

Regulative Principles and Reflective Judgment

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In this paper I want to deal with a problem that has been raised in a number of responses to the *Critique of Judgment*. This is the problem of how to relate the considerations that are presented by Kant in the two introductions to the *Critique of Judgment* to the concluding considerations in the Appendix to the Transcendental Dialectic of the *Critique of Pure Reason*. Briefly, the problem that commentators have identified here, is this: in the *Critique of Pure Reason* Kant addresses a question concerning systematicity and purposive unity and does so in relation to regulative principles of reason. Having gone through these questions in the way he does there, however, Kant, it is suggested, essentially reprises the same material in motivating the special principle of reflective judgment since here he once again treats questions of purposiveness and systematic unity though, in so doing, he appears not to show any cognisance of his earlier dealings with this problem. As Paul Guyer puts this, he appears simply to “reassign” to reflective judgment the principles earlier described as belonging to reason.¹ Since it would be unsatisfactory to think that Kant has simply switched the faculty to which he ascribes the function of providing an overall discussion of systematicity and purposive unity some trouble has been spent attempting to describe distinctions between reflective judgment and the regulative principles of reason but it would hardly be an understatement to say that this

¹ Guyer uses this notion of “reassignment” at the opening of P. Guyer

question remains mired in serious confusion. In response to this situation I will here attempt to explicate the reasons for thinking that the treatments of systematicity and purposiveness in the two works are not as close as commentators have tended to think and that they rather address distinct problems the separation of which it is important to grasp in order to understand Kant's claims to have provided us with a critical philosophy of experience.

The Principles of Harmony

The problem of coming to an overview of the whole of nature such that we describe its systematicity is something that does not only characterise the arguments of the two critiques that I have mentioned but originates even earlier in Kant's philosophical development. In the concluding section of the *Inaugural Dissertation* Kant refers to principles that rest on "the laws of the cognition which belongs to the understanding itself" (Ak. 2: 418). These are termed by Kant "principles of harmony" which are further presented here as rules of judging and the reason for understanding these principles in this way is that because, so it is declared, "*if we abandoned them, our understanding would scarcely be able to make any judgments about a given object at all*" (Ak. 2: 418). Three principles are listed as performing this role though only two of them will later have roles that we can see will be comparable in the Critical philosophy. The first principle is what we might term a general principle of naturalism as it is the claim that "*all things in the universe take place in accordance with the order of nature*" (Ak. 2: 418), a principle that is referred back

to Epicurus.² On this basis we can rule out miracles, much as Kant will later, in the discussion of the principles that emerge after consideration of the Postulates of Empirical Thought, rule out fate and blind chance. (A227-30/B280-82). At this point Kant is direct in making clear the basis of the principle of naturalism which is that without it we would have to give ground to “shadows of species and causes which are unknown to us” (Ak. 2: 418).

The second principle is none other than Occam’s Razor, specified here as a principle that governs our use of principles, that is, as the rule that principles should not be multiplied beyond necessity. The point of this principle concerns our search for “causal unity” in the world, a unity which we do not clearly see in experience but which “we are rather driven to search for” by an impulse of our understanding as the understanding is apparently only successful in accounting for phenomena if it is able “to descend from a single principle to a number of things determined by that ground” (Ak. 2: 418). So, the principle of Occam’s Razor, the principle that restricts our use of principles, is one that is justified in relation to an understanding of the unity of phenomena, specifically in relation to causes. Finally, the third principle that Kant lists is to the effect that material things do not pass away, a clear anticipation of the discussion of the first law of mechanics and hence involves a placing of what will later be termed a metaphysical principle alongside a transcendental one.³ Whilst this demonstrates that the account of the principles of harmony is not yet in accord with an important Critical distinction, the discussion of this

² Epicurus is identified as someone who adopts the principle without any restriction but all philosophers (with “the rarest exceptions”!) are said to subscribe to it.

³ For the key distinction between these notions see Ak. 5: 181, a passage to which I will return later.

principle is one that fits that of the two previous as the justification of it is to the effect that if matter were taken to be in flux that there would be nothing fixed and enduring, an outcome which would prevent there being stable laws of the understanding.

The discussion of these principles in the *Dissertation* is one that it is easy to show relates very well to the problems that we can loosely group together under the heading of principles required to demonstrate that there is sufficient purposive unity for us to formulate clear and coherent concepts and laws descriptive in a general sense of the nature that we are part of. Since Kant does not yet have the notion that there are principles that are “transcendental” in the Critical sense the question as to whether these principles merit such a title naturally does not arise within the text of the *Dissertation*.

Reason and Hypothetical Judgment

In a debate concerning the relationship between the regulative principles of reason and the principle of reflective judgment Rolf-Peter Horstmann and Reinhardt Brandt disagree, amongst other things, about the status of the nature of what is referred to in the *Critique of Pure Reason* as “hypothetical judgment”.⁴ The notion of hypothetical judgment is, along with the general notion of regulative principles of pure reason, introduced in the “Appendix” to the Transcendental Dialectic, the place where Kant turns to an account of the positive uses of reason. There are a great many interesting sides to the consideration of this notion of

⁴ See R.P. Horstmann (1989) “Why Must There Be A Transcendental Deduction in Kant’s *Critique of Judgment*?” and R. Brandt (1989) “The Deductions in the *Critique of Judgment*: Comments on Hampshire and Horstmann” in E. Förster (ed.) (1989) *Kant’s Transcendental Deductions: The Three Critiques and the Opus Postumum* (Stanford University Press: Stanford).

“hypothetical judgment” which emerges for consideration after Kant has stated that the transcendental ideas can have no legitimate constitutive employment as any attempt to provide this gives us only concepts that are “pseudo-rational”. Whilst the transcendental ideas do not, due to this stricture, relate to concepts of objects, they do have, we are informed, “an excellent, and indeed indispensably necessary” employment, namely the regulative task of “directing the understanding towards a certain goal” (A644/B672). The goal is one of pointing towards a place where all the understanding’s rules converge and which enables the concepts of understanding to thereby be given the greatest possible unity and the greatest possible extension. In other words, the regulative employment of reason’s transcendental ideas is one of prescribing *systematisation* according to “the form of a whole of knowledge”, a whole which is prior to the determinate parts and which “contains the conditions that determine *a priori* for every part its position and relation to the other parts” (A645/B673).

The idea of systematisation as here discussed supposes a complete unity in the cognitions of the understanding and adopts this notion of such unity as “a rule for the understanding”. If this rule is thus one that directs the operation of the understanding it is akin to the principles of harmony of the *Dissertation* as those principles were described as “laws of the cognition which belongs to the understanding itself” whilst not being principles that the understanding itself prescribed. However, after introducing this general principle of systematisation Kant makes two distinct following moves. Firstly, Kant mentions one of the ways in which the procedure of reason’s systematisation helps the interrogation of nature. This is through the formation of such idealisations as “pure earth, pure water, pure air” which are not themselves to be found anywhere but which do help to formulate the

sense of nature in general as a system by means of showing what is meant by mechanism. The illustration of this procedure is fascinating:

Thus in order to explain the chemical interaction of bodies in accordance with the idea of a mechanism, every kind of matter is reduced to earths (*qua* mere weight), to salts and inflammable substances (*qua* force), and to water and air as vehicles (machines, as it were, by which the first two produce their effects). (A646/B674)

Here the conception of mechanism is presented not merely as requiring a series of reductions to be operative but also as relating the reductive formulations to each other in a systematic manner by means of the idealisations that are effects of the procedures of reason. In this way, it appears that Kant expresses the sense of mechanism as requiring a kind of cooperation of reason with understanding. The nature and sense of it is part of what is at issue in the disputes concerning the relationship between the regulative principles of reason and the principle of reflective judgment. To probe this question further, however, it is time to introduce, as Kant does directly after this striking illustration, the notion of hypothetical judgment. The systematic comprehension of mechanism is immediately followed by a contrast Kant draws between two types of use of judgment and this contrast is worthy of an extended citation:

If reason is a faculty of deducing the particular from the universal, and if the universal is already *certain in itself* and given, only *judgment* is required to execute the process of subsumption, and the particular is thereby determined in a necessary manner. This I shall entitle the apodeictic use of reason. If, however, the universal is admitted as

problematic only, and is a mere idea, the particular is certain, but the universality of the rule of which it is a consequence is still a problem. Several particular instances, which are one and all certain, are scrutinised in view of the rule, to see whether they follow from it. If it then appears that all particular instances which can be cited follow from the rule, we argue to its universality, and from this again to all particular instances, even to those which are not themselves given. This I shall entitle the hypothetical employment of reason. (A646-7/B674-5)

The contrast between these two uses of judgment concerns two manners by which *reason* judges as is clear from the opening sentence of this citation. Reason can either judge by means of taking the universal to be certain (which would be a simple act of subsumption of the particular under the universal) or by means of taking only the particular as certain so that there is a move from the particulars to a universal that is adopted hypothetically as a possible way of accounting for the particulars. In the hypothetical judgment of reason it would seem there is a reflection on the particulars in terms of whether they follow the putatively universal rule in order to check whether this rule does indeed cover all the cases to which it is meant to apply. Only if the rule is one that can be seen to follow from the particulars is the rule adopted as one that would be applicable to particulars that are not currently given and hence allowed an explanatory role for such particulars.

This hypothetical use of reason is one that can't strictly allow for proof of the universality of the rule adopted since there is no means of telling in advance whether particulars of subsequent sort will fit the rule that has been hypothetically adopted. Hence this rule

only *approximates* to universality.⁵ The hypothetical use of reason follows the general principle of reason of seeking for systematisation in terms of the unity of the knowledge of understanding and this search for such unity is what Kant terms “the *criterion of the truth* of its rules” (A647/B675). The unity in question is not, however, given but is only to be taken as a problem for which we search and is, in this respect, akin to the second rule of harmony of the *Dissertation*. Two problems have plagued the interpretation of the account of the hypothetical judgment of reason. Firstly, as Kemp Smith put it, the treatment of the section in which it is given is thought to be “extremely self-contradictory”.⁶ The reason for this view concerns the apparent oscillation between viewing the regulative principles of reason on the model of hypothetical judgment on the one hand, viz., as subjectively necessary, and, a view which we encounter very shortly afterwards, of taking these principles to have, by contrast, a transcendental and objective status. Secondly, although related to this point, is the question concerning the relationship between the hypothetical employment of reason and the principle of reflective judgment. These two problems are related since the move from subjective necessity to an objective status within the argument of the Dialectic takes us past the standpoint of the hypothetical use of reason to something else whilst the suggestion that transcendental principles should be characterised as affirming an objective kind of necessity leads to problems with regard to the specific principle of reflective judgment.

⁵ In this approximation the rule in question is akin to what Kant, in the “Introduction” to the *Critique of Pure Reason* termed “assumed and comparative” universality (B3). However, whilst the standpoint of the “Introduction” implies that this universality arises from experience we can see from the Appendix that it is rather something that is imputed to experience.

⁶ Norman Kemp Smith (1918) *A Commentary to Kant's 'Critique of Pure Reason'* (Macmillan: London and New York), p. 547.

Prior to providing a more comprehensive account of the relationship of the hypothetical use of reason to the more general transcendental uses of regulative principles I want first to mention a way in which the specific operation of this hypothetical use does relate to reflective judgment, in terms of an element of the general characterisation of the latter's principle that is present in both versions of the introduction to the *Critique of Judgment*. This is in terms of systematicity being seen primarily through the lenses of a *logical system*.

Logical Systematicity

The specific mode of operation of the hypothetical use of reason is in terms of a logical principle. The general function of reason, when viewed in these terms, is to provide a single principle that is given to understanding in order to guide the diverse rules of understanding with the aim of securing the coherence of these rules. The basic operation of this logical principle is through connection of the principle of genera, which postulates identity to the principle of species which identifies diversity by prescribing to understanding that these two are connected together despite their apparently opposite pull. The system of such logical connection is laid out clearly by Kant as a means by which reason prepares understanding and is specified in the following way:

(1) through a principle of the *homogeneity* of the manifold under higher genera; (2) through a principle of the *variety* of the homogeneous under lower species; and (3) in order to complete this systematic unity, a further law, that of the *affinity* of all concepts—a law which prescribes that we proceed from each species to every other by gradual increase of the diversity. (A657-8/B685-6)

This general logical way of presenting the procedure of reason fits with the initial account of its deployment of a hypothetical mode of judgment. Rudolf Makkreel, in objecting to the comparison of this to the procedure by which the special principle of reflective judgment is meant to operate states that the latter is meant to overcome the view of systematisation as merely possessing a hypothetical character.⁷ The reason Makkreel takes this to be the case is due to the specific claim that the principle of reflective judgment is a transcendental principle and this implies that Makkreel does not view transcendental principles as possessing such hypothetical status. The question of the transcendental status of the special principle of reflective judgment is one I will return to in due course but, it is worth initially pointing out, that the citation just given from the *Critique of Pure Reason* matches very closely the generic description of the procedure of reflective judgment that is presented in both the introductions to the *Critique of Judgment*. In the “First Introduction” Kant describes the principle of reflective judgment as “merely a principle *for the logical use of judgment*” adding that, “it allows us only to regard nature a priori as having in its diversity the quality of a *logical system* under empirical laws” (Ak. 20: 214). The specific reference to diversity here shows a clear connection with the way in which logical systemisation is laid out in the *Critique of Pure Reason* and this is confirmed when Kant writes of the logical form of a system through species and genera (Ak. 20: 213). Similarly, in the published second introduction, Kant speaks of the *a priori* principle that has to be laid at the basis of all reflection on nature as the requirement that a cognisable order of nature is possible and proceeds to

⁷ Rudolf A. Makkreel (1990) *Imagination and Interpretation in Kant: The Hermeneutical Import of the Critique of Judgment* (University of Chicago Press: Chicago and London), p. 57.

express this again through descriptions of species and genera (Ak. 5: 185). Hence, it would appear that the first form of connection between the hypothetical use of reason and the specific principle of reflective judgment can be found in the form of systematisation that is at work in both through the formality of logical classification. On these grounds it is difficult to see a basis for Makkreel's suggestion that characterising the principle of reflective judgment as transcendental is sufficient to differentiate it from the hypothetical deployment of reason. In order to take further the comparison, and distinction, between the argument of the Appendix to the Transcendental Dialectic, and that of the introductions to the *Critique of Judgment*, it will now be useful to ask a question concerning this characterisation of principles as transcendental, and to see the manner in which Kant moves beyond the hypothetical use of reason in the earlier text.

From Hypothetical Judgment to Empirical Unity

If there is a basis for an at least initial connection between the hypothetical use of reason and the principle of reflective judgment due to the comprehension of systematicity as a logical connection of concepts it is worth next pointing to the problem with this connection. This is to the effect that the unity in general which the principle of reflective judgment is concerned with is one that is, in some sense, as Makkreel rightly pointed out, transcendental and that such transcendental unity most surely be the basis of a logical system. If that challenge has, in any case, the drawback that it does not address the manner in which logical systematisation is at work in the discussion of reflective judgment it also suffers from the converse problem that the overall discussion of the Appendix to the Transcendental Dialectic has been faulted precisely

for not *only* being logical in presentation.⁸ After outlining the hypothetical deployment of reason Kant mentions for the first time a view of systematic unity that would make it necessary not only logically and subjectively but objectively also and thereby would assert a transcendental principle of reason. Further, Kant goes on to illustrate how such a transcendental principle could be applied by mentioning the various appearances of a substance that can make it appear to have great diversity in its causal operation and suggests the notion of a fundamental power underlying all these. When we work at the level of the transcendental employment of understanding this notion of a fundamental power is not treated only as a problem but as something that also has objective reality. Kant now mentions the same principle of parsimony that was treated in the *Dissertation* as the second principle of harmony: “In all such cases reason presupposes the systematic unity of the various powers, on the ground that special natural laws fall under more general laws, and that parsimony in principles is not only an economical requirement of reason, but is one of nature’s own laws” (A650/B678).

After making this claim to the effect that reason supposes that the operation of nature is in accord with parsimony of principles Kant moves on to the argument that the logical principle of unity of rules appears to presuppose a transcendental principle that such systematic unity “is *a priori* assumed to be necessarily inherent in the objects” (A651/B679). The basis of this claim is stated quickly afterwards and

⁸ Whilst Horstmann presents the discussion of the Appendix to the Transcendental Dialectic as explicitly excluding transcendental principles he is forced to admit that it is difficult to sustain such a view whilst Brandt, by contrast, explicitly acknowledges the transcendental principles asserted by Kant here but has difficulty in accepting that Kant should be claiming that there are such transcendental principles.

relates to the hypothetical use of reason in an unexpected way:

The law of reason which requires us to seek for this unity, is a necessary law, since without it we should have no reason at all, and without reason no coherent employment of the understanding, and in the absence of this no sufficient criterion of empirical truth. In order, therefore, to secure an empirical criterion we have no option save to presuppose the systematic unity of nature as objectively valid and necessary. (A651/B679).

The reference to the criterion of empirical truth refers back to the hypothetical use of reason in the sense that the hypothetical employment of reason had the aim of securing the systematic unity of the knowledge of understanding and this systematic unity was there described as the *criterion* of truth of *the understanding's* rules.⁹ This criterion is now invoked again but this time not merely to assert the need for a logical principle of reason but rather to indicate that the principle of reason in question is a necessary presupposition that is objectively valid.

After introducing this principle as a transcendental one Kant goes on to claim that the principle asserted in Occam's Razor is one that "declares that things by their very nature supply material for the unity of reason" (A652/B680). In responding to the view that this principle is, by contrast, merely an economical contrivance adopted by reason to save it from problems, Kant asserts that it is rather the case that

⁹ This, at least, is how I read the sentence at A647/B675 and in doing so I follow the lead of Werner Pluhar's translation which, unlike those of Kemp Smith and Guyer and Wood, treats the sentence explicitly this way. The German reads: "Der hypothetische Vernunftgebrauch geht also auf die systematische Einheit der Verstandeserkenntnisse, diese aber ist der Probestein der Wahrheit der Regeln."

“everyone presupposes” that this unity of reason “accords with nature itself” as reason “does not here beg but command” (A653/B681). As such, the principle in question appears to be a condition of the possibility of experience, even though it is not a constitutive principle of understanding.¹⁰ The principle is subsequently specified further by Kant so that the notions of manifoldness, affinity and unity are given as transcendental correlates to the logical form of the system here described and are determined as “synthetic *a priori* propositions” that possess “objective but indeterminate validity” and which “serve as rules for possible experience” (A663/B691). The most general description of the procedure whereby these transcendental principles of reason operate is as follows:

Since every principle which prescribes *a priori* to the understanding throughgoing unity in its employment, also holds, although only indirectly, of the object of experience, the principles of pure reason must also have objective reality in respect of that object, not, however, in order to *determine* anything in it, but only in order to indicate the procedure whereby the empirical and determinate employment of the understanding can be brought into complete harmony with itself. This achieved by

¹⁰ This is directly asserted by Ido Geiger: “the idea of systematic unity is a necessary condition for experience yet not constitutive of it”. I. Geiger (2003) “Is the Assumption of a Systematic Whole of Empirical Concepts a Necessary Condition of Knowledge?” *Kant-Studien* 94: p. 293. Suma Rajiva similarly describes the empirical unity attained through the criterion of empirical unity as a “transcendental principle and not merely a heuristic one”. S. Rajiva (2006) “Is Hypothetical Reason a Precursor to Reflective Judgment?” *Kant-Studien* 97, p.120. Paul Abela also favours the general view that: “it is the operation of reason (injecting unity as a condition of comprehension and explanation), in *conjunction* with the content supplied by the understanding, that secures the original discrimination of empirical regularities”. P. Abela (2002) *Kant’s Empirical Realism* (Clarendon Press: Oxford and New York), p. 285.

bringing its employment, so far as may be possible, into connection with the principle of thoroughgoing unity, and by determining its procedure in the light of this principle. (A665-6/B693-4)

This description of the objective reality of the application of the principles of pure reason accords with the earlier statement of their “objective but indeterminate validity” and serves to mark the principles in question as regulative and yet transcendental. It is these principles that should be compared to the principle of reflective judgment and not the mere procedure of the hypothetical use of reason.¹¹ What these principles promote is a generic principle of *empirical unity* which is not, however, given any determinate sense in relation to specific elements of experience but only in terms of the overall conception of such experience through objective principles that are required for it to be possible. In this respect the regulative principles of reason are in accord with the general picture of nature in the *Critique of Pure Reason*.

Reflective Judgment and the System of Empirical Nature

Developing a clear comprehension of the status of the regulative principles of reason has two advantages in relation to approaching the specific principle of reflective judgment. On the one hand, in determining the regulative principles of reason as of a piece with the general approach of the *Critique of Pure Reason* to the understanding of nature, it will now be possible to mark a difference between these principles and the specific principle of reflective

¹¹ This view is thus in agreement with the argument of Suma Rajiva’s earlier cited article.

judgment. On the other hand, in showing that the regulative principles of reason are *transcendental* principles it will be possible to mark a closeness between these principles and the specific principle of reflective judgment that should help to defuse the charge that the latter marks an eccentric use of the term “transcendental”. I will take these points now in turn.

The regulative principles of reason are part of the approach of the *Critique of Pure Reason* towards nature in general as, although they do provide a criterion of empirical truth that is part of the condition of coherence of empirical concepts, they do not specify anything particular concerning empirical laws. One of the few places where empirical laws are referred to in the *Critique of Pure Reason* is in the B-Deduction where we are told that these laws cannot be derived from the categories in their specific character and that any knowledge of them must be taken from experience itself (B165).¹²

The justification of the provision of a specific principle of judgment in the introductions to the *Critique of Judgment* undergoes some alteration between the writing of the “First Introduction” and the presentation of Kant’s published second introduction, not least due to the prominence in the latter of the argument for this principle as something that will enable bridging the gulf between the concept of nature and the concept of freedom. However, despite these differences, there is contained in both a specific argument concerning the need for a new transcendental principle that will enable a comprehension of empirical laws in a way that, whilst drawing on the logical form

¹² Kant does here add that what can be known as an object of experience can, however, only be based on the *a priori* laws that we have taken from the categories. On this basis Paul Guyer writes: “No additional *a priori* assumptions of a substantive or methodological nature seem to be required in order to make empirical intuitions yield empirical laws.” P. Guyer (1990b) “Kant’s Conception of Empirical Law” in P. Guyer (2005) p. 40.

of a system, also transcends it. In the fourth section of the “First Introduction” Kant argues that whilst the transcendental laws of nature as a whole have been shown to constitute a system in the *Critique of Pure Reason* that this concerns only how “experience as such is possible (ideally)” and that it does not follow from this that nature, in terms of its *empirical laws* constitutes a system for us. In order to reach the view that nature, in terms of its specific empirical laws, is so capable of systematisation, we require an additional transcendental presupposition to any given in the *Critique of Pure Reason*. This is the presupposition that nature “through the affinity of its particular laws under more general ones” takes on the quality of experience *as an empirical system*. (Ak. 20: 210).

This transcendental presupposition is the specific transcendental principle of judgment. In making this point Kant naturally focuses again on the procedure of judgment in a manner that should recall the procedure of the hypothetical employment of reason: “judgment is not merely an ability to subsume the particular under the universal (whose concept is given), but also, the other way round, an ability to find the universal for the particular” (Ak. 20: 210). As with the hypothetical employment of reason, so with the procedure of reflective judgment, the mode of employment of judgment is to go from a particular which is given towards the universal. Unlike with the hypothetical employment of reason, however, the universal in question is not a specific one that is problematically supposed and tested in relation to the particulars, it is rather a rule that is being sought for the organisation of all particulars in general such that they will cohere. In presenting the case for this principle of judgment Kant again refers to some general statements about nature, just as he did in discussing the principles of harmony in the *Dissertation* and the regulative principles of reason in the *Critique of Pure Reason*. The principles

mentioned now include the one that nature does nothing in vain, that there is continuity in its forms and that it is rich in species and yet parsimonious in genera. Whilst the principle of continuity was listed amongst the regulative principles that followed from reason's pursuit of systematic empirical unity the other two principles were neither mentioned in the *Critique of Pure Reason* nor in the *Dissertation*. These principles also include an application of logical systematicity in terms of its restrictive application to nature and a description that already implies what shortly afterwards is explicitly stated, namely something in the mode of operation of nature that accords purposively with the manner of our cognition.

The first presentation of the mode of reflective judgment in the "First Introduction" is in regard to the need for a transcendental presupposition that makes the cognition of empirical laws possible. The second characterisation of reflective judgment concerns the manner in which such a form of judgment operates, namely, by means of beginning with the particular and finding a universal that fits it. The third characterisation of it concerns the difference between two modes of judgment, namely that which is determinative, as opposed to that which is reflective. Determinative judgment fits a concept under a presentation that is given for it, whilst reflective judgment holds up presentations to and compares them with either other presentations or the cognitive power that makes comparisons in general possible. How does such a mode of presentation relate to the empirical question with which the principle of reflective judgment has first been introduced? Reflection on objects of nature requires, says Kant, a principle. This principle is that: "for all natural things *concepts* can be found that are determined empirically" (Ak. 20: 211). This appears a very limited principle until we realise the scope of

what it requires to be the case for it to be operative. Kant makes this clear:

It must assume that nature, with its boundless diversity, has hit upon a division of this diversity (into genera and species) that enables our judgment to find accord among the natural forms it compares, and [so] enables it to arrive at empirical concepts, as well as at coherence among these by ascending to concepts that are more general [though] also empirical. In other words, judgment presupposes a system of nature even in terms of empirical laws, and it does so a priori and hence by means of a transcendental principle. (Ak. 20: 212)

The systematisation of nature in terms of empirical laws supposes that nature itself accords with the logical nature of division of a system. This is the reason why the adoption of logical principles alone is insufficient as it was also found to be for the approach of reason. The application of such logical divisions to nature requires the sense that nature itself has a form that is suitable for the division to take place. Without such an assumption being justified the concepts that describe empirical objects will have no place. If nature's products are to be recognised by us then they have to have a form that fits our capacity of recognition. For this recognition to take place at least two things are necessary, namely that nature, even in its empirical laws, conforms to "a certain parsimony suitable for our judgment" and that it contain "a uniformity we can grasp" (Ak. 20: 213). In order for these principles to apply to nature there is a first underlying principle that has to be adopted, namely that there is "a purposive arrangement of nature in a system" (Ak. 20: 214). This arrangement requires that "*nature makes itself specific*" for us.

Kant's second, published, introduction to the *Critique of Judgment* opens with a claim concerning the ability to relate the concept of nature to the concept of freedom in terms of the specific principle of judgment. This problem internal to the Critical System indicates a third level of systematic question for Kant on top of the one determined in the *Critique of Pure Reason* and the problem of empirical lawfulness that was described in the "First Introduction". Whilst this additional level of systematicity is introduced here, however, the specific question of the systematicity of empirical law is not dropped from Kant's final agenda for the *Critique of Judgment*. As was the case in the "First Introduction" so also in the published second introduction Kant distinguishes the question of the systematicity of specifically empirical law from the laws in general that were described in the *Critique of Pure Reason*. However, what is added to the consideration in the second introduction, is an additional means by which the systematicity of specifically empirical laws can take place through the insertion of a conception that relates also to the additional problem of systematising the Critical philosophy. This is the conception of an understanding distinct from ours. So Kant now presents the specific principle of reflective judgment in such a way that this notion of another understanding is directly incorporated into it, a notion that was not part of the regulative principles of reason and was not discussed in the view of the principle of reflective judgment in the "First Introduction".

Now this principle can only be the following: since universal natural laws have their basis in our understanding, which prescribes them to nature (though only according to the universal concept of it as nature), the particular empirical laws must, as regards what the universal laws have left undetermined in them, be viewed in terms of such a unity as [they

would have] if they too had been given by an understanding (even though not ours) so as to assist our cognitive powers by making possible a system of experience in terms of particular natural laws. (Ak. 5: 180)

Here the account of the specific principle of reflective judgment takes on a new form since it relates the comprehension of the unification of the particular empirical laws by means of a reference to understanding, just as the laws of nature in general had been so related in the *Critique of Pure Reason*. By this means it brings the nature of the two types of laws closer together in one sense though, in a different way, it clearly marks an important distinction between them as the understanding in question for the empirical laws is not ours. The notion that the particular empirical laws are also prescribed to nature by an understanding gives a ground for their purposive adaptation to our cognition that was lacking from the account of the “First Introduction”. This addition of a reference to an understanding distinct from our own is not to be read as a requirement that such an understanding should exist as we only operate “as if” it did. In this respect the reformulation of the principle of reflective judgment in the published second introduction is drawn closer to the account Kant gives of regulative ideas in the *Critique of Pure Reason* than to his description there of transcendental regulative principles of pure reason.¹³

Kant is, however, for reasons that will be addressed in a moment, nonetheless still convinced that it is a correct characterisation of the principle of reflective judgment to view it as a transcendental principle. One of the reasons for this, as was the case in the “First Introduction”, concerns its connection to

¹³ See the extensive argument for problematic postulation of the regulative ideas: A681/B709-A688/B716.

such maxims as are required for nature to be investigated, the same maxims here being listed as were laid out in the “First Introduction” concerning nature’s parsimonious operation, its lack of leaps and its specification of the law of genera. The point of introduction of such maxims is, however, specifically argued to be that they show that judgment operates normatively with regard to nature and that this normative operation requires an *a priori* justification. In adopting such a normative approach to nature we effectively operate as if nature were purposively adapted to our cognitive power which requires, as we were told in the “First Introduction”, that we *specify* nature in terms of its operation according to empirical laws. “We insist only that, however nature may be arranged in terms of its universal laws, any search for its empirical laws should follow both this principle of purposiveness and the maxims based on it, because only to the extent that this principle has application can we make progress in using our understanding in experience and arrive at cognition.” (Ak. 5: 186)

The Transcendental Status of the Principle of Reflective Judgment

The specific transcendental status of the principle of reflective judgment has attracted some critical attention with Rolf-Peter Horstmann, amongst others, suggesting a problem with the notion that there could be a transcendental principle that is *not* constitutive.¹⁴ The truth is that the situation is much more complicated than such formulations might suggest. On the one hand, if the principle of reflective judgment is transcendental without being constitutive, it is not alone in that since such a status attaches also to the transcendental regulative principles of reason. On

¹⁴ Horstmann, *op.cit.*, p. 170.

the other hand, it is, in any case, far from clear that the transcendental principle of reflective judgment is in no sense constitutive. Kant describes the difference between transcendental and metaphysical principles in the opening of the fifth section of the published introduction to the *Critique of Judgment*:

A transcendental principle is one by which we think the universal a priori condition under which alone things can become objects of our cognition in general; on the other hand, a principle is called metaphysical if it is one [by] which [we] think the a priori condition under which alone objects whose concept must be given empirically can be further determined a priori. (Ak. 5: 181)

This account of the difference between transcendental and metaphysical principles has a number of interesting features. Whilst the controversy concerning the transcendental status of the specific principle of reflective judgment has concerned its apparently subjective status this description of transcendental principles is no more subjective in its characterisation than the famous one in the *Critique of Pure Reason*: “I entitle *transcendental* all knowledge which is occupied not so much with objects as with the mode of our knowledge of objects in so far as this mode of knowledge is to be possible *a priori*” (B12). In both critiques that is transcendental which concerns the means by which we relate to conditions of objects as such, not something directly about the objects themselves. The citation from the *Critique of Pure Reason* does not contain a contrast with metaphysical principles though these are there presented later in a way which accords clearly with the statement from the *Critique of Judgment*. What both statements make clear is something often forgotten about transcendental philosophy which is that it is not directly engaged with

that which is empirical as such, not even when, as is the case with the *Critique of Judgment*, we are thinking about the nature of empirical law. As Kant goes on to say about the principle of the purposiveness of nature: “the concepts of objects, insofar as they are thought as subject to this principle, is only the pure concept of objects of possible empirical cognition in general and contains nothing empirical” (Ak. 5: 181).

The objection that the characterisation of the principle of reflective judgment as transcendental marks a serious departure from the view of what is transcendental in the *Critique of Pure Reason* does not match up to the clearest description in the earlier work of the nature of the transcendental. A second type of objection to the characterisation of the principle of reflective judgment as transcendental concerns the manner in which it appears to be only regulative and to have no constitutive deployment. Even if this were so this would only ensure that the principle of reflective judgment were transcendental in the same way as the regulative principles of reason rather than being transcendental after the manner of the principles of the Transcendental Analytic of the *Critique of Pure Reason*. This is, however, in any case an incomplete characterisation. What is the case about the principle of reflective judgment is that it is not constitutive *with regard to objects* and in this respect it is akin to the regulative principles of pure reason. However it does not thereby follow that it is not constitutive at all as Kant makes clear in the eleventh section of the published introduction:

Judgment’s concept of a purposiveness of nature still belongs to the concepts of nature, but only as a regulative principle of the cognitive power, even though the aesthetic judgment about certain objects (of nature or of art) that prompts this conception of

purposiveness is a constitutive principle with regard to the feeling of pleasure or displeasure. (Ak. 5: 197)

The notion of the purposiveness of nature regulates the manner in which nature can be thought and does so in a number of distinct ways. It allows coherence to the concept of empirical objects, it renders specific empirical laws cognisable in terms of general requirements of law and it coheres the laws together into a system. The discreet possibility opened for the sense that nature also possesses purposive products, in the sense of final purposes, is a principle that is made possible by the generic sense of the purposiveness of nature. All this is part of theoretical understanding of nature and relates the principle of reflective judgment closely to understanding and, with the notion of natural products, to reason. However, all this work of reflective judgment belongs to the regulation of cognition and in so belonging brings out reflective judgment as a regulative principle of understanding that thereby partners the regulative principles of reason.

Thus much places the principle of reflective judgment alongside transcendental principles that, like itself, have a controversial but required transcendental status. However, when the principle of reflective judgment is viewed with regard to the feeling of pleasure and displeasure it is not only a regulative principle that is part of our theoretical cognition. Here it emerges as having not only a principle of its own but also a specific terrain as the sense of purposiveness is precisely the ground of a set of pure feelings that are quite distinct from anything pathological. This claim of the principle of reflective judgment to its own constitutive status allows it to have a specific place in the terrain of Critical philosophy and demonstrates an area of experience that is not merely required to fill in

“gaps” left by Kant’s previous works but is also the provision of an essential element of experience.