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How to Judge a Work of Art Today?

Contemporary Echoes of Kantian Aesthetics

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ABSTRACT. *How to judge a work of art?* This question, already present in the *Critique of the Power of Judgment* by Immanuel Kant, was updated in France in the early 1990s, when the *Esprit* and *Télérama* journals dedicated some issues to what was called a “crisis” in contemporary art, namely the supposed loss of normative criteria allowing one to evaluate artworks. Following their publication, several French philosophers – among which Yves Michaud, Gérard Genette, Jean-Marie Schaeffer, and Rainer Rochlitz – took part in a public debate on judgment, which more or less explicitly centered on the third *Critique*, in terms similar to those employed by Kant himself in 1790. Underlining the specificity of this debate, the present paper intends to (re)examine the issue of the judgments on works of art, by establishing a dialogue between Kantian aesthetics and contemporary artistic philosophical discourses and practices.

I. News about the Question of Judgment: the “Crisis” of Contemporary Art in the Early 1990s in France

How to judge a work of art? This question, already present in the *Critique of the Power of Judgment* by Immanuel Kant, was updated in France¹ in the early 1990s (that is about two centuries later) when several art critics and philosophers took part in a public debate concerning the state of creation and the situation of the artworld. The *Esprit* and *Télérama* journals dedicated several issues to what was called the “crisis of contemporary art”², namely the supposed loss of normative criteria allowing one to judge and

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¹ Quotes taken from French publications were freely translated by this author.

² See *Esprit, L'art aujourd'hui* (July-August 1991), *Télérama, Art contemporain, le grand bazar*, special-issue, no. 2096 (October 1992), *Esprit, L'art contemporain contre l'art moderne* (October 1992) and *Esprit, La crise de l'art contemporain* (February 1992).

evaluate artworks. Following their publication, several French philosophers – among which Marc Jimenez, Jean-Pierre Cometti, Jean-Marie Schaeffer, Gérard Genette, Yves Michaud and Rainer Rochlitz – took position on this presumed “crisis” of contemporary art and, consequently, of art criticism and philosophical aesthetics. More than on the controversy itself, this paper will focus on the *philosophical* issues raised or reactivated by it: the question of the definition of art, that of the aesthetic experience and the possibility of its sharing, that of the legitimacy (or not) of art criticism today and – especially – the question of judgment: *how to judge a work of art today?* Are our judgements subjective or can they claim a certain universality?

In order to answer this question – or at least define its outlines – I will present and discuss two types of relativism which meet in the idea that “all aesthetic judgments are equal”. The first relativism (that we could call *contingent*) has been based on the state of artistic creation for fifty years: the protean aspect of contemporary art would make any attempt at categorization or evaluation impossible. For the second one (the *absolute* relativism), on the contrary, it would be *intrinsically* impossible to estimate the value of an artwork, since a judgment is *always* biased, whatever the state of creation. The first type of relativism was brandished against contemporary art during the “crisis” evoked; we will respond starting from the thesis developed by Nathalie Heinich in 2014, which pleads to consider contemporary art as a new *paradigm*.³ The second type of relativism went through the history of thought and concerned Kant as much as the contemporary debate on judgment; we will discuss its current metamorphosis – the *subjectivism* – by confronting it with two theses: the first, sustained by Rainer Rochlitz in particular, argues the possibility to evaluate a work using impartial criteria; the second is the Kantian hypothesis of a *subjective universality* of aesthetic judgment.

³ Nathalie Heinich, *Le paradigme de l'art contemporain. Structures d'une révolution artistique* (Paris: Gallimard, 2014).

1.1. The Contingent Relativism of the Opponents of Contemporary Art

Let's now focus on relativism, this "spectrum" which haunts any attempt at theorization. It is not typical of our time, but it seems to have gained ground with the advent of *contemporary art*. As we mentioned, several voices denounced, in the early 1990s, the supposed loss of criteria to judge contemporary artworks. We will try to explain why by drawing – broadly – the state of creation since about the 1980s.

This age ushers in a *diversification*, a *transdisciplinarity* and an *atomization* of artistic practices. Firstly, a *diversification* because any type of object, material or immaterial, can now characterize a work of art. An ordinary object (like a snow shovel) or an idea (a conversation with one person) can function as a work of art just as a painting; urban graffiti can be admired as much as a fresco of the First Century; a museum can buy a series of codified gestures as it would buy a sculpture; and all of these elements can form an *installation* having the appearance of a clutter, but presented as a unique work in a gallery. So, no content is excluded *a priori* from the field of art anymore: any entity, regardless of its form or its presumed significance, is now a legitimate candidate to "artisticity". Secondly, a *transdisciplinarity* because contemporary artists are no longer confined to a particular discipline (painting, sculpture or photography, for example) and do not hesitate to call on what is considered as para- or extra-artistic practices (craft or informatics, for example). *Installations* are characteristic of this *hybridization*, since they consist in the placement in a situational context of objects or disparate modes of expression whose form may even vary over time and space. Finally, an *atomization*, because these years seem to spell the end of the great avant-garde movements and manifestos with a "global" or "total" aim in favor of a multiplicity of more individualistic artists or divided collectives. These no longer react to an artistic or ideological specific movement, but rather align themselves with a certain time and place, detached from any "pseudo-current".

Such a situation of *diversification*, *transdisciplinarity* and *atomization* of practices – that we can only acknowledge – made some theorists feel confused. For the latter, indeed, any attempt at categorization or evaluation would be made impossible by this situation of pluralism that would corres-

pond, according to them, more to a loss of values and a blurring of aesthetic criteria. This opinion could be defined as *relativist*, since it affirms the impossibility of judging contemporary artworks in an objective way, that is to say from an impartial standard. The peculiarity of this position, however, is that it claims arising from a *recent* state of creation. The proponents of this thesis, indeed, do not say that it is *intrinsically* impossible to estimate the value of a work because a judgment is *always* biased, but that contemporary art as such is not suitable for expert assessments, for it consists, as we say in French, in “n’importe quoi”. Therefore, this relativism would not be a fatality but the precise result of a factual situation, according to them regrettable.

This *contingent* relativism seems easier to criticize than the *absolute* relativism. As we will see, contemporary art – and before it, modern as well as classical art – obeys to some standards, responds to some criteria and is well suited for evaluation. For, if contemporary art translates into a continuing uncertainty about its boundaries (between practices, genres, materials, major or minor arts, art and non-art, etc.), it is based on its proper *logic* and on *new categories* that emerged from its evolution. According to sociologist Nathalie Heinich, contemporary art would even be a “paradigm”, namely a “general structure of the accepted conceptions in a moment of time about an area of human activity”.⁴ Let us pause a moment on this idea because it will allow us to respond to the first type of relativism that we have just mentioned.

1.2. *The Answer by Heinich: the Contemporary Paradigm*

In the late 1990s, Heinich firstly proposed to consider contemporary art as a *genre* of art rather than a specific period in the history of art.⁵ Heinich thought that one of the causes of the “dispute” between proponents and detractors of contemporary art in France at that time was the traditional significance of the phrase “contemporary art”, namely *all the artistic practices* that take place *today* (without knowing very well when this “today”

⁴ Heinich, *Paradigme de l'art contemporain*, p. 43.

⁵ See Nathalie Heinich, “Pour en finir avec la querelle de l'art contemporain”, *Le Débat* no. 104 (1999) and, from the same author, *Le triple jeu de l'art contemporain* (Paris: Éditions de Minuit, 1998).

began or when it will end). Well, according to Heinich, *today's* artistic practices are so disparate that a category based only on the chronology of works does not appear operating. What do a painting by Gerard Richter, a painting mixed with neon lights by François Morellet, a sculpture by Thomas Houseago, an installation by James Turrell, a performance by Tino Sehgal, or even a video by Steve McQueen have in common? Therefore, Heinich proposed at the time to consider contemporary art as a *genre of art*, that is to say *a category of works* whose common characteristics are *aesthetic* before being chronological. The specificity of contemporary art, according to her, would come from a “play on the ontological boundaries of art [and] a testing on the notion of work of art as intended by the common sense”.⁶ On the contrary, the specificity of modern art would proceed from “a testing on figuration rules coupled with an imperative of expression of the artist’s interiority”⁷; that of classical art, finally, would correspond rather to a “testing on academic canons of figurative representation, more or less idealized (history painting, mythological landscape, official portrait...) or realistic (genre scene, still life, *trompe-l’œil*...)”.⁸

In her book *Le paradigme de l’art contemporain*⁹, Heinich takes forward this idea and proposes an enlargement. As she explains, “it is important to understand not the chronological but the category or generic nature of contemporary art, however we can not remain at a qualification of ‘genre’ of art, because it is too limited to aesthetic dimension. The specificity of contemporary art is played out at other levels than the nature of the works themselves”.¹⁰ As a sociologist, Heinich offers to describe different aspects of the paradigm of contemporary art, from an aesthetic as well as a political, institutional, economic and legal point of view. She hopes to make explicit the “structures” of this paradigm (its rules and functioning), often known by specialists or informed amateurs but unknown by laymen. Heinich especially shows that *every aesthetic genre* has *specific criteria of judgment*. Classical works will be judged mostly on their *beauty*, modern works on their *expressiveness*, and contemporary works on their *singularity*. There-

⁶ Heinich, *Paradigme de l’art contemporain*, p. 24.

⁷ Heinich, *Paradigme de l’art contemporain*, p. 24.

⁸ Heinich, *Paradigme de l’art contemporain*, p. 24.

⁹ Heinich, *Paradigme de l’art contemporain*, p. 24.

¹⁰ Heinich, *Paradigme de l’art contemporain*, p. 42.

fore, the most common way to celebrate artworks in the contemporary paradigm would be to insist on “the consistency along with the singularity (the ability to thwart expectations)”, on “crossing the boundaries and particularly those of different disciplines” and on “the intellectual dimension of the works and their ability to receive expert interpretations and references”.¹¹

What can we learn from this digression on sociology? That contrary to what the relativist thesis says against contemporary art, this art can be evaluated as much as the modern or classical art. However, if the analysis by Heinich allows to counter the *contingent* relativism, unveiling the implicit rules of the contemporary paradigm, it does not seem equipped to respond to the *absolute* relativism, according to which everything is equal *regardless* of the artistic situation of the moment. Such an absolute relativism seems even *strengthened* by the analysis of the sociologist, because the result is that judgment criteria *change over time* and the value of a work depends on its *entry in a paradigm*. Any art judgment would be *related to a paradigm*, that is to say formatted *a priori* by an “unconscious model”¹² and valid for this model only. In other words, there would be more or less sealed artistic spheres, governed by aesthetic laws that are effective only within them. We will see that this is the point of view advocated by the French philosopher Yves Michaud.

Incidentally, it is not insignificant that Heinich makes explicit reference in her book to the epistemologist Thomas Kuhn¹³, whose famous theory of paradigms was at the origin of a return to relativism in science. For Kuhn, indeed, scientists “do not work in a complete intellectual freedom [...] but always within ‘paradigms’, that is to say some theoretical and practical models that delimit (without their [...] awareness) the field of the questions they are able to ask and consider wise”.¹⁴ Similarly, according to Kuhn, it is impossible “to build a third position, ‘off the paradigm’, from which evaluating the relative merits of rival interpretations belonging to

¹¹ Heinich, *Paradigme de l'art contemporain*, p. 14.

¹² Heinich, *Paradigme de l'art contemporain*, back cover.

¹³ Thomas Kuhn is the author of *The Structure of Scientific Revolutions* (Chicago: University of Chicago Press, 1962) to which Heinich's book makes explicit reference.

¹⁴ Cyril Lemieux, “I. Stengers, L'invention des sciences modernes”, *Politix*, vol. 8, no. 29 (first trimester 1995), p. 222.

different paradigms”.¹⁵ This theory applied to art suggests that it would be impossible to judge an artwork *beyond any paradigm*, for what it is and in virtue of a “universal” point of view.

The thesis by Yves Michaud is in this sense emblematic for the *summary* it seems to operate between the contingent relativism and the *paradigmatic* response by Heinich. For Michaud, today would mark a new regime of art, that of *pluralism*, formed by a series of heterogeneous artistic fields each with their own standards. At each “production community” would correspond an “evaluation community”¹⁶ and to judge a work of art today, according to Michaud, we should first associate it with a particular artistic field, then judge it using appropriate criteria:

“Any artistic activity and related assessments take place in very different language games (I add here that a language game, in good Wittgenstein orthodoxy, is not only or necessarily a verbal game). Yes, the success or failure are evaluated internally to the performed fields. Someone [...] seems to blame me for seeing them necessarily as separate fields. This can happen when an ‘esthete’ shows great consistency in his aesthetic tastes, but it is far from being always true: we love ditties along with monochrome paintings without evaluating them with the same criteria and pluralism often happens within individuals who don’t live it as a tragedy: they only have defined and different value scales for each domain. [...] Since [the end of the avant-gardes], and until further notice, [...] we entered another regime of art and culture, that of pluralism. However, the collapse of the system of Fine Arts and the cultural competition of productions does not terminate the aesthetic judgment. It only pluralizes itself according to different regions and areas of artistic activity.”¹⁷

¹⁵ Lemieux, “I. Stengers”, p. 222.

¹⁶ Yves Michaud, *Critères esthétiques et jugement de goût* (Nîmes: Éditions Jacqueline Chambon, 1999), p. 24.

¹⁷ Yves Michaud, “Réponse à Marie-Noëlle Ryan, Jean-Philippe Uzel et Louis Jacob”, *Æ*, vol. 3, (Fall 1998) accessed October 2016, http://www.uqtr.ca/AE/vol_3/michaud.htm.

2. Dialogue between Kantian Aesthetics and French Contemporary Aesthetics

So should we surrender to a sort of generalized relativism as far as judgment is concerned? This is the question we will address now, making French contemporary aesthetics dialogue with Kant's aesthetics. Philosophers who took part in the debate on the "crisis" of art and judgment more or less explicitly focused, indeed, on the *Critique of the Power of Judgment*, in terms similar to those used by Kant himself in 1790. He appeared not only as a major philosophical reference, but as the *governing principle* of the debate itself – directing it in its shape.

Before offering a brief reminder of Kant's position – or rather a summary of the items discussed in the contemporary debate – it is important to keep in mind that the main problem of Kant is *beauty*, a historically connoted concept usually used to describe classical art rather than modern or contemporary art – particularly according to the classification by Heinich. However, our purpose will not be to question the possibility of applying this concept to contemporary art, through this or that update. We will not debate either of the opportunity *itself* to convene Kant today, given the evolution of art and society since the Enlightenment. Our position will simply consist in avoiding two pitfalls: the first consisting in asserting that everything has already been said by the thinker of Königsberg as far as aesthetics is concerned, the second, on the contrary, in believing that his thought is *de facto* obsolete in confront to our times and contemporary art. Far from these two positions without shade, we will allow Kant's text *to express itself* in light of today's issues – as formulated by the French philosophers we have chosen to study and as they emerge from current artistic practices.

2.1. *Reminder of the Kantian Position*¹⁸

2.1.1. *The Aesthetic Judgment*

The first moment of the Analytic identifies two essential features of aesthetic judgment: it is *subjective* and *without any interest*. *Subjective*, because

¹⁸ My analysis is based on the *Analytic of the Beautiful* (§ 1 to § 22), the paragraphs 38 to 40 and the *Dialectic of the Aesthetic Power of Judgment* (§ 55 to § 60).

when judging an object beautiful, its representation is not reported to the *object* by means of understanding for cognition, but rather to the *subject* and the feeling of pleasure that this subject experiences. This feeling designates nothing in the object: through it, the subject feels he is alive and able to judge; he becomes aware of the *free play* which engages his imaginative and understanding faculties.¹⁹ In this sense, aesthetic judgment is *reflective*: the judging subject “affects himself” and feels pleasure *on the occasion* of the meeting with an object. The aesthetic judgment is also *disinterested* because the subject does not take into account the *existence* of the thing considered, or the *interest* he could get from it; it is “only [...] to know whether the mere representation of the object is accompanied with satisfaction in me”.²⁰ Thus, Kant emphasizes the *shape* of the beautiful thing rather than its *materiality*: the form is *reflected* by the subject, while the material is simply *consumed*. Therefore, purely sensual pleasures – of sensation, possession or consumption – are excluded because they require foremost the physical presence of the object. For its disinterested nature, the satisfaction related to the beauty differs from that related to the agreeable or the good. In the judgment related to the agreeable, I express an interest for the object that I declare enjoyable as it pleases my senses in sensation.²¹ This interest is reflected in the fact, Kant says, that a pleasant object “excites a desire for objects of the same sort, hence the satisfaction presupposes not the mere judgment about it but the relation of its existence to my state”.²² The satisfaction in the good is also combined with an interest: it always involves the concept of an end which has to be made effective (good in itself or good for something – the useful). On the contrary, the judgment of taste “is merely contemplative, i.e., a judgment that [...] merely connects its constitution together with the feeling of pleasure and displeasure”.²³

The second moment of the Analytic affirms *the subjective universality of*

¹⁹ Immanuel Kant, *Critique of the Power of Judgment*, ed. and trans. Paul Guyer, (Cambridge University Press, 2000), § 1, p. 89.

²⁰ Kant, *Critique of the Power of Judgment*, § 2, pp. 90-91.

²¹ Kant, *Critique of the Power of Judgment*, § 3, p. 91.

²² Kant, *Critique of the Power of Judgment*, § 3, p. 92.

²³ Kant, *Critique of the Power of Judgment*, § 5, p. 95.

judgment, which *results* from its disinterested feature²⁴: it is because my satisfaction is independent of any interest in the object, so of strictly personal conditions, that I can legitimately “have grounds for expecting a similar pleasure of everyone”.²⁵ Judging in a disinterested way, I feel that my satisfaction has as a starting point something I can “presuppose in everyone else”²⁶; in fact, that feeling has the effect of making me “speak of the beautiful as if beauty were a property of the object and the judgment logical [...] although it is only aesthetic and [...] this universality cannot originate from concepts. [...] Consequently, there must be attached to the judgment of taste [...] a claim to validity for everyone without the universality that pertains to objects, i.e., it must be combined with a claim to subjective universality”.²⁷

Let’s pass the third moment of the *Analytic*, in which Kant describes how judgment takes into consideration a *purposiveness without end*, to reach for the *lawfulness without law* introduced in the fourth moment. The necessity that judgment of taste claims, says Kant, is not a *theoretical objective* necessity (where it could be cognized *a priori* that everyone will feel the same satisfaction in front of beauty) nor a *practical necessity* (where my satisfaction would result from my obedience to a law) but an *exemplary* necessity, where my judgment appears as the “example of a universal rule that one cannot produce”.²⁸ In taking my judgment of taste to be universally valid, I take it, not that everyone who perceives the object *will* share my pleasure and (relatedly) agree with my judgment, but that everyone *should* do so. My satisfaction *should* be shared because it is based on something “greater” than me: what Kant called a *common sense*. This concept must be distinguished from the common human understanding of the phrase²⁹: it is not a spontaneous or not cultivated way to judge, but a “subjective principle”³⁰ whose existence is impossible to prove but should necessarily be assumed to think the possibility of a non-skeptical cognition³¹ and a

²⁴ Kant, *Critique of the Power of Judgment*, § 6, p. 96.

²⁵ Kant, *Critique of the Power of Judgment*, § 6, p. 97.

²⁶ Kant, *Critique of the Power of Judgment*, § 6, p. 97.

²⁷ Kant, *Critique of the Power of Judgment*, § 6, p. 97.

²⁸ Kant, *Critique of the Power of Judgment*, § 18, p. 121.

²⁹ Kant, *Critique of the Power of Judgment*, § 20, p. 122 and § 40, p. 173.

³⁰ Kant, *Critique of the Power of Judgment*, § 20, p. 122.

³¹ Kant, *Critique of the Power of Judgment*, § 21, p. 123.

sharing of aesthetic judgments.

2.1.2. *The Common Sense*

Common sense is – maybe with the disinterestedness – the most discussed Kantian concept in the current aesthetic debate. It corresponds to a hypothesis, that of the existence of a shared human sensibility – a common way to experience the free play of our imagination and understanding faculties – and of the same ability to judge. Why have we to presuppose this hypothesis? Kant gives some explanations in paragraph 22, where he begins to define the ambivalence of aesthetic judgment. When we describe something as beautiful, indeed, “we allow no one to be of a different opinion”³², although we do not base our judgment on concepts, but on a personal feeling. Why do we want so ardently our “verdict” to be shared? Why do we expect the support of all? This is because the feeling experienced during our judgment is primarily perceived as a *common* feeling.³³ Indeed, Kant defines taste like the ability to judge what is universally common in our feelings (the universality of what we experience). Note that if this ability can be revealed by a number of situations (the fact, for example, that I speak of beauty *as if* it were in things, or that I wait for my opinion to be shared) it cannot in any case be proved or invalidated empirically. Common sense “does not say that everyone *will* concur with our judgment but that everyone *should* agree with it”.³⁴ Therefore, the fact that a majority of individuals share or reject my judgment does not presage the value of it.

What does this common feeling perceived as shareable in the inner self of the subject correspond to? Kant defines it in paragraph 9, “key to the critique of taste”³⁵, where he states that the pleasure *follows* the act of judging, not the reverse. When I judge an object beautiful, my understanding and imagination faculties enter a free play, “since no determinate concept restricts them to a particular rule of cognition”³⁶; this mindset then gives me pleasure and appears to me as intrinsically communicable.³⁷

³² Kant, *Critique of the Power of Judgment*, § 22, p. 123.

³³ Kant, *Critique of the Power of Judgment*, § 22, p. 123.

³⁴ Kant, *Critique of the Power of Judgment*, § 22, p. 123.

³⁵ Kant, *Critique of the Power of Judgment*, § 9, p. 102.

³⁶ Kant, *Critique of the Power of Judgment*, § 9, p. 102.

³⁷ Kant, *Critique of the Power of Judgment*, § 9, p. 103.

The pleasure I feel when judging is similar to the feeling of being connected to a community.

This raises the following question: does this common sense represent an ideal towards which every man should aim – that of a sense *to constitute*, of a common thinking *to realize* – or is it rather *constitutive* (as the *a priori* forms of sensibility)? In § 22 of the *Critique* Kant seems to focus on the first possibility, describing common sense as an “ideal norm”³⁸ or an “indeterminate”³⁹, “necessary for everyone”⁴⁰ rule to judge. In § 38, however, Kant adds value to the second possibility, since he states that “subjective conditions of use of the power of judgment”⁴¹ can be “presupposed in all human beings”; we must admit they are worth, he says, “for everyone a priori”.⁴² The condition of an agreement of judgments would be that “the essential structure of reason [is] the same in every person”.⁴³ One way to escape this alternative would be to condense these two interpretations, as proposed by Danielle Lories: “Being what judgement is based on as much as the rule it refers to, common sense [would thus] always be both below and beyond the expression of judgment: its condition of possibility as its regulating Idea”.⁴⁴

2.1.3. *The Antinomy of Taste*

The concept of common sense thus allows Kant to address the issue of the potential universality of aesthetic judgments. It is in the Antinomy of taste that he will compare two schools of thought that deliberated about this at the time – empiricism and rationalism – and will propose a third way as a solution.

Kant presents two positions, apparently opposed, on the judgment of taste. The first – the *thesis*, which is the opinion of the *subjectivist empiricist*

³⁸ Kant, *Critique of the Power of Judgment*, § 22, p. 123

³⁹ Kant, *Critique of the Power of Judgment*, § 22, p. 124.

⁴⁰ Kant, *Critique of the Power of Judgment*, § 22, p. 124.

⁴¹ Kant, *Critique of the Power of Judgment*, § 38, p. 170.

⁴² Kant, *Critique of the Power of Judgment*, § 38, p. 170.

⁴³ Alexis Philonenko, in Emmanuel Kant, *Critique de la faculté de juger*, trans. Alexis Philonenko (Paris: Vrin, 1993), p. 181, footnote number 2.

⁴⁴ Danielle Lories, “Autour d’une lecture ”politique” de la troisième *Critique*”, *Revue Philosophique de Louvain*, Vol. 86, N° 70 (1988), p. 151.

icists – asserts that “the judgment of taste is not based on concepts; for otherwise it would be possible to dispute about it (decide by means of proofs)”.⁴⁵ The second – the *antithesis*, which is the opinion of *objectivist rationalists* – asserts that “the judgment of taste is based on concepts; for otherwise [...] it would not even be possible to argue about it (to lay claim to the necessary assent to of others to this judgment)”.⁴⁶ Well, to resolve this antinomy, it is enough to note that the term “concept” does not refer to the same thing when used in the thesis or the antithesis: in the first it refers to a *determinate* concept (that of the understanding); in the second to an *indeterminate* concept.⁴⁷ Once this is clarified, the two maxims are no longer opposed: it is possible *to argue* about taste (as the judgment is based on a concept) but not *to dispute* about it (as this concept is only indeterminate).⁴⁸ The subjectivists and objectivists are sent back-to-back by Kant⁴⁹, for whom the aesthetic, subjective judgment can nevertheless claim to a universal validity.

I will not discuss the precise signification of this undetermined concept here. Kant himself says that it can not in any case be demonstrated and the explanation of its possibility “exceeds our faculty of cognition”.⁵⁰ What interests us, however, is that it allows Kant to save the possibility of shared aesthetic judgements and of communication between men, as did the concept of common sense. This issue is at the heart of recent discussions around the “crisis” and around judgment, which we will now approach in detail. We will see how Kant is present not only in the *form* taken by the contemporary debate, but also as a – posthumous – participant himself.

2.2. The Current Aesthetic Debate

2.2.1. The Form of the Current Debate

The book by Mark Jimenez *The quarrel of contemporary art*⁵¹ is particularly

⁴⁵ Kant, *Critique of the Power of Judgment*, § 56, p. 215.

⁴⁶ Kant, *Critique of the Power of Judgment*, § 56, p. 215.

⁴⁷ Kant, *Critique of the Power of Judgment*, § 57, p. 216.

⁴⁸ Kant, *Critique of the Power of Judgment*, § 57, p. 216.

⁴⁹ Danielle LORIES, “Kant et le jugement artistique”, in *L'art en valeurs*, ed. Danielle Lories and Ralph Dekoninck (Paris: L'Harmattan, 2011), p. 83.

⁵⁰ Kant, *Critique of the Power of Judgment*, § 57, p. 216.

⁵¹ Marc Jimenez, *La querelle de l'art contemporain* (Paris: Éditions Gallimard, 2005).

eloquent on this matter: not only does he make Kantian aesthetics the starting point of his reflection, but he also operates a partition of the contemporary debate similar in all means to the terms of the Kantian antinomy of taste. As noted by Danielle Lories about Jimenez's book, "two positions emerge in the contemporary aesthetic debate, reproducing the thesis and antithesis of the Kantian antinomy, a strict subjectivist position in Genette and Schaeffer [...] and an objectivist position in Rochlitz, for example".⁵² It is those respective positions that we will now review.

2.2.2. *The Subjectivist Aesthetics (Current Avatar of the Absolute Relativism)*

In Volume 2 of *The work of art*⁵³, titled "The aesthetic relation", Gérard Genette indicates that he will only retain two elements of the third *Critique*: *subjectivity* and disinterestedness of the judgment of taste – or, put it in his words, the fact that the *aesthetic attention* is disinterested and the *appreciation* (which follows) purely subjective. According to Genette, Kant himself would have introduced the idea of a claim to universality for the sole purpose of avoiding "an unfortunate consequence: the relativity of judgment of taste".⁵⁴ Kant's aesthetics "[would be] typically subjectivist, but it [would keep], or rather it [would defend itself], as much as it can, from the relativism which [would result] from this position".⁵⁵

Genette will then criticize the way Kant justifies the claim to universality of judgment. As we have seen, it is primarily because my judgment "is not determined by personal, physical or moral interest"⁵⁶ that it can be shared by all. Well, Genette remarks, other parameters distinct from interest may restrict the universality of judgments, including "native or acquired difference [...] of individual *sensitivities*".⁵⁷ Kant's assumption of *common sense*, also supposed to justify this universality, is also criticized by

⁵² Danielle Lories, "Kant et la scène esthétique contemporaine", in *L'expérience esthétique en question. Enjeux philosophiques et artistiques*, ed. S. Foisy and C. Thérien (Paris: LHarmattan, 2009), p. 139.

⁵³ Gérard Genette, *L'œuvre de l'art* (Paris: Seuil, 2010).

⁵⁴ Genette, *L'œuvre de l'art*, p. 422.

⁵⁵ Genette, *L'œuvre de l'art*, p. 502.

⁵⁶ Genette, *L'œuvre de l'art*, p. 504.

⁵⁷ Genette, *L'œuvre de l'art*, p. 504.

Genette as it would violate the “most common observation”.⁵⁸ We have to specify immediately that Genette interprets the concept as a “community of sense (sensitivity) of all men, which would naturally bring them to agree on their judgments of taste” – he will also speak of “identity of taste among men”.⁵⁹ Whatever the ambiguities of the concept, we have seen that Kant does not postulate a community of *effective* taste: he specifies that the universality of voices is only an Idea, so an element for which there is no experience and that can not, as such, be empirically tested⁶⁰; Kant adds that it is impossible to know if he who makes a judgment actually refers to this Idea.⁶¹ As we have seen, only he *who judges* can have proofs, for example when speaking of beauty *as if* it were a property of the object and *as if* everyone had to agree. But for Genette, the only thing these evidences show is that such a claim to universality *exists* and not that it is legitimate. In fact, we say “This painting is beautiful” rather than “I like this painting”, because we are victims of an *objectivist illusion*: we *believe* that beauty is in things.⁶² According to Genette, the aesthetic judgment is a “simple expression objectifying a feeling of pleasure or displeasure” whose claim to be valid for all – real but vain – would hide a deep *relativity*.

The position of Jean-Marie Schaeffer⁶³ is close to that of Genette but it has the merit of suggesting additional distinctions, useful for our purposes. We have to say immediately that Schaeffer is not interested in judgment itself but rather in the aesthetic *conduct*, namely a kind of “*relation of appreciative attention*”⁶⁴ towards artworks (and non-artworks). This conduct is both *cognitive* (since it requires a certain degree of attention) and *interested* (since we want it satisfactory) – so Schaeffer is opposed to both Kant and Genette on this last point. The aesthetic judgment *follows* from this appreciative relation according to Schaeffer, that is to say, it aims only to

⁵⁸ Genette, *L'œuvre de l'art*, p. 505.

⁵⁹ Genette, *L'œuvre de l'art*, p. 505.

⁶⁰ Antoine Grandjean, in Emmanuel Kant, *Analytique du beau*, trans. Alain Renault (Paris: Éditions Flammarion, 2008), p. 66, footnote.

⁶¹ Kant, *Critique of the Power of Judgment*, § 8, p. 101.

⁶² Genette, *L'œuvre de l'art*, p. 506.

⁶³ See for instance Jean-Marie Schaeffer, “Discernement, Plaisir et jugement: de la conduite esthétique”, in *Convergences et divergences des esthétiques*, ed. Danielle Cohen-Levinas (Paris: LHarmattan, 2001).

⁶⁴ Schaeffer, “Discernement”, p. 59.

express the “satisfaction index”⁶⁵ that can be felt during this personal experience. Such a judgment is therefore both *subjective* and *irrefutable* (how can we refute the experience that one says to have lived?)⁶⁶

But in this case, what importance have the works as such? Do their intrinsic qualities determine the experience I feel (therefore the judgment that I will carry on them)? According to Schaeffer, the properties of the object may well influence my judgment (they have a “causal force”⁶⁷), but it will nevertheless remain subjective because the influence these properties will have on me results only from my “mental disposition to react in a particular way for a particular type of property, a disposition that is a subjective characteristic (and largely pre-intentional)”.⁶⁸

How to explain, then, the fact that there can somehow be a *consensus* between individual aesthetic judgments? Schaeffer indicates several possible explanations: first, the fact that there is, he suggests, “a ‘genetic basis’ for certain aesthetic preferences”⁶⁹ (for the purpose, he cites for instance a study showing that babies from two to three months, not yet exposed to cultural stereotypes, enjoy the same kinds of faces the adults do – which would suggest the existence of a cross-cultural ideal of beauty).⁷⁰ The same generational or social affiliation of the audience can also explain the agreement about judgments according to Schaeffer.⁷¹

But what about agreements based on *intellectual* reasons? When facing an artwork, a consensus is not yet acquired but occurs as the result of a debate; it leads to a mutual recognition of opposing arguments: I make the reasons of others mine and the others appropriate my own arguments. Therefore, explaining this agreement through generational, cultural or social origins of the audience only seems to be inadequate. Rainer Rochlitz will indeed take over the issue by studying the *rationality* of a critical discussion. Before considering the position of the latter, I would like to highlight one aspect of Schaeffer’s thesis, which is more complex than it seems.

⁶⁵ Schaeffer, “Discernement”, p. 59.

⁶⁶ Schaeffer, “Discernement”, p. 60.

⁶⁷ Schaeffer, “Discernement”, p. 60.

⁶⁸ Schaeffer, “Discernement”, p. 60.

⁶⁹ Schaeffer, “Discernement”, p. 61.

⁷⁰ Schaeffer, “Discernement”, p. 61.

⁷¹ Schaeffer, “Discernement”, p. 62.

Schaeffer actually distinguishes between two types of judgments. The first is an *aesthetic* judgment (already described above), that is to say a *personal* and *subjective* assessment in which I express the pleasure or displeasure felt. This is a *value* judgment (by which Schaeffer means that it concerns the relation I have with the artwork). The second is a *judgment of operal success*, meant to estimate the relation *the work* has with some presumed constraints (material, technical, and even communicational). The scope here is to verify the “compliance [...] of the work to a program, a standard, an ideal, etc.”⁷² This is “a factual ‘evaluation’ (in the sense that we speak of the ‘evaluation’ of a length)”⁷³ in which I state an objective assessment (based on reality). It corresponds to *judgment of expertise*, *factual* and purely *descriptive*⁷⁴, where instead of expressing my personal feeling as in an aesthetic judgment I adopt the “neutral” point of view of the observer. The success envisaged by this judgment can be twofold. In the first case, I evaluate a work in respect to the *creative* constraints which delimit the type of Intentional activity it derives from. The criteria vary and may include, for example, the compliance of a work to the rules required for defining the art or genre to which it belongs, or the extent of expertise of the artist in relation to proven technique standards.⁷⁵ The work’s success here depends on its compliance or lack of compliance to a “purpose placed upstream of its production”.⁷⁶ In the second case, the evaluation doesn’t concern creative constraints: it rather estimates the object’s “ability to perform [...] the function or functions it is supposed to perform”.⁷⁷ For example, you could estimate if a work manages to fulfill a ritual, political or even aesthetic function. Again, it is a factual judgment, purely descriptive.

According to Schaeffer, therefore, the aesthetic judgment – subjective – must absolutely be distinguished from the judgment of operal success – objective. The main objection⁷⁸ that may be made to him is the following:

⁷² Jean-Marie Schaeffer, *Les célibataires de l’art. Pour une esthétique sans mythe* (Paris: Galilimard, 1996), p. 236.

⁷³ Schaeffer, *Célibataires*, p. 236.

⁷⁴ Schaeffer, *Célibataires*, p. 236.

⁷⁵ Schaeffer, *Célibataires*, p. 234.

⁷⁶ Schaeffer, *Célibataires*, p. 234.

⁷⁷ Schaeffer, *Célibataires*, p. 238.

⁷⁸ This objection is suggested by Schaeffer himself p. 233 of *Célibataires*: he responds to it in the following pages.

couldn't we give value to some works *because* they are successful in the same way we would give value to a car because it holds the road? In this case our assessment would be objective! The answer by Schaeffer is quite simple: even if I can give value to a work (that is to say, enjoy it) because it is successful in practice, it does not change the status of aesthetic judgment, which remains subjective because *the fact itself* to appreciate a work *because* it is successful for one reason or another "is the expression of a specific interest"⁷⁹, which is in itself subjective.⁸⁰ As we have seen, the properties of the object have a necessary influence on my judgment, but not sufficient, because my reaction *ultimately* depends on my willingness to respond "in a particular way to a particular type of property, a disposition that is a subjective characteristic".⁸¹ According to Schaeffer, proof is that one can find a work technically successful without appreciating it, and appreciate a work that he recognizes as failed from a technical point of view. Phrases like "This novel is very successful, but it is detestable because it defends unacceptable moral positions" or "I know that the musical language of this piece is particularly rough and awkward from a tonal point of view, but I've never heard anything so mesmerizing"⁸² are common.

Aesthetic judgment and judgment of operative success are therefore "irreducible one to the other".⁸³ But what about art critics, then? Is their activity still legitimate? According to Schaeffer, the ability of an art critic is to highlight certain features of a work that were previously neglected and propose "ways for our own aesthetic commitment, considering the fact that it falls to everyone to experience for themselves if they agree or not with the proposed way".⁸⁴ The art critic's talent and strength come from the persuasive force of his judgment, which nevertheless remains intimate and – often – biased.⁸⁵

⁷⁹ Schaeffer, *Célibataires*, p. 240.

⁸⁰ On the contrary, says Schaeffer, if I judge a work successful because it gives me pleasure (and because it matches its purpose), then it is simply an aesthetic judgment, which endorses the appearance of a judgment of operal success (Schaeffer, *Célibataires*, p. 239).

⁸¹ Schaeffer, "Discernement", p. 60.

⁸² Schaeffer, *Célibataires*, p. 241.

⁸³ Schaeffer, *Célibataires*, p. 240.

⁸⁴ Schaeffer, *Célibataires*, p. 247.

⁸⁵ Schaeffer, *Célibataires*, p. 247.

Schaeffer's position is reminiscent of the thesis of the American analytic philosopher Morris Weitz⁸⁶ who, already in 1956, sought to distinguish between factual and value judgments.⁸⁷ According to the latter, most of art theorists claimed *to describe* works of art by revealing their essence, while they were actually expressing their own preferences. Stating what art *was*, they implicitly suggested what art *should have been*. The properties they attributed to works of art were therefore not purely descriptive but *evaluative*, that is *prescriptive*. However, Weitz does not consider these aesthetic theories as useless. They even have a great interest for him, that of pointing certain features of art that were either neglected or distorted by previous theories.⁸⁸ The value of each of these theories lies in their ability to advance *reasons* for choosing or preferring a particular evaluation standard, fueling the "perennial debate" about the value of art.⁸⁹ Therefore, as Weitz concludes, "the role of the theory is not to define anything but to use the definitional form, almost epigrammatically, to pin-point a crucial recommendation to turn our attention once again to [certain features of works of art]".⁹⁰

It may seem curious that Schaeffer concludes his chapter with the following statement: "The value of a critical text [is] that it indicates us potential ways of satisfactory aesthetic attention or that it makes us wonder whether we content ourselves with poor satisfactions."⁹¹ This last sentence actually seems to revive the debate it was supposed to close: for if there are satisfactions richer than others, this means that there might be artworks more successful than others.

2.2.3. *The Objectivist Aesthetics*

It is this question of the value of works of art and the legitimacy of the reactions related to them which interested Rainer Rochlitz, who opposed the traditional "subjectivist" or "empiricist" tradition and its relativism by

⁸⁶ Surprisingly, Schaeffer doesn't mention Weitz in his text.

⁸⁷ See Morris Weitz, "The Role of Theory in Aesthetics", *Journal of Aesthetics and Art Criticism*, XV (1956).

⁸⁸ Weitz, "Role of Theory", p. 35.

⁸⁹ Weitz, "Role of Theory", p. 35.

⁹⁰ Weitz, "Role of Theory", p. 35.

⁹¹ Schaeffer, *Célibataires*, p. 246.

sustaining the strictly *normative* dimension of art and the need to use *common criteria* for evaluating them.

According to Rochlitz, indeed, a work of art is *intrinsically* a fact of value, since any artwork would include in itself a “claim to validity”, namely the aspiration to be recognized as successful. The distinction between artwork and non-artwork would therefore derive from an *aesthetic judgment*⁹², the unique way to respond to this artworks’ claim, and it would be futile to try to define the concept of a work of art in a descriptive way, that is in a neutral way from a value perspective. The peculiarity of artworks *lies* in their intrinsic “claim to validity”: if they do not get the recognition they target, they lose their artistic status, unlike natural or everyday objects that would keep theirs. While “a flower does not expect anything from us”⁹³ and “a plane that is no longer capable of flying keeps its descriptive airplane identity”⁹⁴, “an artwork that is neither explained nor valued is dead”.⁹⁵ This question of the work of art as an object of intrinsic value or as an objective phenomenon was the subject of a debate between Rochlitz and Schaeffer that we will not repeat here, where the first pleaded for a definition of *evaluative* art and the second advocated a definition of purely *descriptive* art.⁹⁶ This abstract of the position of Rochlitz shows in any case the *importance* he attaches to the evaluative judgment. It is necessary for *the very existence* of artworks: it defines as much as it evaluates them.

But how, again, can we estimate the value of an artwork? According to Rochlitz – who extends the reflections by Habermas on an ethic of discussion – the value of a work must be the subject of a *critical discussion* that, far from being reduced to the mere addition of personal preferences, allows to reach a rational verdict. Participants should be *at the height* of the debate, that is to say, offer arguments that will be built on the actual properties of the work and that can be evaluated collectively. According to Rochlitz

⁹² Rochlitz doesn’t explicitly distinguish between different types of judgments like Schaeffer: it seems, though, he uses the expression “aesthetic judgment” to describe a judgment which intends to *evaluate* artworks, similar to those of art critics.

⁹³ Rainer Rochlitz, *Subversion et subvention. Art contemporain et argumentation esthétique* (Paris: Gallimard, 1994), p. 137.

⁹⁴ Rochlitz, *Subversion et subvention*, p. 142.

⁹⁵ Rochlitz, *Subversion et subvention*, p. 137.

⁹⁶ In *Célibataires* Schaeffer responds to the thesis developed by Rochlitz two years before in *Subversion et subvention*.

“a work of art [...] follows a principle which is revealed by careful examination, rules that allow to appreciate its ambition and success [and] it is a fact that we exchange arguments to persuade each other of the merits of a particular artwork”.⁹⁷ This kind of discussion has its own rationality, able to validate or invalidate the judgments contained under the argument that underlies them. The strength of rational debate is indeed to be able *to shed light* on the gaps or qualities of an argument about a work. As Rochlitz notes, “some subjects express their preferences because of passions, privileged memories, family, regional or national habits, traditions, established cultural assessments. But when they express such claims in the presence of subjects who do not share their axiological choice, these claims are immediately problematized, and it is no longer possible to think that one can, in Kantian terms, ‘assign them to everyone’ or ‘assume them in any other’”.⁹⁸

Rochlitz therefore reclaims the notion of *common sense* by Kant and transforms it: it becomes a common *rationality*, constructed and activated intersubjectively, capable of measuring the relevance of judgments in an *effective* rational debate. This interpretation is actually quite close to the spirit of Kantian text, especially § 40 of the *Critique*, except that for Kant “[the] critical dimension of common sense is [...] transcendental rather than empirical”⁹⁹: one should not confront with the *real* views of others but rather put one’s self in place of any other “by [...] holding his judgment up not so much to the actual as to the merely possible judgment of others”.¹⁰⁰ Rochlitz therefore considers *common sense* as the rule of critical debate, its condition of possibility.

But what about the *content* of actual judgments? On what criteria are they based on? Rochlitz suggests four of them, which are not definitive criteria but rather *critical parameters*. None of them (alone or in combination with others) is sufficient to justify a judgment; but without them, no judgment could be sustained.¹⁰¹ It is thus the argument of the critic that

⁹⁷ Rochlitz, *Subversion et subvention*, p. 149.

⁹⁸ Rochlitz, *L'art au banc d'essai*, p. 162.

⁹⁹ Jean-Philippe Uzel, “Sens commun ou ”communisme culturel” ?”, *Æ*, vol. 3, (Fall 1998) accessed October 2016, http://www.uqtr.ca/AE/vol_3/michaud.htm.

¹⁰⁰ Kant, *Critique of the Power of Judgment*, § 40, p. 174.

¹⁰¹ Rochlitz, *L'art au banc d'essai*, p. 211.

will ultimately be determinant.¹⁰² The first parameter is the *coherence* of the work, which can be symbolic, stylistic, emotional, etc. The second parameter is the *culmination* of the work, namely the efficiency with which it will bring its idea. The third parameter is the *challenge* of the work that must justify the effort undertaken.¹⁰³ The fourth and final parameter is the *originality* of the work, that is its exploratory nature and its contribution to the history of art. All these parameters should be present in the work ideally, because, for example, “a stylistic coherence without a challenge may be weak and purely decorative, [and] the presentation of a challenge without style may drag to confession or documentary information and make the art form incidental compared to the ‘message’”.¹⁰⁴

Therefore, according to Rochlitz, a valid aesthetic judgment is based on critical parameters and reasons evaluated in an intersubjective way during a rational debate. He is opposed to Genette and Schaeffer for whom the differences of taste are ultimately explained by the cultural, social or family origin of the subject. The drawback of this empiricist conception, according to Rochlitz, is that it prohibits “taking seriously any debate on a work of art”¹⁰⁵ assuming “that there is no rational motivation [...] but only fallacious justifications”.¹⁰⁶ This explanation of aesthetic judgments thus always leads “to the psychoanalyst’s ‘couch’”.¹⁰⁷

2.2.4. Conclusion on the Contemporary Aesthetic Debate

This analysis has shown that for Gérard Genette and Jean-Marie Schaeffer judgment can only be subjective (left to each individual’s appreciation); according to Rainer Rochlitz, instead, judgment can indeed be based on objective properties and verified in an intersubjective way. Not only do these two antagonistic positions correspond respectively to the thesis and antithesis of the Kantian antinomy relative to the judgment of taste, they also exclude what allowed Kant to resolve this apparent *aporia*: the notion of common sense.

¹⁰² Rochlitz, *L’art au banc d’essai*, p. 202.

¹⁰³ Rochlitz, *L’art au banc d’essai*, p. 212.

¹⁰⁴ Rochlitz, *L’art au banc d’essai*, p. 212.

¹⁰⁵ Rochlitz, *L’art au banc d’essai*, p. 162.

¹⁰⁶ Rochlitz, *L’art au banc d’essai*, p. 161.

¹⁰⁷ Rochlitz, *L’art au banc d’essai*, p. 161.

Schaeffer thinks significantly that “if the *Critique of the Power of Judgment* shed light on some of the essential features of the aesthetic conduct (pleasure and subjective appreciation), Kant immediately turned it into a myth under the form of a communicational utopia”.¹⁰⁸ Rainer Rochlitz also rejects the idea of common sense – or rather transforms it – but with an opposite result compared to Schaeffer’s: critical judgement is a public statement whose validity is experienced during a rational confrontation of arguments about the works. So, we have two opposing positions¹⁰⁹ – the “subjectivist empiricism” by Genette and Schaeffer and the “objectivist rationalism” by Rochlitz – which nevertheless meet in their choice to keep, in the end, only *a part* of the Kantian thesis on aesthetic judgment.

3. Judgement Today

By the visual and conceptual shifts he creates, contemporary art challenges the public’s “horizon of expectations” and the categories of aestheticians. Consequently, he invites them to continually review their classifications, to refine their concepts, to challenge their criteria. As we have seen, the contingent relativism according to which the advent of contemporary art would sign the loss of any normative benchmark seems distant from reality: we are not witnessing a loss of criteria, but rather their *transformation* and *multiplication* over time. The question that arises, then, is the following: does the formation of a new genre or artistic paradigm make the previous out of date? According to Nathalie Heinich, it is not so¹¹⁰: if certain paradigms are more significant than others during a given period, their coexistence is possible and even proven. The “modern” and “classical” paradigms are still ongoing today, and if their distribution networks are often separated from “contemporary” networks¹¹¹, their values are still

¹⁰⁸ Schaeffer, *Célibataires*, p. 13.

¹⁰⁹ One could nevertheless find some common ground between “subjectivists” and “objectivists”: as shown in our previous analysis, indeed, Schaeffer distinguishes between different types of judgments and acknowledges the possibility to formulate justified artistic evaluations; Rochlitz prefers to the idea of objective criteria that of *critical parameters*, necessary to elaborate a rational judgment without assuring for all that the objective validity of the latter.

¹¹⁰ See Heinich, “Pour en finir” and, from the same author, *Paradigme de l’art contemporain*.

¹¹¹ See Heinich, *Paradigme de l’art contemporain*, p. 35.

conveyed by the public and some of the artworld's actors. Therefore, the boundaries between paradigms are not as sealed as they may sound.

Still remains the question of universality. Is it possible to outline some criteria that would be applicable to any type of work, regardless of its genre? This is the proposal made by Rochlitz and each of his “critical parameters” would deserve to be analyzed and confronted with the most varied productions – what we can not do here.¹¹² What may be missing in Rochlitz's text is the *reflective* nature of judgment and the *demonstrative* or *exemplary* status of aesthetic argumentation: we must always start out from works, because they renew through their very existence the criteria intended to characterize them.¹¹³

A track to address the issue of universality would also be to distinguish between *relativity* and *relativism*.¹¹⁴ Unlike *relativism*, which believes that any judgment about art is inevitably *biased*, that is to say strictly valid for the person who utters it or the paradigm which it refers to, *relativity* specifies that the fact that “a judgment is conditioned by a particular factor [does not mean] it is groundless or that the observer is blind to its own conditions”.¹¹⁵ Unlike the relativism that “[exclude] encounters and argued discussions in favor of the ‘casualty’ of agreements”¹¹⁶, relativity allows anyone to consider another's perspective in order to evaluate its legitimacy.

Kant's text seems to be accurate on this point: rather than prescribing rules to be applied mechanically to the works, he offers us some “keys” to

¹¹² In the second part of *L'art au banc d'essai* (pp. 259-431) Rochlitz offered himself to confront his theory to practice, by applying his “critical parameters” to the works of two writers and two artists.

¹¹³ It is nevertheless interesting to note that while many criteria of the past seem obsolete today, or seem suited to certain artistic genres only, other criteria seem to have strangely maintained their importance throughout the history of art. Among these, for example, that of novelty – or at least the ability for a work to amaze the spectator. Could such a criterion be understood as a meta-criterion? The idea of novelty seems included within the very concept of work of art, which would make it both a common feature (although present in it in varying degrees) and a criterion of judgement.

¹¹⁴ See Christophe Genin, “Présentation. Juger l'art ? Perspectives et prospectives”, in *Juger l'art ?*, ed. Christophe Genin and Claire Leroux (Paris: Publications de la Sorbonne, 2009), p. 11.

¹¹⁵ Christophe Genin, “Présentation”, p. 11.

¹¹⁶ Agnès Lontrade, “Tour d'horizon. Penser le jugement esthétique après Hume et Kant”, in *Juger l'art ?*, ed. Genin and Leroux, p. 192.

adopt a critical attitude necessary for the development of a free and independent judgment. For the judgment to be opposed to prejudice¹¹⁷, hence to the hasty opinion that “decide before understanding”¹¹⁸, it has to prevail from being satisfied with its own taste, or that prescribed by fashion, conventions, or any paradigm. This is what Kant already intended with a *disinterested* judgment: a judgment free from any personal interest in the contemplated thing but also free from any opinion imposed by environment, time or education. Because this is also what Kant had thought: the possibility engraved in every man to exercise his faculty of judgment *beyond* his membership to a specific community, so to discuss artworks as “common things”¹¹⁹ and from a code of common references.

Of course, as Goodman reminds, “there are no innocent eyes”¹²⁰: “the eye comes always ancient to its work [;] it selects, rejects, organizes, discriminates, associates, classifies, analyses, constructs. It does not so much mirror as take and make; and what it takes and makes it sees not bare, as items without attributes, but as things, as food, as people, as enemies, as stars, as weapons. Nothing is seen nakedly or naked”.¹²¹ But that first interested attitude can then be corrected, by dismissing associations that are too personal or erroneous, by working on our vision so that it becomes, in a second stage, sharp and relevant.

Various methods may be considered for this purpose. Presenting our own views during a rational debate would have the advantage, as demonstrated by Rochlitz, *to highlight* – through others’ eyes – gaps or qualities of an argument about a work. This type of exercise can also occur in isolation: the individual would then imagine a virtual space of discussion and would elaborate his judgment in view of the potential objections he may receive.

The maxims suggested by Kant in paragraph 40¹²² are revealing about this. The first, that of “the unprejudiced way of thinking”, is directed to

¹¹⁷ Agnès Lontrade, “Tour d’horizon”, p. 192.

¹¹⁸ Christophe Genin, “Présentation”, p. 8.

¹¹⁹ Danielle Lories, introduction to *L’art en valeurs*, ed. Lories and Dekonink, p. 11.

¹²⁰ Nelson Goodman, *Languages of Art: An Approach to a Theory of Symbols* (Indianapolis: Hackett Publishing Company, 1976), p. 7.

¹²¹ Goodman, *Languages*, pp. 7-8.

¹²² Kant, *Critique of the Power of Judgment*, § 40, pp. 174-175.

“think for oneself”: it requires never to be passive, hence not to give in to prejudice. The second maxim, that of “the broad-minded way” invites to “think in the position of everyone else”: it seeks an open mind, able to stand over “the subjective private conditions of the judgment, within which so many others are as if bracketed, and [reflect] on [its] own judgment from a universal stand-point (which he can only determine by putting himself into the stand-point of others)”. The third maxim, that of the “consistent way” requires “always to think in accord with oneself”; it is, according to Kant, “the most difficult to achieve, and can only be achieved through the combination of the first two and after frequent observance of them has made them automatic”.

Once this attitude is adopted, of course, everything remains to be done: the “form” of a judgment does not guarantee the validity of its content. It is up to us to choose the tools that will appear most adapted to produce sense and to discriminate among artworks – and to be prepared to argue for this choice, keeping in mind that the more general or common are the chosen criteria, the more relevant will be our judgment. Art, by its *public* nature, “speaks to us on another level than that of the [idiosyncratic] preferences”.¹²³ When an artist speaks to the multiplicity through a work he opens a space of *interlocution*¹²⁴, because each singular proposition enroll and is apprehended in a shared world. The answer to the question “How could we judge artworks today?” is perhaps the following: by aiming at universality – without ever losing sight of the works.

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¹²³ Lories, introduction to *L'art en valeurs*, 11.

¹²⁴ Jean-Pierre Cometti, “Art et jugement esthétique. La priorité de la critique”, in *Juger l'art*, ed. Genin and Leroux, 32.

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