode of thought. His claim is that none of these spheres really applies because metaphor is ‘*the disrespector of domains*’ (Cazeaux 2004: 11). But precisely because metaphors disrespect the determinacy of domains, they can traverse the other contexts. I will employ them as transitional horizons that are important in defining what Kant means by ‘the whole sphere’ of those who judge aesthetically. Aesthetic judgements are reflective judgements that are not content to rely on the concepts already made available by either our understanding or our reason for cognitively determining what is being represented. Here feeling cannot be excluded in coining new words, concepts or ideas to express our assessments of things.

Before we can expect to find anything approximating a concept to properly evaluate an aesthetic object, we need to contextualize it. In section III of the Introduction to the *CPJ*, Kant writes that, as a reflective power on its own, aesthetic judgement ‘can claim no field of objects as its *domain*, yet it can have some *territory*’ (5: 177). Domains are too well defined and conceptually ordered to do justice to spontaneous aesthetic representations. Since Kant indicates that there is always something unexpected about something that strikes us as beautiful, we could add that we come upon it as part of a contingent habitat that we are then expected to relate to the larger territory of human experience. The predicate ‘beautiful’ is a mere placeholder for a more considered assessment that needs to be made in conjunction with those who experience the world like us. It invokes a human communicability without appealing to ready concepts. Here our imagination ‘schematizes without a concept’ (5: 287) as we apprehend the play of forms in objects without fully determining them. Kant regards schematization as the core function of the imagination, namely, to project a figurative meaning on things. In the *Critique of Pure Reason*, the task of the imagination was to mediate between the conceptual universality of the categories and the particularity of empirical objects. There the function of schematization was to explicate the timeless rules of *a priori* categories as a lawful temporal ordering of experience. To schematize these concepts of the understanding is to *prefigure* the objective scientific ‘meaning (*Bedeutung*)’ (A146/B185) of the causal course of natural events. In the *CPJ* however, aesthetic schematization occurs without the guidance of concepts to *configure* more general states of affairs and to playfully *reconfigure* what we have already experienced. Aesthetically, the form of the objects of outer sense is enjoyed as a ‘play of shapes (in space, mime, and dance)’, and the contents of inner sense can be rhythmically conveyed in music as a ‘mere play of sensations (in time)’ (5: 226). Although Kant places priority on figurative form in the visual arts, he allows that colour can be an important supplement in that it can reinforce our attention to form and enliven its enjoyment. This leads him into an interesting discussion of *parerga* or addenda that are not inherently part of the *ergon* or work proper yet frame it in important ways so as to not indifferently fall outside it either. *Parerga* are said to be features of a work of art that ‘belong to it externally’ like ‘draperies on statues’ (*ibid.*) to make them more socially acceptable. A *parergon* is an ornamentation that fortuitously embellishes and is contrasted with a decorative ‘golden frame’ (*ibid.*) that the proud owner of painting adds to flaunt his possession of it. Ornamentation is acceptable if it evokes more than what is given and adds to the formal beauty of the work. The shiny gold frame,

however, is the kind of distracting border that shifts our attention away from the aesthetic value of the painting to its economic value. Kant considers it a charming decoration that cuts the painting off from its intersubjective human context. Given these tensions, Kant's *parerga* have been given a deconstructive reading,³ but they can also be interpreted as borderline features that invite recontextualization.

Borders are important contextual markers as we move through the world, but they should be permeable boundaries rather than reduced to limits. This is indeed true for the four orientational judgemental contexts that Kant delineated. Domains and habitats are both parts of the territory of human experience and fields can be said to border on its edges. The local region in which we feel at home counts as a habitat. Similarly, what is obscurely felt in inner sense can be regarded as a private habitat. However, not all feelings are so delimited in scope. Indeed, the feelings aroused by beauty can transpose us outside ourselves. Thus Kant claims that it would be 'self-contradictory' to assign the communicability of aesthetic pleasure immediately to 'the representation through which the object is given' (*CPJ*, 5: 217). Instead, the universal communicability of aesthetic beauty pertains to 'the state of mind in the given representation which, as the subjective condition of the judgment of taste, must serve as its ground and have the pleasure in the object as a consequence' (*ibid.*). As immediately given to me, a beautiful flower refers to the limited *habitat* of how I am affected, namely, the pleasurable psychic (*seelische*) state of my soul. But to aesthetically apprehend the flower is to imaginatively schematize it onto the larger *territory* of what can be humanly shared and produce a reflective pleasure that pervades one's mental state (*Gemüth*). Whereas in the first *Critique* the imaginative schemata inherent in pure concepts of the understanding linked them to objects in a law-bound domain, in the third *Critique* 'schematizing without a concept' has no predefined boundary. Here the imagination recontextualizes objects so that we can adopt a proper attitude toward them that allows our pleasure to be enhanced by being shared. Whereas the cognitive mode of schematization focuses on objects, the aesthetic mode of schematization places them in a broader medial context so that we can evaluate them intersubjectively. Kant has often been criticized for dwelling on the subjective aspects of aesthetic judgement and too little on the objective aspects. But the Kantian idea of schematic reconfiguration moves beyond that way of thinking by conceiving of aesthetic judgements as both intersubjective and worldly. They bring out the worldly import of a thing of beauty. Or as Karl Ameriks has argued, Kant expects an aesthetic judgement to be 'attuned to how *normal* human beings in general

should be ready to react to the public appearance of a relevant object' (Ameriks 2016: 395).

Aesthetic pleasure is shared not by discursive communication through concepts, but by the aesthetic communicability of a state of mind that can navigate among the judgemental contexts delineated in sections II and III of the Introduction to *CPJ*. What was a mere private sensation is transformed into a communal sentiment that Kant calls a *sensus communis*. We do this by comparing 'our judgment not so much with the *actual* as rather with the merely *possible* judgments of others' (5: 294). This means that in approaching the actual *territory* of human experience from the standpoint of our contingent *habitat*, we must also imagine this territory as surrounded by the *field* of the possible. In a proper judgement of taste, my relation to the represented object is mediated by the way my cognitive faculties function in attunement with human beings in general. Insofar as the harmonious interplay of my imagination and understanding in appreciating a beautiful painting enlivens the state of mind minimally necessary for cognition as such, Kant holds that aesthetic pleasure is in principle universally communicable. And if my pleasure possesses this communicability, I will be judging the aesthetic object, not just through its effect on me, but through my attitude of engagement with others. Once the felt pleasure has been reflectively recontextualized as a sharable state of mind, the assent that I give to a thing of beauty or a work of art will be a product of my engagement with other human beings and their hoped-for consent. Thus it is not enough to judge my own 'mental activity to be appropriate', and then 'take it that everyone ought to judge it in the same way that I do' (Ginsborg 2006: 58–9). That kind of legislative way of relating my assent to a thing's beauty to the hoped-for consent of others fails to do justice to the reciprocal engagement that Kant is really proposing.

To be sure, this engagement should not rely on popular taste that is provincial. Nor do we need to accept any traditional standards of taste because art is about creativity for which there are no standards of perfection. Kant is willing, however, to acknowledge that the tradition can provide precedents of admired art that may be taken into account, but it comes with the caution that

emulation (*Nachfolge*) of a precedent, rather than imitation (*Nachahmung*), is the correct expression for any influence that products of an exemplary author may have on others; and this means no more than drawing on the same sources from which

the predecessor himself drew, and learning from him only how to go about doing so. (*CPJ*, 5: 283)

To regard a historical precedent as exemplary is not to appeal to it as an example that is to be blindly followed or imitated. Its exemplariness lies not in being a determinate standard or ground, but in serving as a medial reference point to orient oneself by. To emulate what is exemplary is to bring out the normative nature of the aesthetic judgement. In *CPJ* §17 Kant begins to explore this when he discusses how ‘normal ideas’ of beauty relate to the normative ideal of beauty. Normal ideas of human beauty are originally based on regional familiarity and Kant accepts that they will differ for Europeans, the Chinese and Africans. These contextualized normal ideas are mere empirical averages and are unable to provide the imagination with the determinate rules for schematizing the normal idea of a more general human beauty. Only as part of the ideal of beauty, which must also include the rational idea of the purposes of humanity, can we fashion ‘the image of the whole species, hovering among all the singular and multiply varied intuitions of individuals’ (5: 234).

Genuine aesthetic purposiveness, however, is not aimed at an ideal cultural or moral purpose and is content with a free play of our cognitive powers. In *CPJ* §45 beauty is defined as that ‘which pleases in the mere judging’ (5: 306). With this Kant means that the purposiveness of beautiful form must not seem intentionally rulebound but a product of mere nature. This is where he then introduces the power of genius, which is defined as ‘the inborn predisposition of the mind (*ingenium*) through which nature gives the rule to art’ (5: 307). Genius is considered to be the natural talent that could come up with the new ideas that reflective judgement is looking for, and in §49 Kant goes on to speak of aesthetic ideas that take root in artistic genius from ‘undeveloped material of which the understanding took no regard in its concept’ (5: 317). An aesthetic idea is a representation of the imagination that ‘occasions much thinking’ (5: 314) although there are no available conceptual or linguistic expressions to communicate it to others. If the power of genius is to be not just idiosyncratic but creative, it must be made communicable by ‘expressing what is unnameable in its mental state’ (5: 317) but merely felt. What is needed is the spirited capacity to ‘apprehend the rapidly passing play of the imagination’ involved in the aesthetic idea and ‘unify it into a concept’ (*ibid.*). Genius is thus the power to imaginatively go beyond a determinate concept of the understanding by means of an aesthetic idea that suggests a field of possibilities, some of which are then expressed in a new concept

that is in some sense ‘reflective’. Such a concept ‘discloses a new rule, which could not have been deduced from any antecedent principles’ (ibid.).

Then in *CPJ* §59 the themes of aesthetic schematization and expression are expanded into the idea of *hypotyposis*, which makes room for linguistic symbolization. *Hypotyposis* is the medial process of giving presentational (*darstellend*) content to representational (*vorstellend*) thought. It can produce either a schematic mode of intuition that applies concepts directly to objective experience or a new mode of symbolization which is ‘indirect’ (5: 352) and ideational. Symbolization is about configuring relations among various contexts that allow creative artists and thinkers to make interpretative claims that go beyond their experience. What is suggested now is that the new concepts created by the expressive power of genius have a linguistic resonance that evokes analogues of sense. Symbolization adds a presentational medial dimension to aesthetic schematization that allows us to discern analogous relations among different contexts. Thus Kant shows how reflective judgement can apply a rule that makes sense of how things are related in a familiar and intuitible context in order to illuminate how things of a more ethereal nature can be related in a different, less familiar context. An example of this is Kant’s effort to exhibit the political differences between despotic and constitutional governments by comparing the former to machines that are controlled from without and the latter to organisms that are organized from within. There is no one-to-one intuitive correspondence between political and organic systems, merely a symbolic analogy that empowers the imagination. Such symbolic relations go beyond a subjective recontextualizing of things by suggesting structural resemblances among different objective contexts. However, if we are not careful in specifying these resemblances, we can disorient ourselves and fall into new amphibolies. To avoid such contextual confusions we must remind ourselves that the power to create a symbol ‘*Gegenbild: symbolum*’ (Refl-Anth 313a, 15: 123) is a mode of analogue-formation (*Gegen-bildung*). It is the power to discern indirect rather than literal counterparts in different contexts.⁴

Building on these reflections on symbolic analogues, the twentieth-century philosopher of art Susanne Langer can be seen to transform Kant’s appeal to formal aesthetic contextual differentiation into a theory of ‘presentational symbolism’ (Langer 1942: 97) that proposes that each art creates a distinctive illusory but objective sphere. Works of art detach things from their usual context in order to recontextualize them. The visual arts reorient our normal way of perceiving and articulate what Langer

calls a ‘*virtual space*’ (Langer 1953: 72). The space of our normal lives is amorphous, and the space of science is mathematically abstract. Only the visual arts create a virtual space and give it shape. This shape is still abstract in that it focuses on vision as distinct from the supporting data that are normally derived from the sense of touch and the muscular movements of our bodies. Virtual space is purely configurative, yet it gives the illusion or semblance of living form. Whereas music is said to be expressive of the inner life of the mind, the visual arts are expressive of life in a more biological sense as well according to Langer. They can give a semblance of ‘growth, movement, emotion, and everything that characterizes vital existence’ (Langer 1953: 82). Each visual art has its own symbolic mode of configuring space that gives it an ideational aspect. The essential function of a painting is to transform the flat physical surface of the canvas into a three-dimensional space that produces the semblance of a *virtual scene*. Sculpture is already physically three-dimensional and may seem less illusionary. But here the challenge is to disclose more than the bulk of a figure by showing how it commands the space around it. Langer calls the semblance of sculpture a *kinetic volume*. Whereas bodily volume is originally given to touch, the challenge of sculpture is ‘to make tactual space visible’ (Langer 1953: 90). What is embodied in a statue and what gives it life is the ‘expression of biological feeling, not the suggestion of biological function’ (Langer 1953: 89). The third kind of visual art is architecture, which creates another symbolic mode of virtual space. Although architecture as an art form has the function of housing human life, it does so in more than a protective sense. It creates a public structure that ‘detaches itself from its actual setting and acquires a different context’ that Langer thinks of as ‘an *ethnic domain*’ (Langer 1953: 47, 95). Since public buildings often house statues, Langer conceives of sculpture and architecture as creating complementary semblances. One could say that statues organize space by extending outward from a human self, whereas architecture reorganizes space by drawing human beings into itself and connecting them.

So far we have examined Kant’s subjective orientational use of reflective contexts in aesthetics and Langer’s artistic objective reorientational adaptations. Kant himself made a more objective purposive use of contextualization in the second half of the *CPJ* when describing the way organisms function. He schematizes organisms as contextual systems that are immanently purposive. Their lawfulness is adjusted to the contingencies of their surroundings. Thus their purposiveness is characterized as a ‘lawfulness of the contingent’ (5: 404). It is the lawfulness of coordinative functional order rather than subordinating predictive order. It inserts a

provisional tectonic of organic nature within the architectonic of a mechanistic nature.

Organisms are hybrid contexts, namely, domain-like systems that exist in a contingent habitat. In the case of plants, the surrounding habitat renders them immobile.⁵ But even the mobility of animate life is relative, for it occurs in a world where everything is subject to external forces. Spontaneous or pure movement can only occur in the open-ended field of thought. Animate life is both reactive and active because it is contextually bounded.⁶ Most animals remain within a favourable habitat. Humans as animate beings can change their habitat and move throughout the earth. But they will always be confronted by boundaries and, as we will see later, need to negotiate borderline issues.

Kant defines plants and animals as organic systems that cause changes that affect themselves in terms of their own growth. Each such organism is assumed to 'generate (*erzeugt*) itself as an *individual*' (*CPJ*, 5: 371) and be its own end. Kant writes that some parts in an

animal body (such as skin, bone, or hair) could be grasped as accumulations governed by merely mechanical laws. Yet the cause that provides the appropriate matter, that *modifies and forms* it in that way, and that deposits it in the pertinent locations must always be judged *teleologically*. Hence everything in such a body must be regarded as organized, and everything is also, in a certain relation to the thing itself, an organ in turn. (5: 377)

Formative modification rather than *motion* becomes the most basic way to describe how organisms function. Organisms manifest 'a self-propagating formative power (*fortplanzende bildende Kraft*), which cannot be explained through the capacity for movement alone (that is, mechanism)' (*CPJ*, 5: 374). The shift from movement to formative modification is important in that it makes room for plants as organic beings. But the assignment of purposiveness to plants and non-human animals that lack reason must be clarified. This teleological purposiveness is not like the conscious, and possibly rational, intentional purposes that humans project for themselves. Organic purposiveness is not externally projective in that way. Objectively describing an organism as internally organized is initially merely technically purposive, that is, for our way of judging. The objective claim about a formative purposive power is regulative or hypothetical, but it can be reflectively justified 'in behalf of our ability to cognize nature' (First Introduction, 20: 202) in terms of specific

contexts. Although such a judgement about purposiveness is subjective, Kant speaks of it as ‘*a priori*’ and ‘special’ (ibid.) for our human way of thinking. His reflective principle of judgement is thus an intersubjective transcendental condition for empirical human inquiry in contexts where mechanistic explanations are not available. As long as the ideal of a universal legislative order of nature cannot be fully filled in, Kant considers it appropriate to explore organisms as intermediate regions of organizational order. Contextualization is essential for Kant’s project of finding at least some kind of lawfulness in the contingencies of life. While it was clear that aesthetic reflective judgments are evaluative, to the extent that teleological reflective judgments provide organizational order they too become normative. They prescribe the contextual conditions for how further biological inquiry should proceed. This would turn out to also affect how historical inquiry would be conducted in the nineteenth century.

4. Historical Contexts, Socio-Cultural Systems and a Confederation of Nation-States

Before returning to Kant, I will briefly show how the idea of the immanent purposiveness of organic contextual systems came to be applied analogically to the socio-cultural systems of historical life. The German historicists of the nineteenth century were as much concerned with local historical life-contexts as with the Enlightenment focus on the overall arc of history. This development allows us to regard Kant’s habitat as a local sphere that is useful as an initial point of reference for the understanding of human historical life. For Wilhelm Dilthey it becomes the regional context from which human beings derive a kind of everyday *pre-scientific knowledge* (*Wissen*) (Dilthey 2002: 24, n. 1). In summarizing Dilthey’s project of a ‘Critique of Historical Reason’, we can call this an *assimilative* experiential stage of human life, in which we accept the commonalities of our region that define what he calls ‘elementary understanding (*Verstehen*)’ (2002: 229–31). But when we confront states of affairs that are more complex and that do not correspond to our expectations, we must look further. Then we appeal to what Dilthey called the ‘higher understanding’ (231–4) of *Verstand* that actively acquires the kind of ‘conceptual cognition (*Erkenntnis*)’ (1–2, 23–5) that takes broader territories into account. At this *acquisitive cognitive* stage, we seek to replace common sense with more reliable universal truths that can be methodically verified. Each of the natural sciences carves out a domain within which necessary or lawful relations can be established. Here the aim is to find causal explanations if possible. When the human sciences enter the scene they also confront

the *normative issues* that arise in regulating and organizing the main functions of historical life. This makes possible an *appropriate* stage⁷ in which both pre-scientific knowledge and scientific cognition are contextually reassessed as *reflective knowledge* (*Wissen*) (Dilthey 2002: 2–4). It aims at a more comprehensive mode of understanding (*Verstehen*) that Dilthey bases on self-reflection (*Selbstbesinnung*) (Dilthey 1989: 268), which is a hermeneutic variant of reflective judgment.⁸ Both rational and reflective comprehension in Kant and self-reflection in Dilthey rise to the level where the relation between theory and practice can be explored.

These three modes of assimilated knowledge, acquired cognition and appropriate reflective knowledge underscore how much contextual differentiation goes hand in hand with levels of judgmental discernment. What is experientially assimilated derives largely from local habitats and is content to find commonalities. What is more actively acquired aims at universal scientific domains. Physics and chemistry are mainly focused on intra- and inter-atomic relations. Biology and some of the statistical social sciences are more focused on the general processes that affect living creatures and their interrelations. But there are also more culturally oriented human sciences that call for historical interpretation, whereby the confluence of intersecting forces can be reflectively understood or comprehended. Instead of regarding history as one overarching world-process, Dilthey thought it more useful to analyse history contextually and focus on the various socio-economic and cultural systems that exhibit the kind of immanent purposiveness that Kant had ascribed to organisms in their specific habitats. Socio-economic and cultural systems extend over larger terrains by means of reciprocal networks. Although each of these organized domain-like systems has distinctive functions, they can also intersect in productive ways. This interactive convergence makes possible a more individuated understanding of historical development than the universal histories of Kant and Hegel. What mainly concerned Kant, however, was the way in which nation-states controlled the course of these systems for their own overriding interests. He saw their competitive urge to exert ownership of human affairs as a threat to world peace.

To deal with the problem of warfare among nations, Kant proposed the idea of a confederation of law-governed states that could peacefully resolve border conflicts. Because we live in a world with finite material resources, conflicting claims of ownership will inevitably arise. In his *Metaphysics of Morals* Kant attempts to frame the problem by conceiving the earth as originally a common possession. As Katrin Flikschuh points

out, this does not refer to ‘a historically actual state of affairs’ (Flikschuh 2000: 152–3). Kant only claims it as ‘a practical rational concept’ that grants human beings the right ‘to be wherever nature or chance (apart from their will) has placed them’ (*MM*, 6: 262). The natural right to occupy the contingent habitat (*Aufenthalt*) where human beings find themselves on this earthly territory (*Boden*) does not however entail the further right to turn it into their ‘property (*Besitz*) or lasting residence (*Sitz*)’ (ibid.) and thereby exclude others. The possession of land can only be justified by conceiving what is earthly in relation to what is communally worldly. The right to own land in this world depends on making sure that it does not deprive others of what they urgently need. How then can the right of individuals or groups of them to possess property coexist with the rights of others? There are for Kant three contextualizing moments in the process of validating the possession of property that can be correlated with the three predispositions of the human species that he defines in his writings on religion and anthropology. I will again characterize them as assimilative and acquisitive phases that prepare for a final normative appropriative one. The contextual values that guide us at each step will differ. This will mean that here practical reason will confront issues that require reflective judgement as well.

Kant’s first moment of defending the human possession of things is based on life-needs. It involves the simple ‘apprehension of an object that belongs to no one’ so that it does not appear to ‘conflict with another’s freedom’ (*MM*, 6: 258). This *assimilative* apprehension of property is a physical act of grasping it, which can only be considered proper if from the limited perspective of our local habitat we are not aware that anyone one else is, or might be, making a claim on it as well. This accords with the level of our ‘predisposition to animality’ which is said to define us ‘as living beings’ in *Religion within the Boundaries of Mere Reason* (6: 26). This first of three ‘original predispositions to good in human nature’ makes us primarily concerned to preserve and shelter ourselves and our offspring. Our interests at this stage are merely *unilateral* in being indifferent to those who are different. This kind of unilateral conception of property- or land-ownership would seem to support the traditional institution of inheritance based on kinship and even the establishment and preservation of nation-states.

The second contextualizing moment of legitimating property involves ‘designating or declaring (*Bezeichnung (declaratio)*)’ it as a possession by ‘an act of choice (*Willkür*)’ (*MM*, 6: 258) over against others. This corresponds to the level of the ‘predisposition to humanity’ (*Religion*, 6: 27)

whereby we regard ourselves as coexisting with others. The pragmatic goal here is to form the cultural skills to defend our standing within the social context that Kant defined as a territory, and when we find ourselves competing with others for something the solution is to establish a *bilateral* agreement. At this *acquisitive* stage we learn to curb some of our egoism on the basis of the calculation that our rivals will also curb theirs to attain a mutually beneficial outcome. We establish a social equilibrium that is '*bilateral*' like a 'contract of two (or more) persons' (*MM*, 6: 259) that each is expected to honour. By means of legal contracts we compromise in order to secure our most important pragmatic interests. Bilateral contracts have the authority of positive law so that their violation will have negative consequences such as public sanctions that could cause one to lose honour in the eyes of the other, receive a monetary fine, or be imprisoned. If nation-states have disputes about their borders then a bilateral resolution requires a treaty.

To move from the level of acquisition to the next level of appropriation requires that we act in accordance with, not only the letter of a legal agreement with others, but also the spirit of the moral law. At this third level we are expected to aim at deeds that can be validated '*omnilaterally* (*allseitig*)' (*MM*, 6: 259). This demands that we consider how our deeds as manifestations of our autonomous decisions affect the freedom of all others. Thus, in examining the right to *appropriate* property, Kant writes that it can only be completely justified if it becomes the 'will of all (*Willens Aller*)' (*ibid.*) who reside on this planet. Whereas the unilateral act of apprehension and the bilateral act of choice resulted in phenomenal possessions, the omnilateral deed of appropriation is said to produce a '*possessio noumenon*' (*ibid.*). But this reference to the domain of the noumenal can only be a metaphorical or symbolic claim that must be comprehended reflectively. If we were to interpret it as a determinant judgement, we could be accused of producing a new amphiboly. Something can be possessed noumenally only to the extent that the whole human community has consented. But how do we establish that except in terms of more limited communal contexts? On the level of reflective judgement, it suggests that if we are to possess something noumenally there should be a willingness to at least temporarily open up what is within our control to those outside, should the need arise. A reflective approach to appropriation is not meant to consolidate power, but to distribute it equitably. This generous reading goes beyond Kant's text, but he himself moves in that direction with his concept of hospitality that is introduced in *Perpetual Peace*, namely,

the right of a stranger not to be treated with hostility when he arrives on someone else's territory. He can indeed be turned away, if this can be done without causing his death (*Untergang*), but he must not be treated with hostility so long as he behaves in a peaceable manner in the place he happens to be. (8: 357–8; pp. 105–6)

This does not mean that strangers can expect to be received warmly as if they had a 'guest-right (*Gastrecht*)' (*PP*, 8: 358; p. 106). Hospitality only entails the right to be received civilly as a visitor. All human beings possess this 'right to visit (*Besuchsrecht*)' because they are entitled to 'present themselves in the society of others by virtue of their right to communal possession of the earth's surface. Since the earth is a globe, they cannot disperse over an infinite area, but must necessarily tolerate one another's company' (*ibid.*). We see Kant aiming for a reflective middle ground about this right of coexistence, by attacking the coastal dwellers on the Barbary coast for 'enslaving stranded seafarers' on the one hand and European colonialists for 'conquering foreign countries and peoples' (*ibid.*) on the other hand. His hope is that 'continents distant from each other [will] enter into peaceful mutual relations which may eventually be regulated by public laws, thus bringing the human race nearer and nearer to a cosmopolitan constitution' (*ibid.*).

There has been much debate of late about what Kant's right of hospitality entails. Seyla Benhabib has argued for conceiving it ethically as a right that 'is grounded upon the common humanity of each and every person and his or her freedom of the will' (Benhabib 2004: 20). Dilek Huseyinadegan finds no such ethical basis in Kant and has made the case that 'there is a peculiar political economy tied to the context of Kant's own formulation of the right of hospitality' (Huseyinadegan 2019: 150), namely, a Eurocentric interest in commerce. This may indeed be the case, but to conceive hospitality as a mere nonideal right apart from more ideal ethical considerations would not be proper either. We can see this when Kant comments on the decision of Japan to refuse 'access or contact (*Zugang*)' (*PP*, 8: 359; p. 107) with all European nations except the Dutch. This contact with the Dutch was a minimal condition that allowed for commercial trade. But even the Dutch were not allowed the more lasting 'entrance (*Eingang*)' (*ibid.*) that would normally be expected. Kant only judges this to be acceptable as a temporary policy because the Japanese were rightfully concerned about the way the Europeans had oppressed natives of the territories they had colonized. The limited 'access' that the Japanese authorities granted the Dutch

was for commerce or trade only. With a cosmopolitan confederation of nation-states, a more normal ‘entrance’ into other states would become a right, which would also allow for more extensive non-commercial modes of human exchange. This would include the right to seek refuge on foreign soil if the need should arise or circumstances beyond one’s control land you there. I earlier quoted Kant as saying that one should not be turned away if that could cause one’s *Untergang* (‘death’) (8: 358). There I followed H. B. Nesbit’s translation. However, a literal translation would be ‘downfall’, and I agree with Pauline Kleingeld that other harms such as torture should be included. Again, we are dealing with an issue that requires reflective judgement and takes specific contextual conditions into account. Kleingeld has also interpreted the right to hospitality to apply to refugees who actively flee war or political oppression. To those who claim that we should not read current problems of refugee migration due to war, oppression and climate change back into Kant’s time, Kleingeld points out that in Kant’s own time Prussia accepted many refugees fleeing from ‘religious intolerance and political oppression’ (Kleingeld 2012: 77). She also puts this in historical context (see Kleingeld 2012: 82) by describing how, in his 1798 commentary on Kant’s Doctrine of Right, Johann Heinrich Tieftrunk expands on how cosmopolitan right was defined more generally in the *Metaphysics of Morals*, namely, as the freedom to ‘interact with all others’ in a ‘thoroughgoing relation’ and to offer to enter ‘into exchange (*Verkehr*) with any other’ (*MM*, 6: 352). Again, as Kleingeld points out, exchange can mean more than commercial trade. Advocates of cosmopolitan rights attempt to overcome hard borders in a peaceful manner. A certain amount of access or hospitality should be normalized to manage the crossing of borders. Both intentional trade and unintended incursions need to be reflectively regulated so borders can be made permeable without losing their protective aspects. This also means that if what a nation does within its border has a negative effect on ‘neighbouring peoples (or families)’ then ‘resistance’ (6: 266) is appropriate. This problem has become increasingly evident because of widespread pollution emitted from industrial sites and it points to an intermediary source of sovereignty over land, namely, corporate ownership.

By allowing for resistance in the above circumstances, Kant is again relating the political issue of hospitality to the general domain of ethics. Huseyinadegan argues that whereas the inner freedom of morality is bound merely by the ideal universal rules of the categorical imperative, the outer freedom asserted in the rights of hospitality and property is constrained by nonideal limited contexts that are political and commercial

(see Huseyinzedegan 2019: 139). But this sets up too sharp a split, for when Kant considers moral duties of virtue such as benevolence, local conditions also come into play in deciding how much personal wealth to sacrifice and require reflective judgement to evaluate what is appropriate. The need for proper contextualization becomes a pervasive feature of Kant's philosophy once one realizes that reflective comprehension as he conceives it is always purposive relative to specific human needs. Although there is something subjective and hypothetical about Kant's regulative use of teleology, there is also a reflective normative dimension to it that makes him look for intersubjective consensus. Obviously, some of Kant's political proposals could no longer count on our consensus today and I can fully endorse Huseyinzedegan when she defends his use of 'teleology' in politics, 'not in terms of the specific claims that it produces in Kant's own thought, but as a hermeneutic invitation to political thought today to take into account' our own 'contingent human conditions' (Huseyinzedegan 2019: 162–3).

The problems of hospitality and human rights that Kant treats on the individual level have become increasingly large-scale as wars and other destructive forces such as droughts have led masses to migrate and seek asylum. Because this brings groups of different ethnic and racial origins as well as from conflicting religious traditions into contact, Kant cannot really help much here. And what he says about our pragmatic skills to civilize ourselves through culture is not adequate either. The problem is that Kant's conception of human culture is at best formally universal and fails to do justice to what we have come to know about the richness and complexity of cultures since his time. Indeed, it has become increasingly clear that culture manifests itself in distinctive ethnic configurations. For this reason, we need to make room for another legitimate form of human coexistence that falls between Kant's direct bilateral contract variety and his omnilateral all-encompassing kind. This will be a multilateral mode that needs to be culturally articulated. Kant only speaks of two kinds of culture: the culture of skill that is pragmatic and broad enough to include the political skill to 'coerce' us to submit to a 'cosmopolitan whole' and the culture of discipline that 'consists in the liberation of the will from the despotism of desires' (*CPJ*, 5: 432). The culture of skill aims at a cosmopolitan confederation that functions at the bilateral contractual level and the culture of discipline attempts to raise this to his omnilateral level of a moral kingdom of ends. But the kind of culture that results from aesthetic human engagement must take individuality into account and cannot abstract from ethnic differences. Human creativity will always be distributively multilateral and must therefore be

comprehended in reflective and contextualized ways. The Kantian aesthetic engagement discussed in section 3 was aimed at universal agreement in formal terms but could not assure it concerning content.

5. Practical Applications of Reflective Judgement

Despite the fact that Kant's formal horizontal contexts were abstractly defined, they can provide – together with the organizational systemic analogues that were added – a useful background for applying reflective judgement to deal with problems that arise when practical reason begins to confront the historical and cosmopolitan goals of his philosophy. Reflective contextualization is in effect a hermeneutical strategy for comprehensively dealing with worldly issues that need to be both understood theoretically and evaluated normatively. It is especially important for interpreting history, which is about as complex a subject matter as any. Thus in gathering the various accounts and documents that are left to us of past wars, historians can contextually frame them in terms of the actual territorial disputes at stake, and the contingent local habitats that may have sparked the conflict. Newspaper reports about battles and casualties will have a different status than the legal papers that document the outcome of the war. The latter will have to be made sense of in terms of the respective laws of the governmental domains involved. The various contextual discourses distinguished here intersect and are all relevant, but do not have equal force or validity and must be weighed reflectively in historical interpretation.⁹

All human action is prompted by the situation we find ourselves in. The practical judgement about what to do must take into account what earthly circumstances are unsatisfactory and what human tensions may stand in our way of progress. Before deciding what we can do to right a situation, we need to assess what the real problem is and that requires reflective judgement. Onora O'Neill, however, claims that because practical judgements project into the future, they can be neither determinant nor reflective as Kant defined them. She assumes that both these kinds of judgements are purely theoretical and 'about what is the case or is hypothetically the case' (O'Neill 2018: 20). Practical judgements are different according to O'Neill because they do not aim to '*fit the world*' but to '*shape the world or to specify how it should be shaped*' (O'Neill 2018: 24). Although this characterization of practical judgements is apt, it does not acknowledge the fact that Kant also allows for determinant and reflective judgements that are normative and thus not merely descriptive. The rule that whatever we set out to do must be in accordance with the categorical imperative is a determinant moral

judgement. Similarly, the reflective judgement that something is beautiful imputes a sharable human value to it even though we have no available descriptive label for it. Reflective judgements are evaluative and can indicate not only what we feel to be right about the world but also what is wrong with it. Moreover, we saw that Kant spoke of reflective judgements as being provisionally inferential. This means that they can overlap with the process of making a practical judgement.

O'Neill claims that 'practical judgement is typically a matter of finding some way – at least one way – of acting that satisfies a large number of distinct aims, standards, rules, principles and laws' (O'Neill 2018: 23). This means that practical judgements are complex in coordinating various demands, but that is precisely what reflective judgements are capable of as well. They are coordinative in being able to negotiate different contextual factors. They should be involved in weighing what to do and set priorities for how best to achieve specific ends.

When discussing a medical diagnosis, O'Neill does admit that 'determinant judgement may be needed to answer questions such as "Is this patient's fever malaria?"' and that 'reflective judgement may be needed in order to consider more openly what sort of disease a patient's symptoms suggest' (O'Neill 2018: 124). But such diagnostic judgements need not be merely preparatory, for they can already include the awareness of a possible treatment. Only if there are alternative treatments is there a need for a further practical judgement to choose among them. Once a decision about a course of action has been made, many more adjustments are likely to be called for. If a patient does not respond to the chosen treatment, a reassessment becomes necessary. And as the aesthetic engagement of reflective judgement suggests, this should initiate an inter-subjective process that includes the patient. There are bound to be things that patients know about their local circumstances that are relevant. The cognitive insights that medical doctors have acquired from their training do not always trump what can be learned from local ways of coping with ailments, especially if they are aggravated by regional conditions. And when medical matters become more directly moral so as to affect the dignity of the patient being treated, it is crucial that practical judgements be made a part of an overall evaluative and attitudinal context that is informed by both determinant and reflective judgements. Practical judging can thus be fit into the reflective framework of comprehension that we have derived from Kant.

I have explicated the relation between rational comprehension and reflective judgment as a way of dealing with particular situations that we have not been able to account for based on accepted universal truths and determinant laws of science. This explorative reflective approach develops orientational parameters that allow us to reconceive at least some of those particulars as contextual points of intersection exhibiting individuating qualities that can be analogically specified. But more than a heuristic for further inquiry, this expanded conception of reflective judgment can bridge the gap between theory and practice. It allows us to specify how the ideal principles of Kant's moral philosophy can be brought into relation with the non-ideal conditions of historical life.

Notes

- 1 Except for citation from the *Critique of Pure Reason*, in standard 'A/B' format, citations will refer to volume and page number (v: p) in the Academy Edition of Kant's works (Kant 1900–). Translations (occasionally modified, e.g. when the German is inserted) and (for works frequently cited) abbreviations are as follows. *PP* = *Toward Perpetual Peace* (in Kant 1970), *Prolegomena to any Future Metaphysics* (Kant 1996a), *MM* = *The Metaphysics of Morals* (Kant 1996b), *Lectures on Logic* (Kant 1992), *Religion within the Bounds of Mere Reason* and 'What does it Mean to Orient Oneself in Thinking' (in Kant 1998), *Critique of Pure Reason* (Kant 1999), *CPJ* = *Critique of the Power of Judgement* (Kant 2000). *Reflexionen* (Refl-Logic, Refl-Anth) will be cited by the Academy numbering of the *Reflexion* in addition to the volume and page number.
- 2 Throughout, pagination is provided for a translation (see n. 1) only when the latter does not contain the Academy citation by both volume and page in its margins.
- 3 See Derrida 1987: 71.
- 4 For more details about *Gegenbildung* see Makkreel 1990: 13–15, 19, 123.
- 5 Darwin wrote about movement in plants, but they cannot uproot themselves to move around.
- 6 Kant conceives of life as primarily mental and only derivatively biological. See Makkreel 1990: 88–107.
- 7 The distinction between assimilative, acquisitive and appropriative modes of consciousness that I have applied to both Kant and Dilthey is not used by either of them, but allows me to point to similar levels in both thinkers. Although they can be seen as stages, we never stop assimilating views and attitudes throughout our life, which makes the distinction especially useful for hermeneutical purposes. See Makkreel 2015: 83, 194–5, 223.
- 8 I have long argued that the explanation–understanding distinction used by Dilthey to differentiate the natural and the human sciences is a provisional distinction that should be seen as overlapping in certain ways with Kant's determinant–reflective judgment distinction. For the latest version see Makkreel 2015: 6, 157–8.
- 9 For further applications of these and other contexts in critical diagnostic hermeneutics, see Makkreel 2015: 2–3, 55, 161–72.

References

- Ameriks, Karl (2016) 'Ginsborg, Nature, and Normativity'. *British Journal of Aesthetics*, 56(4), 389–95.
- Benhabib, Seyla (2004) *The Rights of Others: Aliens, Residents, and Citizens*. Cambridge: Cambridge University Press.

- Cazeaux, Clive (2004) 'Kant and Metaphor in Contemporary Aesthetics'. *Kantian Review*, 8(1), 1–37.
- Derrida, Jacques (1987) *The Truth in Painting*. Trans. Geoff Bennington and Ian McLeod. Chicago: University of Chicago Press.
- Dilthey, Wilhelm (1989) *Introduction to the Human Sciences: Selected Works*, vol. 1, ed. and trans. Rudolf A. Makkreel and Frithjof Rodi. Princeton: Princeton University Press.
- (2002) *The Formation of the Historical World in the Human Sciences: Selected Works*, vol. 3, ed. and trans. Rudolf A. Makkreel and Frithjof Rodi. Princeton: Princeton University Press.
- Flikschuh, Katrin (2000) *Kant and Modern Political Philosophy*. Cambridge: Cambridge University Press.
- Ginsborg, Hannah (2006) 'Thinking the Particular as Contained under the Universal'. In Rebecca Kukla (ed.), *Aesthetics and Cognition in Kant's Critical Philosophy* (Cambridge: Cambridge University Press), 35–60.
- Huseynzadegan, Dilek (2019) *Kant's Nonideal Theory of Politics*. Evanston, IL: Northwestern University Press.
- Kant, I. (1900–) *Gesammelte Schriften*. Ed. Prussian Royal (later German, then Berlin-Brandenburg) Academy of the Sciences. Berlin: George Reimer (later Walter de Gruyter).
- (1970) *Kant: Political Writings*. Ed. Hans Reiss, trans. H. B. Nisbet. Cambridge: Cambridge University Press.
- (1992) *Lectures on Logic*. Ed. and trans. J. M. Young. Cambridge: Cambridge University Press.
- (1996a) *Prolegomena to Any Future Metaphysics*. Trans. Paul Carus in Beryl Logan (ed.), *Prolegomena to Any Future Metaphysics in Focus*. London: Routledge.
- (1996b) *The Metaphysics of Morals*. Ed. and trans. M. Gregor. Cambridge: Cambridge University Press.
- (1998) *Religion within the Boundaries of Mere Reason and Other Writings*. Ed. and trans. A. Wood and G. di Giovanni. Cambridge: Cambridge University Press.
- (1999) *Critique of Pure Reason*. Ed. and trans. P. Guyer and A. Wood. Cambridge: Cambridge University Press.
- (2000) *Critique of the Power of Judgment*. Ed. P. Guyer, trans. P. Guyer and E. Matthews. Cambridge: Cambridge University Press.
- Kleingeld, Pauline (2012) *Kant and Cosmopolitanism: The Philosophical Ideal of World Citizenship*. Cambridge: Cambridge University Press.
- Langer, Susanne K. (1942) *Philosophy in a New Key: A Study in the Symbolism of Reason, Rite and Art*. Cambridge, MA: Harvard University Press.
- (1953) *Feeling and Form: A Theory of Art Developed from Philosophy in a New Key*. New York: Charles Scribner's Sons.
- Longuenesse, Béatrice (1998) *Kant and the Capacity to Judge*. Trans. Charles T. Wolfe. Princeton: Princeton University Press.
- Makkreel, Rudolf (1990) *Imagination and Interpretation in Kant: The Hermeneutical Import of the Critique of Judgment*. Chicago: University of Chicago Press.
- (2015) *Orientation and Judgment in Hermeneutics*. Chicago: University of Chicago Press.
- (2018) 'Kant on Cognition, Comprehension, and Knowledge'. In Violetta Waibel and Margit Ruffing (eds), *Natur und Freiheit: Akten des XII. Kant-Kongresses 2015* (Berlin: Walter de Gruyter), 1297–1304.
- O'Neill, Onora (2018) *From Principles to Practice: Normativity and Judgement in Ethics and Politics*. Cambridge: Cambridge University Press.