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Beauty and Testimony

§1 Kant claims that the judgement of taste, the judgement that some particular is beautiful, exhibits two "peculiarities". First,

"[t]he judgement of taste determines its object in respect of delight (as a thing of beauty) with a claim to the agreement of *every one*, just as if it were objective."¹

Is the judgement in fact objective? Since Kant thinks that the judgement of taste not only demands the agreement of all, but is justified in doing so, his answer seems to be yes. This impression is borne out by his account of our engagement with beauty, which makes central the necessity, under the right conditions, of shared responses to beautiful things. Since it does all this while maintaining that beauty is just a capacity to elicit a certain affective response, Kant's view is reasonably seen as offering a modest form of objectivism about beauty. And this construal of his position is complicated, rather than thwarted, by his use of the term translated here as "objective". For, although Kant means something distinctive by that term, and indeed claims that the judgement of taste is not, in that sense, objective, these views dovetail with the broader position just described (see below, §2).

The second peculiarity is this:

"Proofs are of no avail whatever for determining the judgement of taste, and in this connexion matters stand just as they would were that judgement simply *subjective*."²

Judgements of beauty cannot be proven, and as one example Kant cites the "proof" given by the testimony of others. Anyone who finds that others admire what he finds not to be beautiful, will stand his ground. He

"clearly perceives that the approval of others affords no valid proof, available for the estimate of beauty. He recognizes that others, perchance, may see and observe for him, and that, what many have seen in one and the same way may, for the purpose of a theoretical...judgement, serve as an adequate ground of proof for him, albeit he believes he saw otherwise, but that what has pleased others can never serve him as the ground of an aesthetic judgement."³

Although Kant here discusses the complex case where the opinions of others conflict with the subject's own, nothing in the rest of the passage suggests that this complexity matters to him. So he thinks that the testimony of others does not provide me with "proof" for thinking something beautiful, even if I have not yet had the chance to form my own opinion. Further, as his comments about the "theoretical" case make clear, Kant does not mean anything particularly stringent by "proof". He means no more than *decent grounds for* the proposition in hand. Finally, he seems to have in mind the force for me of others' judgements alone, and not as reinforced by any reasons their makers might have for them. At least in this part of his discussion of "proofs", his claim concerns, not aesthetic *argument*, but the giving of aesthetic opinions. In short, Kant is saying that concerning beauty, unlike many other observable matters, the considered opinions of others do not provide decent grounds for my own judgement. As we might say, questions of beauty do not admit of testimony.

Is Kant right? I will argue that to a large extent he is, but that this creates difficulties for his account. In particular, this aspect of his second "peculiarity" is in tension with his first, the acknowledgement that aesthetic judgements have some measure of objectivity. For, to put the issue too crudely, if there is something to know about a thing's beauty, why can't I learn it from someone else? Now, as is suggested by the way Kant presents his two peculiarities, he himself recognizes certain tensions between them. However, the rest of the Critique only tackles the tension between the objectivity of aesthetics and the absence of proofs of other kinds. The issue of testimony is forgotten. Dealing with it raises matters Kant left untouched. But the point of considering this issue extends beyond the rational reconstruction of Kant's own view. I suggest that accommodating the truth about testimony concerning beauty sets a

serious task for any aesthetic theory (§10).

§2 It will help to begin with a little more exposition. Let's start with the unsettled business of Kant's use of "objective" and "subjective" (or their German equivalents). The judgement of taste is not objective in Kant's sense, in that it is not made on the right sort of ground. For its ground is the subject's pleasure in the object, and pleasure is, for Kant, the only "subjective" sensation. That is, pleasure is the only sensation which cannot be combined with a concept so as to yield a representation, be it of states of the external world, or states of the subject himself.⁴ But if my judgement that something is beautiful is based simply on my pleasure in that thing, a pleasure which in itself does not represent that thing as being any particular way, how then can I justifiably demand that others respond to the object in the same way? This question lies at the heart of Kant's thinking about beauty.

To gain some sense of the question's urgency for Kant, contrast what he takes to be the situation for ordinary empirical judgements. Normal cognition involves the combination of sensations with concepts. The sensations are "objective" in his sense, in that when so combined with concepts they constitute representations of how the world is—that the thing before me is a certain shape or colour, or that I myself am hungry. Concepts are in effect rules, ways of ordering the sensory input. When I judge that the world is thus and so, my claim on the agreement of others stems from the fact that I have ordered my sensory manifold under a certain rule. If they possess the concept, i.e. if they know the rule, and if their sensory manifold parallels my own, they must accept that the object in question falls under the concept.⁵ But in the case of beauty matters are quite otherwise. There, my judgement is made solely on the basis of my pleasure in the object, the "subjective" nature of which precisely excludes the sort of consideration just deployed. Whence, then, my legitimate demand on the agreement of all?

Kant's answer begins from the thought that the pleasure which grounds the judgement of taste has a distinctive source. It is produced when the imagination and the understanding stand in a

special relation, a relation Kant describes as their being in "harmony". The nature of the faculties so related, and that of the relation itself, is obscure, but Kant's basic idea is that beautiful objects engage the very same capacities deployed in normal cognition, but without those capacities producing their usual outcome. In the appreciation of beauty, although no concept is applied, no rule found under which to subsume the thing, the object strikes the cognizing subject as being suitable for being so processed. This allows Kant to answer his central question. For the judging subject's pleasure stems from the way the object affects his cognitive system and, Kant thinks, there are good reasons *a priori* for thinking that it must affect every other cognizer's system in just the same way, producing pleasure. Thus it is that the judgement of taste can legitimately lay claim to the agreement of all, which is to say, to their likewise responding to the object with pleasure, should they encounter it. And this even though pleasure, the "subjective" sensation, is our only guide to beauty.⁶

These claims raise many questions, but not ones we need answer. It is enough to note some connections between Kant's view and the theme of objectivity. Even here, our discussion will not be exhaustive, in part because it is a complex question quite what objectivity amounts to, and very plausible that traditional debates over it concern several distinct notions, which interrelate in far from obvious ways.⁷ Further, it is clear that Kant's view contains more than one strand relevant to such questions. Given these complications, space allows for just two observations.

First, consider the demand Kant is centrally concerned to vindicate, for the agreement of all in the judgement of taste. Objectivity requires at least a subject matter the nature of which is not determined by particular judgements made about it.⁸ Any such subject matter which my judgement concerns should be accessible to your judgement too (you may not be able to know about the issue, but you can at least judge concerning it). And if I have rightly judged how things are, your judgement should conform to mine (and *vice versa*). Thus that my judgement should demand your agreement, and that that demand be legitimate, seem minimal conditions on the objectivity of our discourse. Second, consider Kant's explanation of how that demand can be legitimate. Its legitimacy rests on the source of aesthetic pleasure, in our

nature as cognizers. Given this source, we are, under ideal circumstances, guaranteed to respond to an object in the same way, with pleasure or otherwise. Of course, Kant acknowledges that other factors may intrude so as to prevent our responses being alike.⁹ But, provided they do not do so, we will find the same things beautiful. Thus our taking things to be beautiful exhibits a discipline grounded not in accidents of our nature but in our mere capacity to cognize. It is surely plausible that, where claims to objectivity centre on conformity in response, the more deeply rooted the conformity, the stronger the claim.

This is enough to make at least initially plausible my claim that Kant's view offers a modest objectivism about beauty. More detailed questions concerning objectivity can be considered if our main topic, testimony about beauty, requires (see §10). Before turning to that topic, note that Kant's account allows him to explain why judgements of taste do not admit of "proof" of at least one kind. Kant denies that there are principles of taste, general claims citing some property definitive of, or conducive to, beauty from which, coupled to the premise that a given object has that property, we could deduce that it is beautiful.¹⁰ Were the judgement of taste grounded in normal concept application, there would have to be such principles. For if finding something beautiful involved applying a rule, there would have to be features, common to all beautiful things, the possession of which is what constituted their fitting the rule. Since judgements of taste are not grounded in this way, it is at least left open that there is no feature common to all things which affect our cognitive capacities in the way described above.

However, showing there to be no proof by principle is quite different from showing there to be none by testimony. For testimony centrally concerns the force for others of my judgement alone, not its force when supported by arguments. Even if there are no principles of taste, the question remains whether a judgement of taste can provide others with reason to adopt it. After all, in many matters, my judgement alone gives you reason to accept what I say, as when I tell you that my new house has three bedrooms. Is this so for beauty, and if not, why?

§3 I begin by considering some explanations, before examining what there is to explain. This may seem premature. However, it is not always easy to separate one's view of explananda from possible explanations. This temptation is especially strong for one impressed by Kant's account of beauty. For *prima facie* that promises to explain, in any of several ways, a particular construal of the facts. This is that testimony over beauty is not possible at all. Below (§§4-6) I reject this. But the apparent ease with which Kant's view explains why matters should be so exerts a powerful pull towards taking them to be. So let me dispel the impression that any explanation is on offer here. The easiest way to do this is to assume for argument's sake that testimony over beauty is not possible, and to ask why, in Kant's terms, this should be.

A first attempt at explanation makes the most direct use of the materials above. One of Kant's main claims is that the ground of the judgement of taste is the judging subject's pleasure. This claim by itself renders impossible testimony over beauty. For your telling me that some object is beautiful brings me no opportunity to take pleasure in that thing, and so offers me no ground, of the kind Kant considers necessary, for judging its beauty. Hence the failure of testimony.

The difficulty with this suggestion emerges most clearly if we consider an analogy. Beauty is not the only property we judge on the basis of a response on our part. Judgements of colour, to take one example, are likewise grounded in a response, here a perceptual response, to the object. The judgement that something is, for instance, red, is grounded in its looking a certain way. Now, if someone tells me that some item is red, his testimony offers me no opportunity to respond to the coloured object in the appropriate way—I can hear his claim without anything looking red to me. Does it follow that testimony over colour is impossible? It does not—if we can accept anything on testimony, it is simple observation claims, such as that some particular item is a certain colour. What, then, is the source of this difference between colour and beauty?

In a way, this question is easy for the explanation to answer. In the case of colour, the

subject's judgement must be grounded in someone's response to the object, but not necessarily his own. This is shown precisely by the possibility of testimony about colour. In the case of beauty, in contrast, the judgement of taste can only be made on the ground of the judging subject's pleasure. But are we here offered an explanation of testimony's failure, or a redescription of it? The possibility of relying on testimony over colour just is the possibility of using another's response to the object as ground for one's own judgement. We have no understanding of what is distinctive about beauty until we know why judgements of it must be made on the basis of the judge's own responses.

Someone might dispute the analogy with colour in either of two ways, each generating a new explanation for the failure of testimony concerning beauty. The first notes that judging colour is straightforwardly a case of applying a concept and that, as we saw above, Kant is eager to distinguish appreciating beauty from concept application. As a result, "aesthetic judgement affords...no knowledge of the Object"¹¹. And, where there is no knowledge, there is nothing to learn from testimony.

As it stands, this explanation moves too quickly. Whatever exactly Kant means by denying the presence of knowledge in the aesthetic realm, he certainly thinks that one can have warrant for a judgement of taste. For that is what he means by his most basic claim, that pleasure is the "determining ground" of the judgement that something is beautiful. But if one person can be warranted in judging something beautiful, why can't a second person acquire warrant for that belief on the basis of the first's say-so? Testimony's failure for beauty just is the failure of such acquisition to occur. Kant, it seems, is committed to terms rich enough to generate our problem, whatever he says about knowledge.

There is undoubtedly more to this first contrast between beauty and colour. Kant's claims about their differing relations to "knowledge" are really ways of summarising the fundamental differences discussed above (§2). Appreciating something's beauty is not a matter of finding out about it via some modification of my state which serves to represent that thing. I discover its beauty through my pleasure, and that feeling is, in Kant's phrase,

"referred to the Subject".¹² My pleasure is not brute, it reflects the fact that my faculties are in harmony; but that fact too fundamentally concerns my state, not the nature of the object (save insofar as it puts me in that state). In the colour case, in contrast, although I find out about colour via a response on my part, that response is "referred to the Object", that is, it combines with a concept to represent some property of the item.

However, are these further differences relevant? They concern the differing sources, in the case of colour and of beauty, of a normative demand made in each—the demand for the agreement of all.¹³ But, whatever its source, the mere presence of that demand in the aesthetic case is sufficient to generate our problem. If the maker of a judgement of taste is, on the basis of his pleasure in an object, justified in demanding from everyone agreement as to its beauty, why isn't anyone of whom agreement is justifiably demanded equally justified, *on the basis of the original judger's pleasure*, in giving that agreement? This is the fundamental formulation, within Kant's framework, of the problem of accounting for the failure of testimony over beauty. Our discussion thus far has served simply to bring us to the point at which we have focussed this problem clearly. Note that the problem is generated precisely by the demand for agreement, enshrined in Kant's first "peculiarity", which is the central strand in his attempt to develop an account of beauty as objective. Nothing in the first proposal for demarcating beauty from colour has shown how to solve that problem.

This stress on the normative demand raises one last hope for that first proposal. For what exactly is it that the maker of a judgement of taste demands from every other person? Is it (a) pleasure in O, on encountering it; (b) a judgement that O is beautiful, on encountering it; or (c) a judgement that O is beautiful, *prior to* any such encounter? Kant swings between (a) and (b), but surely it is (c) that would be required for testimony concerning beauty. If Kant does not think that the maker of a judgement of taste is justified in demanding (c), that is why, he should say, testimony fails for beauty.

There is no escape here. Compare colour. There, the testifier demands, on the basis of his experience, that everyone (α) on encountering O, respond perceptually to it as he does; and

(β) agree, on encountering O, that it is (say) red. But he also demands (γ) that everyone accept that O is red, *prior to* experiencing it. How can he do this, if they lack any grounds for judging O's colour? By *telling them* its colour, and letting his word serve as their ground. Why, then, can he not do the same when beauty is the topic? That is precisely our question. It is no answer simply to stipulate that the judgement of taste lays claim, from all, to (a) or (b), but not (c). The last two differ solely in whether contact with O is necessary for the other to give his "agreement", and our question all along was why, in the case of beauty, such contact should be needed.

What of the second disanalogy between beauty and colour? This is that there are complications unique to the case of beauty. Here, according to Kant, the key response is pleasure, but it must be pleasure stemming from the right source—the distinctive state of our cognitive system described above. In particular, the subject's pleasure in the object must not stem from its satisfying his "interest", as Kant puts it.¹⁴ It must not, for example, spring from his self-congratulation in liking such arcane and difficult items; or from his pride in his country, for having produced the thing in question. Now, it is hard enough in one's own case to be sure that no such factors sully one's pleasure in the object. How much harder, then, to know this of someone else's reaction. And perhaps Kant can explain the failure of testimony in these terms. For beauty, but not colour, the response of another cannot ground my judgement, since only with colour can I be sufficiently confident that the other's response was of the right sort.

This, then, is the third explanation. One difficulty is that it takes as central phenomena which are peripheral to testimony. It focusses on my difficulty in knowing the source of my informant's judgement. But in its purest form testimony involves my forming a belief about some issue simply on another's say-so, without concerning myself about his grounds for that judgement. Even setting that anxiety aside, the proposal fails. It is simply unclear that, when the issue is the source of pleasure in something's beauty, my access to the facts in another's case is much worse than in my own. Certainly Kant says very little of a positive nature about how I might ascertain the source of my own pleasure. He seems to reject the idea that, when

my pleasure does have the appropriate, purely cognitive, source, I can directly experience that fact. Rather, the only manifestation in consciousness of that cognitive state is the pleasure itself.¹⁵ If so, it is hard to see how there is a difference in kind between the first- and third-person case. More importantly, it is implausible that I could never know enough in the case of another. For one thing, this itself I could learn by testimony. If you simply tell me that your pleasure stems from no interest of yours, and if you have been sufficiently rigorous in your inquiry to know that, why should I not acquire that knowledge, simply by believing you? Of course, when you tell me that something is beautiful, you are making a rather different claim. But if the latter implies, or perhaps implicates, the former, my epistemic position will be the same.

A fourth proposal picks up on this idea about what is implicated about the judger's state. Perhaps the speech act of claiming that something is beautiful "implicates an avowal". That is, perhaps it gives rise to a conversational implicature, in Grice's sense, that the judger takes, or has taken, pleasure in the object in question. If so, no other person can earn the right to offer that judgement simply in virtue of what is said to him. For, as noted before, it is obvious that hearing testimony about an object's beauty does not allow one to take pleasure in it. Thus if I have not experienced the thing, but attempt to claim that it is beautiful on your say-so, I have not taken the pleasure in it which my claim implicates. My claim is not one to which I am entitled, and any who hear it, once they discover the facts, are likely to "feel not just annoyed, but as if [they]'d been lied to."¹⁶

This proposal has clear affinities with the first. Unlike the first, it promises to explain why my right to a judgement of taste requires my pleasure in the object judged. My judgement conversationally implies my pleasure in the object, and that is why I need to have taken such pleasure. Indeed, I suspect that much of what the proposal asserts is true. However, it gives a hostage to fortune. Implicature only occurs in the context of claims about beauty, speech acts of asserting that some thing or other is beautiful. Of course, if there is to be testimony at all, there must be at least one such speech act, but there need not be two. The epistemic interest of testimony centrally concerns the right to form the belief that p on the basis of what others

tell me, not the right to go on to pronounce on the topic in question. Appeal to implicature may explain the oddness of claims about beauty based on the testimony of others, but it cannot explain that of beliefs so based. So, if the failure of testimony in this area extends to belief, the implicature account is defective. It can at most cover some of the phenomena, and is not likely to be the deepest explanation of those. For if we had an independent explanation of why testimony cannot ground beliefs about beauty, facts about implicature might very well emerge as consequences of this.

Of course, all this counts for nothing unless testimony's failure in the aesthetic realm does indeed extend to belief. It is time to ask whether this is so, and more generally quite what we need to explain. Before doing that, let us quickly reject a final proposal.

We can avoid the pitfalls of last explanation by making a claim about the content of the judgement of taste. For this, unlike implicature, is common to the spoken judgement and the belief it expresses. We should claim that the content of a judgement that O is beautiful is in part that O evokes a pleasure response. So far, this is not implausible, and Kant, at least, would accept as much.¹⁷ Now we want this claim about content to explain something about the judgement's grounds, i.e. why they must include the judging subject's pleasure in O. So we must further claim that the content is that the judger takes, or has taken, such pleasure. However, this move, although it seems the only one left to us at this stage, is fruitless. It accommodates the absence of testimony for beauty only by surrendering any pretensions to objectivity. To note just one consequence of the proposal: if it is part of the content of someone's belief that some object O is beautiful that he takes pleasure in it, he is no longer in a position genuinely to disagree with someone who denies O's beauty.

§4 In considering whether beauty admits of testimony, there are various situations we might discuss. We have already noted (§1) the contrast between cases in which the hearer (H) does not already have an opinion on the matter on which his informant (T) testifies, and those in which he does. In the former, T's testimony that *p*, if it gives H any reason to believe *p*, gives

him the only reason he has; in the latter H has other reasons, for or against. We will concentrate on the former, since it focusses our problem in its purest form. A second distinction is between cases in which H and T are equally well qualified to judge on matters of the kind in question, and those in which T is more expert than H. The latter situation is especially interesting for aesthetics, since it offers one model of the relation between the critic-connoisseur, be it of nature or art, and those who hope to learn from him. Nonetheless, in what follows I concentrate on cases in which H and T are equally qualified to judge the beauty of whatever sort of thing is in question. Again, this case is, I think, basic. In passing, I will attempt to indicate how my claims might extend to the question of expertise.

Preliminaries aside, is it ever legitimate for the testimony of another, my equal in expertise, to carry weight in my thinking about whether a given thing is beautiful? In particular, how sharp is the contrast in this respect between beauty and other observable matters? (We will continue to take colour as our example.) I think that there is an important contrast to draw. However, to get to it, we need to steer a course through conflicting intuitions.

On the one hand, it seems H can acquire some grounds for belief that some object O is beautiful on the basis of T's testimony. Suppose I have never seen, or looked at pictures of, the Picos De Europa, but that you tell me they are beautiful. Doesn't this give me some warrant for believing that? Perhaps we have walked many mountain ranges together, and I have always found your taste in such matters to be rather refined. Suppose I then plan a holiday in the Picos, perhaps sacrificing some other project I had been contemplating. In doing this surely I need not be acting irrationally, not even if I cite as my main reason for going the beauty of those mountains. And doesn't this suggest that my plan is based on a belief, in the beauty of the Picos, that is not entirely groundless?

On the other hand, there is a powerful pull towards the idea that all I can really be doing is *going to see whether* your claim is true. Perhaps your testimony gives me some reason to think the mountains lovely, but does it give me sufficient to justify my forming the belief that they are? (No doubt how much warrant is sufficient varies with context, but it is hard to think

of a situation, where the putative belief concerns beauty, in which testimony ever meets this context-determined limit.) Odder still is the idea that I can thereby come to know that the mountains are beautiful.¹⁸ And in these respects, testimony concerning beauty contrasts with testimony on other matters. Suppose you have visited the Asturias and tell me that their regional flag is a distinctive shade of purple. Provided I've no reason to mistrust you, this gives me sufficient grounds for the belief. And, provided you established your belief in an appropriate way, perhaps by observation, the belief I form constitutes knowledge of the flag's colour.

There is another aspect to the contrast here. As Kant himself notes in the passage on testimony with which we began, in non-aesthetic matters the opinions of others can combine, so that the warrant provided by their testimonies taken together outstrips that provided by any one of them taken alone. Kant notes that this can provide sufficient warrant to overturn the hearer's own, contradictory observations; and that this is not so when it is beauty in dispute. We might add that combined testimony on a non-aesthetic matter can also provide sufficient to leave the hearer, when he has not observed the matter in hand, in a better position than any of his informants.¹⁹ Several witnesses to a crime might think that the perpetrator wore a red top, but, given the speed and upsetting nature of the events, not be at all sure. The inspector in charge of the case, having interviewed each, might be justified in believing the assailant's top to be red, and more so than any of his informants. It is very hard to construct an analogous case in the aesthetic sphere. Suppose that a painting combines a heady Romanticism with a luscious look. Many viewers, although inclined on balance to find it very beautiful indeed, might be left with some doubt as to whether it is in fact beautiful at all, so large loom those features which, in the end, might be taken as faults. In such a case, can the testimony of several such viewers leave someone who has not seen the picture in a better position than each of his informants? I think not. At best, he is left no worse off, in his warrant for believing the painting beautiful, than each of them.

There are many factors we might vary, in these examples, in the hope of closing the gap between aesthetic and other matters. We might in particular consider the various ways in

which, on matters of beauty, T may be a more or less suitable informant for H.²⁰ But even if such manoeuvres achieve something, they hardly bridge the divide completely. For in non-aesthetic matters no such rigorous selection of informants is needed. Complete strangers, of whom I know almost nothing and in whom I have no reason to place any particular trust, can pass on to me their knowledge of, say, the direction of my hotel, or the result of today's big match. Their testimony gives me ample warrant for the belief I form, despite my ignorance of their character or intent. So even if another's testimony can sometimes do more, by way of justifying my belief in something's beauty, than I have allowed, the contrasts with other matters stand. At the least, then, enough has been established about testimony concerning beauty to vindicate the criticisms levelled at the proposals of §3. For the contrasts here are with other, response-involving, observable properties, such as colour; and they concern the warrant testimony provides for belief about a thing's beauty. We must find another explanation for testimony's failure.

First, however, we need a tighter grip on the phenomenon. We have as yet done nothing to reconcile the conflicting intuitions described above, and nothing to give the phenomenon a formulation sufficiently precise to allow explanation to begin. In the next two sections, I offer a more theoretical description of the facts.

§5 To make progress, we need to consider in a little more detail the nature of testimony. There are two main accounts of how testimony operates.²¹

One account, which I'll call the *evidential model*, finds its crispest expression in Hume.²² On this view, H, the hearer's, warrant for believing what his informant T testifies to is given by an inference. The inference has three premises. The first is that T says that *p*. The second appeals to the correlation, as established by H's past experience, between (i) utterances by informants of some kind to which T belongs, on the topic of the kind to which the claim that *p* belongs and (ii) the truth of those utterances. The third concerns the prior probability that *p*. Provided appropriate versions of these premises are available, H can make an inductive

inference to the conclusion that p . Of course, the view need not claim that anyone learning from testimony in fact makes such an inference. Here, as in other cases in which reasoning provides one's justification for belief, it suffices that H could so infer, were he to put his mind to it. And the degree to which he is justified in his belief that p is the degree to which some such inference, available to him, would support that conclusion.

The rival account is harder to focus. The best formulation of it known to me is given by Tyler Burge.²³ He distinguishes between justifications and entitlements. Both are sources of warrant for one's beliefs. Entitlements are warrants lying in grounds which one need not, in order to be warranted, be able to articulate. Justifications, in contrast, "involve reasons that people have and have access to" [Burge p.459]. Sources of entitlement, for Burge, include perception, memory and testimony. Thus we already see one difference between the account emerging here and the evidential model. For by insisting that the warrant testimony provides is just the warrant delivered by the inductive argument outlined above, the evidentialist makes testimony a matter, in Burge's terms, of justification, not entitlement.

There is more to Burge's view. When T tells H that p , the default is that H is entitled to believe him. Unless there are special grounds for suspicion, H is under no epistemic obligation to assess T's credibility, his past performance in giving witness on the issue in hand, or anything of the sort. So it is not just that, for Burge, H need not formulate the second premise above; unless the question arises, he need not incur any commitments on this or related matters. Finally, if H does form the belief that p on T's say-so, and if T was himself entitled to, or justified in, that belief (by perception, memory, argument, or whatever), then H inherits T's warrant for believing that p . And this, even though H perhaps lacks any knowledge of T's grounds for that belief. Of course, the evidential model too allows for this last, as any plausible account of testimony must. But on that model, H overcomes his ignorance of T's grounds for believing that p by making use of grounds of his own—his knowledge that T has proved a reliable enough informant on such matters in the past. On Burge's model, H inherits warrant without having grounds of his own to cite—as the idea that testimony is an entitlement precisely allows. So Burge sees testimony as a way for T's

warrant to be passed on to H, via the *a priori* epistemic right H has to believe T unless there are reasons for not doing so. I will call this view the *transmission model*.

There is an asymmetry between the ambitions these two positions can reasonably entertain. Advocates of the evidential model have thought that this is the only way in which testimony could conceivably operate. Advocates of the transmission view need not, and should not, be so uncompromising. We clearly could reason as the evidentialist suggests, since the inference he describes is merely one instance of a more general pattern of reasoning we sometimes use, i.e. standard induction. The only question is whether testimony between us does in fact operate in this way, and in particular whether the evidential account can cover both the particular things we do know by testimony, and the sheer scale of our dependence on the word of others. (Of course, someone holding the transmission view might argue that reasoning along evidential lines, for all that it could, and perhaps does occur, does not merit the name of learning by "testimony". But, for our purposes, this would be merely a matter of terminology.)

If the transmission model must accept that the evidentialist might be right about at least some of our thinking, this opens up an interesting possibility. Perhaps, although the transmission account fits most of the testimony we rely on, in some areas matters operate as the evidentialist suggests. I suggest that beliefs about beauty constitute just such an area. If we make use of both models of testimony we can sharpen the contrast, with respect to testimony, between beauty and other matters, and reconcile our conflicting intuitions about whether testimony over beauty is possible at all.

§6 In what follows, I will simply assume that the transmission model is coherent, and that it provides the right account of by far the greater part of our dealings with testimony.²⁴ Since this includes testimony about colour and other observable properties, one part of the contrast I want to draw is in place, albeit without argument. I want to concentrate on beauty, and suggest that here the transmission model does not apply. Instead, to the extent that beauty

admits of testimony at all, it does so on evidential lines. This will enable us to see how—at least in a central class of cases—another's testimony can give me some ground for a belief that something is beautiful, without that ground being at all powerful.

From the conflicting intuitions marshalled in §4, we can at least extract this. It is hard to believe that T's testimony that O is beautiful offers H no support for that proposition; but, equally, it is hard to believe, at least in standard cases, that it offers him much. Indeed, the stronger the epistemic notion we apply here (does H gain sufficient ground to form the belief? could he be better warranted in that belief than several uncertain informants? could it overturn the warrant provided by his own experience? does he gain knowledge?), the harder it is to think that it applies to H's state. A consequence of this is that H's warrant will, in standard cases, be far weaker than T's. Of course, T's warrant might itself be weak or strong. But, in at least many of the cases which concern us, it will be perfectly healthy. If T has judged O beautiful on the basis of experience of O, T is in an excellent position to hold that belief. Even so, our intuitions suggest, H will still acquire no more than very weak support for the proposition that *p*.

This disparity, between T's warrant and H's, is something only the evidential model can accommodate. For it takes H's and T's warrants to derive from quite different sources. The latter depends on whatever grounds T has for his belief, the former on the strength of the best inductive inference, of the form described above, available to H. It is clear that there is no reason for the strength of these two warrants to be linked. T's warrant will depend on his current situation, H's on reasoning available to him largely concerning T's past record, or that of informants relevantly like him, in communicating truths. It is also clear that H's warrant might, across different situations, vary to any degree. For the support the inference yields for its target conclusion is in part determined by at least one matter which itself admits of continuous variation. This is the strength of the past correlation, as experienced by H, between claims, on the part of the relevant body of witnesses, on the given topic, and their truth. So it is at least consistent with the evidential model that the warrant provided by testimony about beauty be as weak as it is, and that it often be far weaker than the informant's

warrant.

The transmission account, in contrast, cannot accommodate these observations. Since on that account H inherits T's warrant for the testified belief, H must be justified in holding that belief to the same degree that T is. But in the standard cases of testimony about beauty, T's warrant will be strong, and H's weak. And that is our reason for thinking that testimony about beauty, whatever else it involves, does not operate on transmission lines.

One might wonder if things are so cut and dried. Couldn't the transmission model claim that H inherits a portion of T's warrant for believing that *p*, a portion so small that usually H cannot know that *p*, or even perhaps have sufficient warrant to form the belief? I don't think so, since these modifications are entirely *ad hoc*. These claims can't be made for testimony on just any subject matter, since on many topics testimony does indeed provide us with knowledge, or fully warranted belief, and thus with warrant of at least roughly the same strength as that of our informants. So the proposal must be that we alter the account to allow for such partial transmission of warrant, even though for topics other than beauty it applies unchanged. This amendment is not needed to save the account altogether, since we are simply assuming that it holds for testimony on most topics. It is motivated by nothing more than the desire to stretch the account to cover our conclusions concerning beauty. The evidential model, in contrast, can accommodate the weakness of testimonial support on questions of beauty without revision, let alone revisions of an *ad hoc* kind. We should conclude that the transmission model does not apply to beauty.

However, this argument requires one point of elucidation and one qualification. The point of elucidation is in response to a worry. The proposal is that we reject transmission testimony over beauty on the grounds that, standardly, when beauty is the subject matter, H's warrant is considerably weaker than T's. The worry is that the same grounds serve to cast doubt on my assumption that transmitting testimony does occur, indeed is the norm, for other subject matters. True, if I take your word on the colour of something, or a stranger's word on the direction of my hotel, my warrant is perhaps not considerably weaker than my informant's.

Certainly, in such situations I will often have sufficient warrant to know what I am told. But is my warrant as strong as my informant's, supposing his belief to be formed in first hand experience of the matter? This is not obviously the case, and if not, it seems that the form of argument above, if legitimate at all, threatens to prove that transmitting testimony fails for every topic, not just for beauty.

This is a general objection to the transmission model. I will suggest the main lines of the response I favour, although developing it fully would take us too far afield. What makes it plausible that, in the sort of case just described, H and T are not equally well off epistemically? It is thoughts such as this. If the stakes are high, T is in a better position than H. If, for instance, each is persuaded to wager large sums on whether p (the proposition to which T testifies), T will reasonably bet rather more than H. But does this show that, prior to that gaming situation, H had less warrant than T for the belief that p ? Or is it rather that the gamble with high stakes alters which aspects of each's condition are epistemically relevant?

I suggest the latter. Raising the stakes makes it very important to be right about whether p . This leaves H and T wanting not merely to be entitled to the belief that p , but to know that they are entitled to it. Now, on Burge's view, entitlements, whether provided by perception or by testimony, are defeasible. That is, there are conditions the holding of which would undermine that entitlement. For perception, such conditions include the malfunctioning of T's perceptual apparatus; for testimony, they include hearing that p from someone who is deceitful, or is himself deceived, about whether p . To be entitled, it is not necessary to know that these defeating conditions do not obtain.²⁵ But to know that one is entitled may indeed require just this. Since the two sets of defeating conditions differ, we can see that it may well be harder for H to establish that he is entitled than for T to do so. Hence our sense that the epistemic positions of the two differ. However, this difference is merely potential, except when it is important to be right about whether p (and perhaps in other special circumstances). It in no way suggests that in normal conditions there is any (further, actual) difference between T and H's epistemic positions, and in particular that the latter is less warranted in the belief he acquires from the former.

The qualification the argument requires is as follows. I have spoken here as if the support testimony offers for beliefs about beauty must always be weak. But what of the cases, the possibility of which we considered earlier (§4), where H's informant is in some way specially suited to him? If it is indeed possible for such an informant to provide H with strong justification for beliefs about beauty, we need to say a little more.

Conceding this possibility leaves the argument just given intact, but restricted in its scope. It applies only to those cases, by far the more common, in which no such special "suitability" of T to H obtains. For those cases the conclusion stands that testimony works on evidential lines, if it works at all. But what of the other, exceptional, cases? Here, we are supposing, the warrant for H's belief is strong. Since there is here no obvious disparity between the strength of T's warrant for the relevant belief, and the strength of H's, it is possible that on these occasions transmission testimony is the source of H's warrant. However, the evidentialist can also hope to account for these cases. For perhaps T's "suitability" to H just amounts to T's having in the past judged beauty just as H himself does, when he finally experiences the object in question. If so, there is a strong past correlation, from H's perspective, between T's claims about beauty and their truth; and that strength would be inherited by the support for T's current claim which an evidential inference offers.

I will not attempt to settle which account best fits these putative exceptions. I am only convinced of their possibility by the thought that, if evidential testimony over beauty is possible at all, as it seems it must be, then in principle it could in special circumstances offer the strong support here contemplated.²⁶ So it is hard for me to reject the evidential account of these cases, in favour of the transmission view. In what follows I will speak as if transmitting testimony never occurs for beauty. But, since I have offered no argument for this last element in my description of the phenomena, I will attempt not to rely on it in what follows.²⁷

§7 I have argued that beauty does not admit of testimony in the form standard for other

matters, i.e. testimony as transmission. At most, it admits of testimony as evidence, as input to an Humean inference. Even then, the support provided for the testified proposition is usually weak. Earlier I rejected the most obvious explanations, from within Kant's scheme, for the purported failure, *tout court*, of testimony for beauty. Now the facts have been focussed more sharply, it is time to attempt a better explanation.

There are several explanatory strategies we might adopt, but space to consider only one. I concentrate on this because it is, I think, both the most natural and, in the end, the most promising. Although there are different versions of this strategy, they all begin from the fact of disagreement over beauty. It is very tempting to try to explain the contrast between aesthetic and other matters thus: Beliefs about, say, colour can be acquired by transmission testimony, as beliefs about beauty cannot, because people disagree over the beauty of things, as they do not over their colour.

One attraction of appealing to disagreement is that we may anyway need to use it to explain one of the phenomena above. Why does evidential testimony about beauty in general provide only weak support for the testified belief? If disagreement is common, the explanation is straightforward. The prevalence of dispute means that H will be hard pressed to identify T as belonging to a type the members of which he has always experienced as in agreement. But since when two subjects disagree, both can't be right, this undermines the correlation, as experienced by H, between the claims about beauty made by subjects of that type and the truth of those claims.²⁸ Hence, except in special circumstances, the support an evidential inference would offer to any claim now before H will be relatively weak.

Now, it is quite another question whether disagreement can explain why transmitting testimony about beauty is not possible. Perhaps the strategy's success with evidential testimony will encourage optimism on this score. However, before we can explore the prospects for this approach, we need to settle an important preliminary. We are interested in explanations consistent with Kant's modest objectivism about beauty. So we must first ask how far his scheme can accommodate disagreement.

Kant can certainly allow that certain kinds of disagreement occur. If I consider O beautiful, but you do not, this might be because my judgement or yours (or both) is prompted by pleasure in O which is based on some interest, some desire or other idiosyncratic feature of that person (§3 above). Alternatively, it may be that we are in fact making judgements of different kinds, without realizing it. For Kant allows that what is apparently talk of beauty *simpliciter* is sometimes really talk of the object's suitability to some end. This is the source of his famous distinction between free and dependent beauty.²⁹ An end can be grasped only by applying a concept, and it is central to the account of beauty explored above (§2) that the pleasure grounding the judgement of taste is not dependent on the application of concepts. So the two judgements must be of different kinds. Thus we find Kant readily acknowledging that, if one person judges O independently of thoughts about an end it might serve, while another judges it in terms of such thoughts, their disagreement, even if each talks of beauty, is only apparent.³⁰

Beyond these sources of conflict, Kant cannot allow for disagreement. If neither of us is pleased by O because of some interest, and if neither is tacitly judging O's suitability to some end, then Kant cannot see how we can disagree over O's beauty. For the pleasure each of us feels should then have its source in the object's effects on our cognitive system—its putting the faculties "in harmony"—and Kant's central thought about how agreement is justifiably demanded from every one is that, what has that effect on one, must have it on all. Since the interestedness of a pleasure removes the warrant it provides for a judgement of taste, and since judgements of dependent and of free beauty cannot really conflict, Kant thus has to deny that *there can be genuine disagreements over free beauty in which both parties are warranted in their judgements*.

§8 The preliminary over, we can ask how exactly the fact of disagreement might explain the failure of transmitting testimony concerning beauty. There are several possibilities. We start with two which rely on the relative prevalence of disagreement to distinguish the aesthetic

from the non-aesthetic, transmission-involving, case.

First, one might think that the relative prevalence of disagreement over matters of beauty raises issues which must be left to lie, if there is to be testimony along Burgean lines. Burge devotes "Content Preservation" to explaining how there can be an *a priori* entitlement to believe the claims of others. That entitlement is not only defeasible, in that conditions may hold which undermine it (§6 above). It is also vulnerable in its status as *a priori*. If the testimonial situation raises questions about T's right to his belief, or the sincerity of his claims, then clearly H cannot be entitled *a priori* to believe him. He must consider these questions, and their answers can at best be known *a posteriori*. The relative prevalence of disagreement in aesthetic matters, as opposed to ordinary empirical ones, seems to force H into precisely such *a posteriori* investigations. For, if disagreement is common when beauty is the topic, how can H simply take for granted that T is a reliable guide to the beautiful? He must examine T's credentials, and that alone prevents him being entitled *a priori* to the testified belief, in the way Burge describes.

Although this explanation applies readily enough to Burge's official view, it bypasses the real issue. For I think that Burge's claims for the *a priori* status of testimonial entitlement should be seen as distinct from the rest of his account. Thus far I have concentrated on Burge's idea that testimony works through an entitlement to believe what one is told, an entitlement by which the testifier's warrant for his belief is passed on. Whether or not this entitlement is *a priori* seems a separate matter. Why should that entitlement not hold even if H has to earn the right to it by settling certain issues *a posteriori*? Our being entitled to believe what others say if the question of their competence or trustworthiness does not arise is quite consistent with our being entitled to even if it has arisen, provided those questions receive a satisfactory answer. Answering such questions may require H to formulate claims, for instance concerning T's general truthfulness or reliability, of the sort which could form the basis for a Humean inference as to whether to believe his claim that *p*. But H can consider these matters without thereby undertaking any such inference, and without his warrant to believe that *p* stemming from the fact, if fact it be, that some such inference is available to him.³¹ My

suggestion is not that all transmission testimony involves an entitlement *a posteriori*. That proposal might not be coherent, and certainly would not allow transmission to do some of the work Burge wanted, eg allowing for the scale of our dependence on what others say. My thought is only that some testimony involves such an *a posteriori* entitlement. I see no reason for Burge to deny that.³² If not, while the prevalence of disagreement over beauty may force certain questions on H, its doing so does not explain why T's testimony to him cannot involve the transmission of warrant between the two.

There is a second way to use the prevalence of disagreement to explain transmission's failure for beauty. If disagreements over beauty are common how can H be entitled to take T's word on whether O is beautiful? For there could easily be a second informant offering a contradictory view. If H is entitled to believe both, then he is entitled to believe both that the thing is beautiful and that it is not. This is unacceptable. Since H is related to each of his possible informants in just the same way, it seems he must either be entitled to believe both, or entitled to believe neither. The former possibility we have ruled out, and so it is the latter which obtains. But this is just the possibility that, for beauty, transmitting testimony does not occur. No such obstacle holds in the case of such "theoretical" matters as the colour of things. Disagreement is possible there, but rare. Thus the possibility of contradicting informants is not live, as it is in the aesthetic case; and hence no parallel problem for transmission holds.

This explanation has an appealing simplicity. However, it is insufficiently directed at the explanandum, the impossibility of transmission. We can approach this issue by asking exactly what is supposed to be "unacceptable" about H's situation, were transmission to hold. It seems it can only be that H might end up taking himself to be entitled both to believe that O is beautiful and to believe that it is not. In particular, transmission would not have the more serious consequence, that H would really be entitled to contradictory beliefs. For transmission simply hands on to the hearer any warrant the informant had. The Kantian framework within which we are working dictates that only one of H's two conflicting informants could in fact be making a warranted judgment of free beauty (§7). So there is at most one warrant, for a belief genuinely about (free) beauty, for H to inherit. Even given transmission, then, the

appearance of conflicting entitlements is the most that can be involved.

If this is the unacceptable possibility, declaring transmission to be impossible doesn't help. What would help would be if no one ever adopted any belief about beauty on the basis of another's testimony. But universal agnosticism is not the same as the absence of transmission. Hearers need to form beliefs if testimony is to work by either transmission or evidential means. And provided they do form such beliefs, when beauty is in question, it makes matters no worse whether they do so by transmission or by inference. Transmission could not generate any conflict worse than that between warrants apparently available to the subject, for the reason just given. And evidential testimony can equally generate conflict of apparent warrants, as when H's contesting informants both have an equal claim, given their past performance, on his credence. So the explanation is not of why transmission, in particular, fails to obtain.

There are certainly responses available to the explanation at this point. For one thing, it made play with the notion of the prevalence of disagreement. That was what was to differentiate beauty from other matters. Perhaps it will also help differentiate transmission from evidential testimony, in the aesthetic case. Perhaps, that is, evidential testimony threatens to generate a conflict in apparent warrants, but in far fewer cases than transmission would. This would be so if few informants in fact make equal claims, given their past performance, on our credence. Another reply would be that transmission threatens to generate a conflict between apparent warrants of greater strength than that promised by evidential testimony. For we saw above (§7) how disagreement weakens the support evidential testimony offers to beliefs about beauty, but transmission promises the hearer the same warrant which the informant enjoys.

However, these responses raise more questions than they answer. The first simply draws attention to the problematic role played by prevalence in the original argument. How exactly does the threat of more of a given unacceptable consequence act to frustrate the mechanisms which would generate it? The second leaves us wondering why the strength of apparent

warrants for conflicting views should matter. And this in turn raises the more serious question why a merely apparent conflict of warrants is problematic at all. That my entitlements seem to conflict simply tells me that I should try to find out how matters really stand. I should undertake the sort of investigation discussed earlier in this section, into the general reliability of my informant, or the disinterestedness of his judgement of taste. I argued above that the need to do this does not prevent that informant from passing on to me his warrant for his belief, provided my investigations find in his favour. Such investigations do not render transmission impossible, so how does the need to undertake them do so? Moreover, it is not clear that this need is even actual. The explanation does not claim that every informant is actually contradicted by another, just that he might be. Even if the likelihood of this occurring is higher than in non-aesthetic matters, it is not obvious that that possibility compels those who hear testimony over beauty to investigate their informants.

§9 Where does this leave us? Our two explanations for the failure of transmission testimony for beauty have come to nought. They join our earlier Kantian (§3) attempts, which were directed at a cruder explanandum. Other, quite different, approaches to the problem are available to Kant. I doubt, however, that they promise much. Should we then be pessimistic about the prospects for explaining the phenomena in any way? Or does all this serve to show that we need to reject Kant's basic framework before progress can be made? Neither response is appropriate. I will end by saying something about why it would not help to adopt a fundamentally different approach to beauty (§10). First let me lift the gloom a little by offering, very tentatively, some suggestion as to how, in roughly Kantian terms, we might proceed.

What is it about transmission testimony that prevents its holding in the aesthetic realm? In essence, transmission allows the thoughts of one subject to fall under the rational control of the deliberation, or other epistemic operations, of another. For just that is effected when H adopts T's belief, and inherits whatever warrant he has for it. Transmission thus breaks down the barriers which separate rational subjects. Of course, there are still distinct *loci* of belief;

but warrant spans these *loci*, so that what is accessible only to one, such as his perceptual experience, can rationally underpin the beliefs of another. Perhaps this partial dissolution of separateness is the source of transmission's untenability in aesthetic matters.

We can pursue this thought by returning to the last explanation. The moral of its failure is this. If the prospect of merely apparent conflict is insufficient to explain why transmission should be impossible, we should appeal instead to the more serious threat, that of genuine conflict between H's entitlements. It is this which transmission testimony over beauty would render possible, and the need to avoid this consequence which prevents such testimony obtaining. Obviously, since transmission does occur elsewhere, the threat of genuine conflict must be specific to the aesthetic case. If we can show this to be so, we need no longer appeal to the prevalence of disagreement to distinguish the ordinary from the aesthetic case—the difference will be one of kind, not degree. But to make room for this possibility, we need to surrender a key part of Kant's framework. Transmission merely passes on warrant. If H is to be in possession of conflicting warrants, it must be possible for the warrants of separate subjects to conflict, so that transmission can then pass both on to H. So we must abandon Kantian orthodoxy and allow that two subjects can be warranted in holding different, but genuinely conflicting, beliefs about something's beauty. The central idea of the explanation is that this is made tolerable by the separateness of the rational subjects in question; whereas, were transmission to obtain, the conflict of warrant could occur within a single thinker, and that is what cannot be sustained. The central difficulty in building an explanation on these lines is to reconstruct Kant's framework so as to allow for genuine, warranted disagreement, without abandoning altogether the spirit of his view.

How, in outline, might we try to do this? The crucial notion, I suggest, will be that of a sensibility, a set of dispositions determining one's response, pleasure or otherwise, to the aesthetic object. Different subjects may be equally warranted in their conflicting judgements of a thing's beauty because the pleasure of each is in part determined by her sensibility, and sensibilities differ. How, then, can each also justifiably demand from the other agreement, in both pleasure response and judgement? This is the hardest question of all for the proposal (as

it was for Kant's original account). I speculate that, if anything can provide the answer, it is the thought that sensibilities are not simply different, but ordered. Some are more refined than others. The demand each subject makes of the other is not simply to feel about O as she does, but to develop the sensibility to be able so to feel. (Obviously, the notion of a hierarchy of sensibility will need explicating without reference to an independently established order of beauty, on pain of abandoning the most alluring feature of Kant's view, what I have called its modesty.) How can both be warranted in that demand, if the sensibility of one is more refined than that of the other? I have no properly developed answer. Perhaps the question can serve simply to underscore the difficulties the proposal faces. I acknowledge that those difficulties are considerable. My thought is only that there is enough promise in this line of thinking for complete pessimism about explaining transmission's failure to be unreasonable.

§10 How general is the problem of accounting for testimony concerning beauty? Is it dependent on particular aspects of Kant's view? Many of his ideas promise to bear on this theme, as we saw in §3. Examples include his stress on pleasure as our guide to beauty, on experience of the object as the necessary context for that pleasure, and the need for the pleasure to be "disinterested". These ideas may not, in the end, suffice to explain testimony's failure; but they hardly hinder that explanation. If any feature of Kant's position is to blame, it is surely, as I began by suggesting, his modest objectivism. It is scarcely plausible that a less modest, more metaphysically committed objectivism would fare better. Thus the direction in which to look for alternative solutions to our difficulty is towards positions rejecting the objectivity of beauty. Perhaps these views offer simpler and more obviously successful explanations than that sketched in §9.

I am sceptical. Now that we have refined the explanandum, there are no plausible anti-objectivist moves that would help.

Initially, we so characterized the problem as to encourage optimism about a subjectivist solution. We took it (§3) that beauty did not allow for any form of testimony. Kant's

difficulty in explaining this sprang from his insistence on the judgement of taste legitimately demanding agreement from all. For it was this which sustained the problematic analogy with colour, and which fuelled my "fundamental formulation" of the problem. If we reject the idea that judgements of taste do legitimately make that demand, we may hope thereby to render the explanatory problem more tractable. And, as noted (§2) such a rejection might well amount to denying any objectivity for beauty.

Now, however, the situation is quite different. Our task is not to explain why there is no testimony for beauty, but why there is only testimony of the evidential form. It is at least *prima facie* plausible that testimony's two forms require the same basic resources. Either form involves the acquisition of warrant for a belief from someone else's asserting that belief. So if there is to be testimony at all, statements in the relevant discourse must be assertions, and must admit of warrant. We could readily explain testimony's failure if judgements of taste are not genuine assertions, or if, though they are, they can never be warranted. And of course, there are forms of subjectivism which, applied to beauty, would make precisely these claims—respectively, expressivism and some form of error theory.³³ However, adopting any such view will be pointless, given the task now before us. For unless judgements of taste have the disputed features, there can be no evidential testimony concerning them; and, if they have them, it is as problematic as before why they don't allow for testimony by transmission.³⁴

This argument may seem to sever altogether the link between the problem of testimony about beauty and the question of objectivity. It does not do so. For one thing, I have not argued that the presence of testimony requires only that of assertoric content and warrant, or that, whatever else may be needed, the missing ingredients are the same for both testimony's two forms. This is enough to leave open the possibility that more subtle moves in the objectivity debate might indeed help explain the facts about beauty and testimony. For another, the suspicion that the two themes remain linked can be reinforced by returning briefly to the "solution" sketched in §9.

That solution attempts to retain one of Kant's objectivity-bolstering claims, that the

judgement of taste legitimately demands the agreement of all. But it abandons Kant's insistence that there can be no warranted genuine disagreements about (free) beauty. In doing this, it may indeed surrender an objectivist component of his position. For that insistence of Kant's is closely related to the claim that beauty meets what Crispin Wright has called the "cognitive command constraint".³⁵ The basic idea behind this is that, in objective discourse, it is *a priori* that disagreement stems from a cognitive failing on the part of one side or the other. In the case of beauty, if no disagreement can be warranted, then, when it occurs, at least one view must be (in part) determined by factors which undermine warrant. And what is a cognitive failing, if not a warrant-undermining determinant of belief? Since Kant also thought that it is *a priori* that his ban on warranted disagreement holds, talk about beauty precisely meets Wright's constraint. If banning warranted disagreement is the only way to meet this constraint, and if meeting that constraint is central to vindicating beauty's claims to objectivity, then the solution of §9, which rejects that ban, undermines those claims.

It is a delicate question whether this threat will be realized. Whether the ban is the only way to meet Wright's constraint is not clear. It turns on whether sensibilities, as the driving sources of disagreement, can be so only by being, in effect, cognitive failings, at least on the part of one party to the dispute. Whether meeting Wright's constraint is necessary for objectivity is also uncertain. Wright suggests so,³⁶ but he does not argue for that view, and I suspect that the case in point will precisely make the question look more difficult. We need not settle these hard questions. It is at least clear that the proposal of §9 entangles us afresh in issues of objectivity.

I have tried to argue that there is a problem in explaining beauty's susceptibility, or otherwise, to testimony. Kant touched on the difficulty, but did not solve it. His view made the problem prominent, by its admirable attempt to acknowledge the objectivist tendencies in our thinking about beauty. But the problem faces other positions too, and in particular cannot be solved by leaping headlong into subjectivism. For the truth about testimony over beauty is more subtle than Kant allowed, and that subtlety frustrates simple subjectivist explanations. Nonetheless, my suspicion is that questions about testimony over beauty and objectivity remain linked. If

that suspicion is misplaced, no matter. My main hope is that others will take seriously the task of explaining why testimony over beauty, while not entirely impossible, is so only in a limited form.³⁷

1. *Critique of Judgement*, trans. J.C.Meredith (hereafter CJ) §32.
2. CJ §33
3. *Ibid.*
4. CJ §§1 & 3. For careful discussion of these complex issues, see Eva Schaper *Studies in Kant's Aesthetics*, Edinburgh University Press, 1979, ch.2.
5. Kant *Critique of Pure Reason*, eg. A105-6
6. CJ *Judgement* §§21, 35-8; Introduction §VII.
7. This is convincingly argued in C.Wright *Truth & Objectivity*, Harvard University Press, 1994.
8. It does not, of course, require a subject matter independent of our collective responses, including judgements. Or rather, not every form of objectivity requires this.
9. See the discussions below of "interest" (§3) and dependent beauty (§7).
10. CJ §34. See also Mary Mothersill *Beauty Restored*, OUP 1984.
11. CJ §15.
12. CJ §1.
13. CJ §18.
14. CJ §2.
15. This reading is defended in P.Guyer *Kant and the Claims of Taste*, 2nd edition, CUP 1997, pp.88-97.
16. Mothersill, *op.cit.* p.160. Mothersill's book is the source of the phrase "implicate an avowal", and of the proposal offered in this paragraph. See esp. pp.85, 159-60.
17. Kant certainly thinks the judgement of taste has content, since otherwise he can hardly consider it to be warranted. For a plausible reconstruction of his view on what that content is, see A.Savile *Aesthetic Reconstructions: The Seminal Writings of Lessing, Kant and Schiller* Blackwell, Oxford 1987, ch.5.

18. Let us set aside Kant's idea (above, §3) that quite generally aesthetic matters are not capable of being "known". My claims are plausible independently of Kant's rather theory-laden views on the topic.

19. This point, and a similar example, can be found in C.A.J.Coady *Testimony* Clarendon Press, Oxford 1992.

20. This need not be to reintroduce the issue of expertise. We might merely consider cases in which T and H are in various ways alike.

21. The accounts which follow are not the only ones available. But they exemplify the two poles between which any account must position itself. Since they are also the most plausible accounts I know, I will not complicate matters by discussing alternatives.

22. *Inquiry Concerning Human Understanding*, ch.IX.

23. "Content Preservation" *Philosophical Review* 1993, pp.457-88.

24. For defence of this assumption, see Burge *op.cit.*, Coady *op.cit.*, F.Schmitt "Justification, Sociality & Autonomy" *Synthese* 1987 vol.73, no.1, pp.43-85 and D.Owens *Reason Without Freedom*, draft 1998.

25. Burge *op.cit.* p.468.

26. David Owens drew my attention to this.

27. We might construe expertise in aesthetic matters along the lines here proposed. On this view, the expert is one whose aesthetic credentials are sufficiently well established for his testimony to provide strong evidence for a Humean inference to the truth of his claims. If there are "experts" in beauty, whose testimony has special force, the proposal offers a plausible way to accommodate that.

28. Can the modest objectivist framework we are working within here allow for the notion of *truth*? I see no reason why not, for at least some such notion is not of much metaphysical import (see Wright *Truth & Objectivity*). Even if that claim is wrong, other notions could readily

substitute here—at the limit, just that of succeeding (or failing) in legitimately making a demand of all.

29. CJ §16.

30. *Ibid.*

31. What then is the role of those *a posteriori* beliefs? H's answering the questions about T satisfactorily is a necessary condition, once they have arisen, for his reasonably letting his belief conform to T's. Provided that condition is met, his warrant lies, as on the unmodified Burge model, in whatever T's warrant consists in. Compare: in special circumstances, I may have to decide whether to trust my memory; but, if I do reasonably decide to do so, my warrant for the remembered belief stems from the entitlement memory brings, not from any justification my deliberations might offer.

32. One reason why Burge does not consider this possibility is that he is in part exploring whether one can learn matters *a priori* from testimony. In "Content Preservation" the matter in question is that testified to (see esp. note 4; cf. "Interlocution, Perception & Memory" *Philosophical Studies* 1997 no.86 pp.21-47). Elsewhere it is the existence of other minds—see "Reason and the First Person" in C.Wright, B.Smith & C.Macdonald ed.s, *Knowing Our Own Minds* Oxford, Clarendon Press 1998, pp.243-270, esp. 262ff.

33. For the former, see A.J.Ayer, *Language, Truth & Logic*; for at least an analogue, in ethics, of the latter, see J.L.Mackie *Ethics, Inventing Right & Wrong*.

34. Sophisticated variants of these subjectivist views will attempt to account for a good deal of the appearance of assertion and warrant in our talk of beauty. (See S.Blackburn *Spreading the Word*, Clarendon Press, Oxford 1984, ch.6 & *Essays in Quasi-Realism*, OUP, Oxford 1993.) These variants will face a version of the problem above. They need to explain how it can be that evidential testimony about beauty seems to be possible, when transmission testimony does not.

35. Wright *op.cit.* pp.92-3. Cf. chapter 4.

36. *Ibid.* pp.148, 175.

37. Thanks are due to members of the Birmingham Philosophy graduate seminar, to Anthony O'Hear, David Owens, Tom Pink, and Anthony Savile. My greatest debt is to Barrie Falk, who brought the third critique alive for me. This paper is dedicated to his memory.