

# Aesthetic Judgment and Perceptual Normativity

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**ABSTRACT** *I draw a connection between the question, raised by Hume and Kant, of how aesthetic judgments can claim universal agreement, and the question, raised in recent discussions of nonconceptual content, of how concepts can be acquired on the basis of experience. Developing an idea suggested by Kant's linkage of aesthetic judgment with the capacity for empirical conceptualization, I propose that both questions can be resolved by appealing to the idea of "perceptual normativity". Perceptual experience, on this proposal, involves the awareness of its own appropriateness with respect to the object perceived, where this appropriateness is more primitive than truth or veridicality. This means that a subject can take herself to be perceiving an object as she (and anyone else) ought to perceive it, without first recognizing the object as falling under a corresponding concept. I motivate the proposal through a criticism of Peacocke's account of concept-acquisition, which, I argue, rests on a confusion between the notion of a way something is perceived, and that of a way it is perceived as being. Whereas Peacocke's account of concept-acquisition depends on an illicit slide between these two notions, the notion of perceptual normativity allows a legitimate transition between them: if someone's perceiving something a certain way involves her taking it that she ought to perceive it that way, then she perceives the thing as being a certain way, so that the corresponding concept is available to her in perceptual experience.*

In his essay "Of the Standard of Taste", Hume describes an apparent conflict between two "species of common sense" regarding the nature and possibility of aesthetic judgment. On the one hand, it is commonly assumed that the feelings or sentiments expressed in aesthetic judgments do not represent "real matter[s] of fact" (p.268): "[b]eauty is no quality in things themselves, [but]... exists only in the mind which contemplates them"

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(p.269).<sup>1</sup> It follows that one person cannot criticize another person's taste: "every individual ought to acquiesce in his own sentiment; without pretending to regulate those of others" (ibid.). But, on the other hand, there are cases in which common sense seems to demand such criticism. "Whoever would assert an equality of genius and elegance between Ogilby and Milton..." defends "no less an extravagance, than if he had maintained a mole-hill to be as high as Teneriffe", and we can dismiss his sentiments as "absurd and ridiculous" (ibid.). The first species of common sense, then, denies the objectivity of aesthetic judgment: one who judges something to be beautiful is not ascribing a feature to the object, but merely expressing his or her own subjective response. The second, however, seems to counter that denial by allowing that a person's aesthetic responses may legitimately be criticized as inappropriate to their object. The reader who ascribes the same aesthetic value to Ogilby and Milton is responding not just idiosyncratically but wrongly, just as if he were making a false—indeed a wildly false—estimate of the relative size of two objects.

A similar pair of intuitions about aesthetic judgment is identified by Kant in his *Critique of Judgment*. On the one hand, Kant agrees with Hume's first species of common sense in denying that beauty is a real quality of objects or that aesthetic judgments aim to register matters of fact. This denial stems from the fact that a judgment of beauty is based on a feeling of pleasure in the object, rather than on reasoning, or on a perceptual state in which the object is presented as having some cognizable feature. On the other hand, Kant also takes it to be a matter of common sense that our judgments of beauty demand the agreement of others, and relatedly, carry with them a kind of normativity. In judging an object to be beautiful, we take it that everyone, ourselves included, ought to judge it to be beautiful, and hence ought to feel pleasure in it. We are thus entitled, it would seem, to criticize the feelings of others, and more specifically to claim that they are responding inappropriately or wrongly to the object. So again the intuition that aesthetic judgments are not objective is apparently opposed by the intuition that aesthetic responses, and the judgments which express them, can legitimately be criticized as inappropriate or wrong.

There is, I think, considerable plausibility to Hume's and Kant's identification of these apparently conflicting intuitions. Aesthetic judgments do indeed seem to be subjective in a way that other immediately perceptual judgments—for example about the colours of things—are not. I cannot judge something to be beautiful except on the basis of my own personal response to it: unlike the judgment that something is red, a judgment of beauty cannot be based on someone else's testimony.<sup>2</sup> At the same time, there seems to be more to an aesthetic judgment than the mere recognition or expression of personal feeling about an object. To claim that something is beautiful is to lay oneself open to disagreement and challenge of a kind which would not make sense if one were merely reporting, say, a distinctive

kind of pleasure in the thing. But is there really a conflict between these two intuitions? Hume's own account suggests that he thinks there is. For the only way he finds to deal with the appearance of conflict is to argue that one of the two intuitions is false, or at least deceptive. He maintains the second of the two intuitions, that aesthetic response is subject to legitimate criticism. But this, it turns out, is because there are in fact objective features of things to which our aesthetic responses can be, or fail to be, appropriate. Even though "beauty itself belong[s] entirely to the sentiment" (p.273), feelings of beauty are responses to qualities in objects which, as he puts it, are "calculated to produce" those feelings. In this respect judgments of beauty are after all like judgments of colour. For even though colour is allowed to be merely a "phantasm of the senses" (p.271), our judgments of colour are nonetheless responsive to how things are objectively, so that the uncorrected judgments of a jaundiced man, say, can be criticized for failing to capture a thing's "true or real colour" (ibid.).<sup>3</sup>

Kant, on the other hand, attempts to resolve the appearance of conflict without giving up either of the two intuitions. A judgment of beauty, he argues, can legitimately claim universal agreement even though it does not ascribe an objective property to a thing. Kant's argument to this effect rests on a connection that he draws between aesthetic judgment on the one hand, and our capacity for empirical conceptualization on the other. Aesthetic judgments are exercises of a capacity which Kant calls "reflective judgment" and which, as he puts it, "finds universals" for given particulars.<sup>4</sup> In making aesthetic judgments, we are drawing on the same capacity which is responsible for the acquisition of empirical concepts under which the objects of experience may be subsumed. But, as Kant puts it, an aesthetic judgment is "merely" reflective, which is to say that it exercises this capacity without actually applying any empirical concept to the object about which it is made. So in aesthetic judgment we are doing what is required for empirical conceptualization in general, but without bringing the object under any empirical concept in particular. It is in virtue of this "merely reflective" character that aesthetic judgments are not objective. Because no empirical concept is applied to the object, the exercise of judgment is manifested in a subjective feeling of pleasure rather than in the objective perception of the object as having a particular empirical feature. But the fact that aesthetic judgments are still exercises of reflective judgment, and hence of a capacity required for cognition, makes possible their claim to universal agreement. Very roughly speaking: since I am entitled to demand that everyone share my capacity for empirical conceptualization, I am also entitled to demand agreement for a feeling which rests on the exercise of that capacity.

This account is not usually thought of as providing a philosophically viable response to the apparent conflict. Kant articulates it in the context of an elaborate psychological framework, drawing in particular on the notion

of a “free play” of imagination and understanding which is supposed to underlie aesthetic response. While in empirical cognition imagination is governed by understanding, resulting in the application of empirical concepts, in aesthetic experience the two faculties cooperate in a free and mutually supportive harmony. This is supposed to explain how aesthetic experience can manifest the capacity for empirical conceptualization without any concept actually being applied. But it is hard to take the notion of free play seriously, especially in a post-Fregean climate which is rightly suspicious of eighteenth-century faculty psychology. And even if we grant that aesthetic pleasure is due to some psychological process along the lines of Kant’s free play, there are well-known objections to the inference that aesthetic judgment can demand universal agreement.<sup>5</sup> So while we might agree with Kant’s initial characterization of the apparent conflict, his own reconciliation of the two intuitions seems to be a non-starter.

I believe, however, that Kant’s account contains a significant insight which is important not only in connection with aesthetic judgment, but also in understanding how we acquire empirical concepts. As I shall go on to explain, what I take Kant to be pointing to, in his connection between aesthetic judgment and the capacity for empirical conceptualization, is a kind of normativity involved in perceptual experience which is independent of the normativity typically associated with cognitive judgment: specifically, it does not derive from the normativity associated with truth. This normativity is, as I shall argue, a condition of experience’s making concepts available to us: it is thus a condition on bringing the objects of experience under empirical concepts. But invoking this normativity also allows us to understand how we can demand agreement for a perceptual response which does not involve the ascription of an empirical feature to the object which elicits it. It thus allows us to explain, without giving up either of the intuitions with which we began, how aesthetic judgments are possible.

The aim of this paper is to develop what I take to be Kant’s insight and to show why I regard it as being important. While I do in fact take the notion of normativity just mentioned—a kind of normativity which I refer to here as “perceptual normativity”—to be central in understanding Kant’s argument for the possibility of aesthetic judgment, my primary concern in this paper is not the interpretation of Kant. I shall not, then, try to defend my ascription of this notion to Kant; my concern instead is to develop it in its own right, and to argue for its plausibility in a present-day context.<sup>6</sup> The paper is in three sections. In the first, I discuss a problem which arises when we ask how concepts can be acquired on the basis of experience. While I think that this is a very general problem which has faced empiricist accounts of knowledge at least since the early eighteenth century, it has been raised recently in connection with the issue of whether experience has nonconceptual content, and I shall motivate the problem in the context of Christopher Peacocke’s discussion of that issue. In the second section I briefly sketch a

solution to the problem which invokes the notion of perceptual normativity. I thus argue, in effect, that we need the notion of perceptual normativity in order to make sense of our capacity to arrive at empirical concepts. In the third section, I develop the idea of perceptual normativity further in the light of objections. In the fourth section I argue that the notion of perceptual normativity can be used to resolve the apparent conflict about aesthetic judgment with which we began.

## I.

The problem I am about to describe bears on those concepts which are typically acquired through observation of things falling under the concept: concepts like *green*, *square*, *tree* or *water*. There are of course other empirical concepts which we typically acquire through more theoretical means, for example the concepts of *hydrogen*, *quark*, *meiosis* or *capitalism*, and it is not obvious that there is a straightforward line to be drawn between these theoretical concepts and concepts of a more observational kind. But nonetheless it is clear that there are concepts whose acquisition is more intimately tied to observation, and these are the concepts for which the problem most clearly arises. The problem is that of how to avoid a circularity which seems to arise when we ask how such concepts can be acquired on the basis of experience. The danger of circularity becomes apparent when we consider together the following two lines of thought, each of which seems to have some plausibility when considered on its own. The first is that, if we are to be able to acquire concepts on the basis of experience, experience must present objects to us as having features corresponding to those concepts. My experience of green or of square things does not put me in a position to grasp the concepts *green* or *square* unless I perceive them *as* green or square. The second line of thought is that to perceive something as having a given feature is for the corresponding concept to figure in one's experience, that is, for one to perceive the thing as falling under the concept, or for one to apply the concept to it in perception. When I perceive something as green, my perception represents it as having the same feature whose presence would be asserted in the judgment that the thing is green. So the content of my perception would seem, at least in part, to be the same as the content of that judgment or of the corresponding belief, and that would seem to entail that it involves the concept *green*. But the combination of these two lines of thought seems to imply that we cannot give a non-circular account of how concepts are acquired on the basis of experience. If our conception of experience is strong enough to account for the possibility of concept-acquisition, it would seem to commit us to a view on which the content of experience is already conceptual, and more specifically informed by the very same concepts whose acquisition we want to explain.<sup>7</sup>

There are a variety of possible responses to this *prima facie* problem. One might bite the bullet and accept that there cannot be a non-circular account of concept-acquisition on the basis of experience. The content of experience, it might be concluded, is conceptual from the ground up: there is no pre-conceptual level of experience from which we can somehow work ourselves up to the acquisition and deployment of concepts. This would be to take a so-called conceptualist line about the content of experience: the kind of line that has been defended most explicitly, in recent years, by John McDowell.<sup>8</sup>

But one might also take the less radical route of challenging one or other of the two thoughts I just sketched. To begin with the first, one might ask why a person's experience of a green thing has to represent it to her *as* green in order for it to put her in a position to acquire the concept *green*. In making this challenge, one can of course acknowledge that there is more required for the acquisition of the concept *green* than merely having one's senses affected by green things. The subject must not only be presented with green things, they must be shown to her in conjunction with things of various different colours, and she must be trained to respond to the things in a way which registers their difference from things of other colours. But this does not require, according to the challenge, that her experience present objects to her *as* green, or indeed, *as* being any way at all. The only constraint on the character of her experience is that it enable her, given the appropriate training, to discriminate things which are green from things which are not. In other words, it is enough that she experience green things in a way which is sensitive, or differentially responsive, to their being green. The property of greenness need not itself figure in the intentional content of the experience, as long as the experience is reliably correlated with the presence of greenness in objects.

However, there is a difficulty with this kind of approach which has been recognized by philosophers on both sides of the debate about nonconceptual content. The difficulty is that it fails to accommodate a certain normative or rational element in the relation between our experiences and the concepts they make available. Concept-acquisition is usually thought of as a kind of learning from experience, in which the acquisition of the concept is connected with a recognition of its appropriateness to the content of the experience. But if all that is required for an experience to make available the concept *green* is for it to be reliably associated with greenness—that is, if the greenness itself does not somehow figure in the intentional content of the experience—then it is hard to see how the acquisition of the concept can be a matter of learning as opposed to brute causation. The difficulty can also be put in terms of the requirement that experiences must justify or entitle the application of the concepts they make available. This requirement has been emphasized very forcefully by McDowell in support of a conceptualist view of experience, but it has also been acknowledged by defenders of nonconceptual content, such as Peacocke. As Peacocke puts it, “the

representational content of [the] experience... must be sufficient for someone rationally to apply the concept—must entitle her to apply the concept—when experience is being taken at face value”<sup>9</sup> (2001, p.252). But if the experience of a green thing does not represent the object as being green, then it is not clear how it could rationalize or entitle the application of the corresponding concept.

It would seem more promising then, to challenge the second line of thought. Why should seeing something as green be a matter of applying the concept *green* to it? Why can't a subject have an experience of something which represents its greenness to her, but without her having to apply the concept *green* to it? This is the approach taken by many nonconceptualists, including Peacocke. Citing the circularity problem, in application to the concept *pyramid*, Peacocke says that the

natural solution to [the]... quandary is to acknowledge that there is such a thing as having the experience of something as pyramid shaped that does not involve already having the concept of being pyramid shaped. What such an experience will have is a nonconceptual content which, if correct, is sufficient for something's falling under the concept *pyramid* (p.252).

The experience of something as a pyramid thus has a content which rationally entitles us to apply the concept *pyramid*, but without that concept's entering into the content of the experience. Such content, in Peacocke's words, can be seen as “distinct from conceptual content, but making it available” (p.244).

This approach is indeed a very natural one, but in order to determine whether it is successful in addressing the circularity problem, we have to consider how it might be realized in more detail. In particular, we have to consider how its proponents might defuse the intuition underlying the second line of thought: that when one sees something as F, the content of one's perception coincides with or includes that of the judgment, belief or thought that it is F, and thus counts as conceptual content. Peacocke's own development of this approach, on which I shall focus, implicitly addresses this intuition by appeal to the notion of a “way in which something is perceived”.<sup>10</sup> A thing's being perceived by a subject in a certain way does not amount to the subject's making a judgment, or having a thought or belief, about that thing. Thus the ways in which a thing is perceived, can, as Peacocke puts it, “contribute to the representational content” (p.241) of the perceiver's experience, without that experience requiring the possession of concepts corresponding to the ways in which it is perceived. At the same time, a thing's being perceived by a subject in a certain way can rationally entitle the subject to certain corresponding judgments about that thing.<sup>11</sup> So, although the content of the experience is nonconceptual, it can still make

concepts available: namely, those concepts figuring in the judgments to which one is rationally entitled by that experience. The notion of experience as involving ways in which a thing is perceived thus seems to provide a middle ground between the conception of experience invoked on the first approach, where experience does not stand in rational relation to judgments, and a conception of experience as having conceptual content. If a thing is perceived by a subject in a certain way, then a subject is in a position to acquire a concept corresponding to the way it is perceived by her, but a thing can be perceived by the subject in that way without the subject's already having that concept.

Obviously, a great deal here turns on how we are to understand the notion of a way in which something is perceived. One question of clarification which arises right away is whether Peacocke's talk of "ways in which something is perceived" can be transposed into the active voice. Is the claim that a thing is perceived by someone in a certain way equivalent to the claim that someone perceives it in a certain way, and if so, can we say that the way that the subject perceives it is identical to the way in which it is perceived? On the face of it, the answer to both of these questions would seem to be yes. On the most natural interpretation of the expression, a "way in which something is perceived" would seem to be a way in which someone perceives it, or more concisely put, a way of perceiving it. And while Peacocke mostly uses the passive-voice formulation, especially in "Does Perception Have a Nonconceptual Content?", he also speaks of subjects' perceiving things in one way rather than another, and he does so in contexts which suggest that we can identify these ways of perceiving with ways in which things are perceived.<sup>12</sup> So I shall assume, in giving my exposition of Peacocke's view, that to speak of a way in which something is perceived is to speak of a way in which someone perceives it, or a way of perceiving it.<sup>13</sup>

What, then, is it for a subject to perceive a thing, or for the thing to be perceived by her, "in a certain way"? Peacocke discusses this notion most fully in the context of examples where what is perceived is not an object, but rather a property or relation, and more specifically, where the perception of the same property can give rise to phenomenologically distinct experiences. One example invokes different ways of perceiving one and the same shape. A regular four-sided closed figure can be perceived, as Peacocke puts it, "either as a square or as a regular diamond" (p.240).<sup>14</sup> A parallel example invokes different ways of perceiving one and the same musical interval. If middle C and the F-sharp immediately above it are played together on a piano, the interval can be heard "either as an augmented fourth, or as a diminished fifth" (p.241).<sup>15</sup> In each case, we can spell out the difference between these ways of perceiving in conceptual terms. We can say, for example, that the two ways of perceiving the shape correspond to the perception of two different symmetries of the figure, that is, its symmetry about the bisectors of the sides and its symmetry about the bisectors of the

angles (p.245). Or we can say that the two ways of hearing the interval correspond to different ways in which the upper note of the interval can be heard, that is as the seventh or as the fourth of the presumed tonal scale (p.241).<sup>16</sup> But the perceiver herself need not have the concepts which figure in these descriptions in order to be capable of perceiving the shape or the interval in these ways. More fundamentally, even though these ways of perceiving can be described as cases of seeing something “as a square” or hearing it “as a diminished fifth”, they do not depend on the subject’s having the concepts *square* or *diminished fifth*. Thus—and this is the crucial point in the context of the circularity problem—they can license the application of these concepts without themselves depending on those concepts.

While Peacocke’s main interest is in examples of the kind just described, where different ways of perceiving correspond to concepts which are coextensive, the notion of a way of perceiving applies more broadly within his account. In particular, he invokes it in connection with the “fine-grained” character of experiential content. When one sees an abstract sculpture or a person’s face, for example, one sees it “as having a quite specific shape and size” and “as having quite specific shades of colours, surface textures and contours” (p.240), and this is presumably a matter of one’s perceiving it, or its being perceived by one, in various specific ways.<sup>17</sup> The notion of ways of perceiving would seem, moreover, to play a quite general role for Peacocke in accounting for the possibility of rational transitions between experience and belief. Peacocke says that the “way[s] in which some thing, or property, or relation is given in the nonconceptual content of an experience... can entitle a thinker to make a particular judgment, or to form a certain belief” (p.253), and he illustrates the point with the example of a figure’s being perceived as a regular diamond.<sup>18</sup> “Such an experience”, he says, “makes rational the judgment *That’s a regular diamond*” (p.254). It is a feature of this particular example that the figure in question can be perceived in two different ways, and part of Peacocke’s aim in choosing the example is to show that these different ways of being perceived entitle the thinker to different judgments. Thus the experience of the figure as a diamond does not license the judgment *That’s a square*, and conversely, while the latter judgment *is* licensed by the experience of the figure as a square, that experience does not license the judgment *That’s a regular diamond*. But the idea of something’s being perceived in two different ways applies not only to cases where the corresponding concepts are coextensive, but also to cases where they are not. For example we might also distinguish two ways in which a red cube can be perceived, depending on whether the subject is sensitive to its colour or its shape. And presumably Peacocke would say that while the experience of the red cube as a cube (say by a subject who was incapable of colour perception) entitles the subject to the judgment *That’s a cube*, it does not entitle the subject to the judgment

*That's red.* Moreover the general point at issue, that ways in which things are perceived entitle the perceiver to make corresponding judgments, presumably still holds good even in cases where we do not distinguish different ways of perceiving the same thing. So we might say, on Peacocke's account, that the experience of a shape as a cube entitles the thinker to the judgment *That's a cube*, and not, say, to the judgment *That's a pyramid*, while, conversely, the experience of a shape as a pyramid entitles the thinker to the judgment *That's a pyramid* but not to the judgment *That's a cube*.<sup>19</sup>

The notion of "ways in which something is perceived" or "ways of perceiving" is certainly helpful in characterizing certain aspects of the phenomenology of experience. To go back to Peacocke's central examples, there is indeed a phenomenological difference between two kinds of perception I can have when confronted with a square, or with the interval from C to F-sharp, and it is natural to articulate this difference by saying that the square, or the interval, can be perceived in two different ways. A square which is oriented with its sides parallel to a rectangular frame "strikes me differently", we might say, from the same square rotated 45 degrees with respect to the frame. Similarly, I might be said to "hear" the interval "differently", when it occurs as part of a D major dominant seventh chord, from "the way I hear it" when it occurs as part of a A-flat major dominant seventh chord. And it is clear that these phenomenological differences do not depend on my applying different concepts to the shape or interval, or indeed on my bringing them under concepts at all. What I want to question, however, is whether the phenomenology to which the examples draw our attention licenses Peacocke's use of the "perceiving-as" locution to characterize these ways of perceiving. Even though the phenomenology seems to entitle us to speak of two different ways in which, say, the square can be perceived, it does not seem to license Peacocke's claim that when we perceive the square one way, we perceive it "as a square" and that, when we perceive it the other way, we perceive it "as a diamond". For the difference between these ways of perceiving can be characterized in less tendentious terms. We might appeal, say, to the different kinds of situations with which the different ways of perceiving are typically associated: that is, we might say that one way of perceiving the square is that typically associated with the sides being drawn parallel to the sides of a blackboard, and the other is that typically associated with its sides being drawn at a 45-degree angle to the sides of the blackboard.<sup>20</sup> Or we could characterize the situations, and thus the experiences, with respect to the kinds of judgments they typically elicit in a subject who possesses the relevant concepts: the former way of perceiving, we could say, is that associated with situations in which such a subject is likely to judge "That's a square", the latter that associated with situations in which a subject is more likely to judge "That's a diamond". Now it is obviously less unwieldy to characterize the distinction simply by saying that the subject sees the figure in one context as a square, and in the other as a

regular diamond. But the question is whether our use of this locution is a mere convenience, or whether it can bear any philosophical weight. Does the possibility of these different ways of perceiving the same shape amount to anything more than the possibility that a subject registers or responds to the shape differently depending on whether it is presented in one or another kind of context?<sup>21</sup> The same question arises, and indeed in a more straightforward way, when we consider cases which are more broadly applicable, for example the ways of perceiving through which we discriminate one particular shade of colour from its neighbours, or a pyramid from other shapes such as cubes. Does perceiving an object in one of these ways have to amount to perceiving it “as having a particular shade of colour” or “as a pyramid”? Or can perceiving an object in one of these ways simply be a matter of responding to it in a way which is sensitive to its having that particular colour, or to its being a pyramid? And if, as I am suggesting, Peacocke is not entitled to the “perceiving as” locution, at least not in a way which bears philosophical weight, then he is not entitled to appeal to “ways in which something is perceived” in order to make out a rational relation between experience and the application of concepts.

The question can be pressed in terms of an apparent slippage in Peacocke’s account between two distinct notions: that of a way in which someone perceives something, and that of a way someone perceives something *as being*. We can bring out the distinction in terms of the different function of the word “way” in each of the corresponding expressions. When we say that someone perceives something in a certain way, or equivalently that it is perceived by someone in that way, the “way” in question picks out how things are with the *subject*: a way of perceiving is a way in which the subject does something, namely, perceives. When we say that someone perceives something as being a certain way, or equivalently that it is perceived by someone as being that way, the “way” plays a different role, namely as picking out a feature of the *object*, that is, the feature that subject perceives the object as having. Now if we speak, as Peacocke does, simply of “ways in which something is perceived”, we run the danger of confusing these two notions. In my exposition of Peacocke’s view, I have been assuming, for reasons already mentioned, that the expression is to be understood in a sense corresponding to the first notion. And it seems also that the expression needs to be understood in this sense, rather than the sense corresponding to the second notion, if it is to be immediately plausible (as Peacocke thinks it is) that a thing can be “perceived in a certain way” by a subject without the subject’s possessing a corresponding concept.<sup>22</sup> But Peacocke seems to equivocate, in his use of the expression, between these two senses. Thus, having introduced the notion of “ways in which things are perceived” in a context which clearly corresponds to the first sense, he goes on to say that “the ways I have mentioned all contribute to the representational content of the experience” in that “when

something is *perceived in one of these ways*, the claim that the object really is *the way that it is experienced as being* is one which has a correctness condition” (p.241, my emphasis). This is intelligible only on the assumption that for something to be perceived by someone in a certain way (i.e. for someone to perceive it in a certain way) is for it to be perceived as being a certain way, so that the question can arise of whether it really is that way. But why—if not because we are misled by the equivocation I have described—should we assume that when a thing is perceived a certain way, there is any way that it is perceived or experienced as being?

The same slippage is apparent in Peacocke’s discussion of how experiences, on his conception, can stand in rational relations to belief. He argues that a subject can appreciate rational relations between her ways of perceiving things on the one hand, and her application of the corresponding concepts on the other: for example she can say “I believe that it is square because it looks that way”. In this context he says, “that way” refers to “a nonconceptual way in which something is perceived” (p.256). But again, this seems to confuse a way in which something is perceived (understood, again, as a way in which someone perceives it), and a way it is perceived as being. It is quite true that something’s looking a certain way can be cited as a reason for believing that it is that way. But this holds only if there is more to the thing’s looking a certain way than its being perceived in a certain way. When the thinker says, in the reason-giving context, “it looks that way”, she is saying that it looks as if it *is* that way, or that she perceives it *as being* that way.<sup>23</sup> That is what makes it plausible that she can take its looking a certain way to be a reason for judging that it *is* that way, for example that it is square. But that does not establish that merely perceiving something in a certain way can provide a subject with a reason for the belief that it is any particular way. It is only if there is a certain way that she perceives it as being, or that it looks to her to be, that her experience can rationally entitle her to judge that it is that way.

## II.

If we are to give a satisfactory account of how experience can make concepts available, then it seems that we need to find some middle ground between a notion of experience as mere perceptual sensitivity to the features of things, and a notion of experience as already presupposing the possession of concepts. Peacocke’s notion of a way of perceiving appeared on the face of it to provide such a middle ground. If perceiving something in a certain way is a matter of perceiving it as having a certain feature F, then there is more to perceiving the thing than mere sensitivity to its F-ness; the F-ness is not merely correlated with the perceptual experience, but figures in its content. At the same time, perceiving the thing in this way does not presuppose possession of the concept F. However, I argued in the previous section that

Peacocke's account relies on the ungrounded assumption that perceiving something *in* a certain way is a matter of perceiving it *as being* a certain way. Without this assumption, it is not clear that the notion of a way of perceiving is, after all, more than the notion of perceptual sensitivity to the features of things (or more precisely, in the light of Peacocke's examples, to the features of things in specific contexts). For the phenomenology on which Peacocke relies in introducing this notion does not seem to warrant anything stronger than the idea that the same thing can give rise to qualitatively distinct experiences depending on which features of the thing the subject is capable of discriminating.

But in this section I want to suggest another approach to attaining the middle ground we need, and it is here that I will bring in the notion of perceptual normativity which I find in Kant. In characterizing this approach, I want to make use of the notion of a way of perceiving something in something like the sense I assumed in my exposition of Peacocke's view, but I want to add something to it which makes it more plausible that perceiving something in a certain way can amount to perceiving it *as being* a certain way. I want to suggest that we can think of our ways of perceiving things as involving a normative element: more specifically, as involving something like a consciousness or awareness of their own appropriateness to the object perceived.<sup>24</sup> In other words, I want to suggest that it can be a part of our ways of perceiving things that we take ourselves to be perceiving them as we *ought*. And I want to suggest that to the extent that a way of perceiving involves this normative element, this awareness of its own appropriateness to the object, it is more than a mere perceptual sensitivity to the presence of some feature of the object. Rather, perceiving an object in that way is a case of perceiving it *as having* the feature: it is the kind of experience that can account for acquisition of, or make available, the corresponding concept.

Let us consider as an example the way of perceiving associated with something's being a cube. On the basic notion of a way of perceiving, perceiving something in this way is having an experience of a kind which is reliably correlated with the presence of cubes, that is, an experience of a kind which enables one to discriminate cubes from things that are not cubes, and thus manifests one's perceptual sensitivity to a thing's being a cube. Perceiving something in this way, as I have been indicating in my criticism of Peacocke's view, does not involve perceiving it *as* a cube. Relatedly, the corresponding experience does not stand in a rational relation to applications of the concept cube, and hence does not make that concept available: one cannot learn what a cube is simply in virtue of coming to have this kind of perceptual sensitivity. But now let us suppose that my way of perceiving involves the awareness that, in perceiving the object as I do, I am perceiving it as I ought. Or in other words, let us suppose that my experience involves a sense of its own appropriateness with respect to the object. In that

case, I want to propose, there is more to my perceiving something in this way than my having the kind of experience that enables me to discriminate cubes from other things. For in being aware of a normative fit between the object and my way of perceiving, I am aware of the object as making appropriate that way of perceiving. The content of this awareness could be spelled out by describing it as the awareness that the cube ought to be perceived *this way*, where “this way” refers to the very way I am perceiving it. But that means that the cube is also being presented to me *as being* a certain way, namely as such to make appropriate this very experience. The normative element in the subject’s way of perceiving thus makes possible the transition which I called into question in Peacockes’ account: the transition between a subject’s perceiving something in a certain way and her perceiving it *as being* some corresponding way. If the subject’s way of perceiving involves the awareness of its own appropriateness with respect to the object perceived, then her perceiving the object in a certain way amounts at the same time to her perceiving it as being a certain way: as fitting that way of perceiving, of being such that it ought to be perceived that way.<sup>25</sup> Moreover, I think that we are also entitled to describe the subject’s experience as a case of seeing the object as a cube. For at least to the extent that we think of the concept *cube* as a purely observational concept, so that ordinary experience under everyday circumstances is sufficient to determine whether or not something is a cube, then being a cube plausibly *just is* being such as to make appropriate the kind of experience that enables people to discriminate cubes. So if in fact one’s experience is of the cube-discriminating kind, and if it involves the awareness that the object ought to be perceived *this way*, then one is in fact perceiving the object as a cube. Relatedly, one’s experience makes the concept *cube* available: one can come to grasp what a cube is—at least in the observational sense of “cube” at issue here—by becoming aware that it is something that ought to be perceived *this way*, where *this way* is in fact a kind of way which enables cubes to be discriminated from other things.<sup>26</sup>

Now it is an important part of my suggestion that this awareness of normativity does not involve a prior grasp of the corresponding concept. So the suggestion, in the context of the example, is not that we take our way of perceiving the cube to be appropriate on the ground that the object is a cube, and that we are perceiving it in a way that is sensitive to its being a cube. Rather, the suggestion is that we can perceive it that way without having any antecedent concept of what that way is, or what feature the object has, and still take it that in perceiving it that way we ought so to perceive it. The awareness of normativity is, as I have put it elsewhere,<sup>27</sup> primitive: we are simply aware that we are perceiving as we ought, without that awareness depending on the appreciation of anything either about our way of perceiving or about the object, in virtue of which we ought to perceive the object that way. Relatedly, the normativity involved is not the normativity associated with veridicality or truth. The point is not that, in

perceiving the object as I do, I take my way of perceiving the object to be veridical, that is, to represent the object as being a way it in fact is. For that would be possible only if I already took myself to be perceiving the object in some particular way. A perception cannot be, or fail to be, veridical unless it is a perception of the object *as having* a certain feature. But on the suggestion I am making, one's perception counts as a perception of this kind—a perception of the object as a cube, say—only in virtue of involving this awareness of its appropriateness to the object. The claim to its own appropriateness which I am suggesting is implicit in the perception is a condition on a perception's being a candidate for veridicality: so it cannot itself be a claim that the perception is veridical.

This point is worth spelling out because we do in fact often make claims about the appropriateness of our perceptions where what we have in mind is their veridicality, and it is important to distinguish this kind of appropriateness from the one involved in my suggestion. I might for example see something as a cube and doubt my perception: perhaps I have been given reason to think that what I see is a *trompe l'oeil* picture of a cube, or that it is an irregular solid placed in a peculiar context which makes it look like a cube. In that case I may well take my perception to be inappropriate to its object; but then, if my doubts are removed, I will take it to be appropriate to its object after all. Here the appropriateness is a matter of veridicality: when, in the second stage, I take my perception to be appropriate, this is because I have been given reason to think that in representing the object as a cube I am representing it as it really is. It is important for understanding the suggestion I am making, and the notion of perceptual normativity more generally, that this is not the kind of appropriateness I am invoking. For as I have already suggested, the possibility of taking my perception to be appropriate or inappropriate in this kind of case depends on its being conceived, already, as a perception of the object *as having* some feature, in this case, the feature of being a cube. Whereas the appropriateness I have in mind does not presuppose that my way of perceiving consists in perceiving the object as a cube: rather, it is precisely in virtue of my taking my way of perceiving to be appropriate that I count as perceiving the object as a cube in the first place. Thus, even in cases where I *do* take my perception to be appropriate in the sense of being veridical, there is a different and more fundamental awareness of appropriateness which is, so to speak, built into my perception itself, and which is required if the question of the veridicality of my perception is so much as to arise.<sup>28</sup>

### III.

I now want to consider two lines of objection to the account I have proposed. The first is that it suffers from what Tyler Burge calls

“hyper-intellectualization”: it portrays perception as requiring an implausibly high degree of intellectual sophistication. My account appears to imply that, in order to have the kind of experience which can make available a relatively simple observational concept like *green* or *cube*, a subject must already be able to make judgments involving the concepts of *appropriate* and of *perception*. But it seems absurd to suppose that my capacity to perceive something as green or as a cube depends on my first having a grasp of these more esoteric concepts. Perception, at least on the face of it, is a much simpler and less demanding affair, and does not require the subject to make the kind of sophisticated judgments which my account appears to invoke.<sup>29</sup>

While I will not here try to address this objection in full, I want to make two points in response to it, one clarificatory, the other more substantive. First the clarification: the subject’s awareness of the appropriateness of her way of perceiving, on my account, is not to be understood as requiring antecedent possession of, say, the concepts *appropriate* and *perceive*. Relatedly, it does not presuppose that the subject is in a position to formulate explicit judgments in which these concepts figure. The kind of awareness I have in mind is different, in this respect, from that which is involved in the kind of case I mentioned two paragraphs ago, where the subject reflects on whether her perception is veridical given what she knows about her perceptual circumstances. In that kind of case the subject’s judgment that she is perceiving as she ought does require sophisticated intellectual skills. The subject must explicitly distinguish her perception from what it is perception of, and compare the content of her perception with other facts available to her about what she is perceiving and about the circumstances under which she is perceiving it. But this kind of reflection is not required for what I have been calling the “primitive” awareness of normativity which I take to be involved in perception itself. Such an awareness can be ascribed to a subject without the supposition that she herself is capable of articulating it in the form of an explicit judgment involving the concept of normativity.<sup>30</sup> Now it remains true that the account of perception which I am offering is still relatively demanding. In particular, I think it doubtful, although not impossible, that a non-human animal could have the awareness of a normative fit between its perception and the object it is perceiving. However—and here I come to a more substantive response to the objection—I do not think that it is implausible to ascribe this kind of awareness to children, even children in the beginning stages of language learning and concept acquisition. Even without supposing that a child already possesses the concept of normativity, we can take a child to be aware of herself as responding to things correctly or incorrectly, as getting things right or making mistakes.<sup>31</sup> And to the extent that we take a child’s responsive behaviour to reflect how she is perceiving the objects to which she responds, then the same awareness of normativity which is manifested

in her behaviour can be taken to extend to her ways of perceiving themselves.

This point can be brought out by means of an example which will be useful also when we come to the second of the two objections. Consider a child who is engaged in sorting blocks of various different shapes, putting the cubes in one pile, the pyramids in another, and so on. I think it plausible to suppose that even if this child does not yet have the concept of normativity or of appropriateness, she still can be said to be conscious of what she is doing as appropriate with respect to the blocks: when she puts a particular block with the other cubes as opposed to the pyramids, she does so with the feeling that this is where the block belongs, or that she is sorting it as she ought. If she first puts a cube with the pyramids, and then takes it back and puts it with the other cubes instead, it is natural to think of her as correcting a mistake: she takes herself to have got it wrong the first time, and to be getting it right this time. Moreover, I think it is plausible to take this awareness of normativity not just as external to her behaviour but as determining something about its character, as making a difference to the kind of behaviour that it is. Even though her sorting behaviour in a sense has the same outcome as that of an animal who has been trained to respond differentially to blocks of different shapes—that is, the cubes typically end up with the cubes and the pyramids with the pyramids—it makes sense to think of her as engaged in a different kind of activity: her behaviour is shaped, as the animal's is not, by an awareness of the normative dimension of what she is doing.<sup>32</sup> So far, of course, this is just to speak of her sorting behaviour, and not of her ways of perceiving. But given that her sorting behaviour is an immediate reflection of how she is perceiving, we can, I think, treat her ways of perceiving as parallel to her ways of sorting. If we can think of it as intrinsic to her sorting behaviour that it is carried out with an awareness of its normative dimension, then we can say the same about the ways of perceiving which are reflected in that behaviour.<sup>33</sup>

I come now to the second line of objection, which I shall consider at more length. How can we so much as make sense of a subject's taking herself to perceive as she ought, if we do not assume that she already has a grasp of how she ought to be perceiving? I have been claiming that the "primitive" awareness of normativity involved in the subject's perception of something as a cube, does not presuppose the subject's grasp of the concept *cube*. The point is not that she takes her way of perceiving to be appropriate to the object in virtue of the fact that the object is indeed a cube; rather, I have said, she takes her way of perceiving to be appropriate to its object without first having in mind any feature of the object in virtue of which that way of perceiving is appropriate. But this might seem flatly incoherent. It might be protested that there can be no such thing as taking oneself to be doing as one ought *simpliciter*: one can only take it that one is conforming to some antecedently specified rule which determines what one ought to be doing.

And in the case where what is at issue is one's way of perceiving something, it would seem that one could only grasp the rule by grasping the corresponding concept, say by grasping that one ought to be perceiving the object *as a cube*.

Here it will be useful to turn again to the example of the child sorting the blocks. When I presented that example, in connection with the first line of objection, my point was to suggest that a child can be aware of herself as responding to the blocks appropriately, or as she ought, without antecedently grasping the concept of *appropriateness* or *normativity*. I left open whether or not the child's sorting activity, with this awareness of its appropriateness to the objects being sorted, depends on a prior grasp of the concepts *cube* and *pyramid*. But I now want to suggest that it does not require a prior grasp of those concepts either. On the contrary, it is precisely by means of this kind of sorting activity that a child can come to acquire the concepts *cube* and *pyramid* in the first place. Children are often taught concepts by being given exercises where they are presented with groups of objects, or of pictures of objects, and are then asked what goes with what, or which is "the odd one out". Such objects are typically chosen so that it will come naturally to a child of the right age to sort the objects in one specific way rather than another. For example the child might be shown a box containing cubes of different colours and sizes, and a box containing pyramids of different colours and sizes, and then asked to sort a further set of blocks "into the right boxes": under these circumstances the only natural way of sorting the blocks will be by shape, as opposed to, say, colour or size. Now as I suggested earlier, a child who is engaged in such an exercise will not simply respond "blindly" to the objects: when she puts a cube with the other cubes, she will do so with the sense that this is where it ought to go. But, I want to suggest now, although her awareness of the appropriateness of her response might depend on her recognition that the block is a cube, it need not do so. And in the case where the activity is contributing to her grasp of the concept *cube*, it does not do so. The child does not first recognize that the block in her hand and the blocks in the left-hand box are both cubes, and then infer, on that basis, that the block in her hand ought to go in the left-hand box. Nor does her sense of the appropriateness of what she is doing depend on her grasp of any other rule for sorting the blocks, for example that the blocks with six square faces should go together, since the concept of, say *having six square faces* is more complex, and presumably harder to acquire, than the concept *cube*. Rather, I am suggesting, the direction of dependence goes the other way around. The child simply sees the block in such a way that she is naturally inclined to sort it with the other cubes, but where her way of seeing, and sorting, involves the consciousness that this is how she ought to be seeing, and sorting, it. And it is because it involves this consciousness, and hence is a matter of seeing the object as a cube, that it can make the concept *cube* available to her.<sup>34</sup>

The sense in which the child takes her way of perceiving to be appropriate can be spelled out further by saying that she takes it to be *exemplary* of how the object *ought* to be perceived, or, as I shall also put it, that she takes it to *exemplify a rule* for the perception of the object.<sup>35</sup> Although, as I have been emphasizing, the child's consciousness of herself as sorting or perceiving the cube appropriately does not depend on a prior grasp of a rule, it is still a case, I want to maintain, of the child's grasping a rule. But, rather than making possible the awareness of the appropriateness of her way of sorting or perceiving, the child's grasp of the rule is constituted by this awareness. Her grasp of the rule, that is, consists precisely in her consciousness that the object presented to her ought to be sorted or perceived *this way*. It consists, that is, in her taking her own way of perceiving as constituting a normative standard or exemplar for the perception of the object, one which holds good both for herself and for all others presented with the same object. In so far as she takes her way of perceiving to serve as a model or exemplar of how the object ought to be perceived by her and everyone else, she thereby comes to grasp a rule for the perception of the object, a rule whose content is specified by the demonstrative *this way*. If the child is in fact perceiving the object in a way which involves sensitivity to its being a cube—that is, if she is in fact perceiving it in the kind of way which enables her to distinguish cubes from non-cubes—then the rule which she grasps will, in fact, amount to the rule that she and everyone else ought to perceive it and sort it *as a cube*. And her grasp of this rule will in turn either itself amount to, or at least serve as a basis for,<sup>36</sup> a grasp of the concept *cube*. But, to restate the crucial point, she grasps this rule *in virtue of* her consciousness that she is perceiving the object appropriately, rather than the other way around. Relatedly, her grasp of the rule is in the first instance possible only through the example of her way of perceiving itself, picked out by demonstrative reference. A non-demonstrative specification of the rule becomes possible only once the child has come to associate words with specific ways of perceiving and can use those words to articulate relations between one way of perceiving and another. A child who has learned to discriminate both cubes and squares, for example, and who has also learned to use the words “cube” and “square” in a variety of contexts is in a position to grasp that there is a connection between cubes and squares, a connection that she may in time come to express by saying that a cube has six square faces. But her grasp of this connection depends, I am suggesting, on her more fundamental grasp of the respective ways in which cubes and squares ought to be perceived. And this in turn is a matter of her in fact perceiving them in these ways, where her perception involves the primitive consciousness that they ought so to be perceived.

I have been using the example of a child in order to highlight the possibility of this primitive consciousness of normativity, since it is in the case of concept-learning that we can see most clearly how the awareness of appropriateness in a subject's way of perceiving or sorting can make

possible, rather than be dependent on, her grasp of a rule. But it is important to note that, on the account I am proposing, this consciousness is also present in sophisticated perceivers who already possess the corresponding concepts. Someone who possesses the concept *cube* will typically take it, when she perceives a cube, that it ought to be perceived *as a cube*: and, under normal circumstances, this will amount to the judgment that it *is* a cube. But this is compatible with her also having the more primitive consciousness that it ought to be perceived *this way*. Now in the typical case these two kinds of consciousness coincide, since the rule grasped in both cases is in fact the same. But it is possible for them to come apart, in that a subject can mischaracterize her own ways of perceiving, and hence wrongly take her perception to be governed by a different rule from the one which is demonstratively picked out in her primitive awareness of how the object ought to be perceived. Imagine, for example, a normal adult who is perfectly capable of identifying cubes and of using the word “cube” correctly for all practical purposes, but who is under the misapprehension that a cube has eight faces. (We might suppose that she was told this as a child, and that it has never occurred to her to doubt it: if, however, she were to count the faces of a cube, or to reflect on the fact that the highest score in throwing a single die is six, she would soon recognize her mistake.) When shown a cube, and asked to say quickly how many faces she perceives it as having, she is likely to answer sincerely that she perceives it as having eight faces. Moreover, if she is then given the correct information that a solid with eight faces is called an octahedron, she is likely to say, and to believe, that she perceives it as an octahedron. Now this subject in fact perceives the cube in a cube-discriminating way: she has no hesitation, for example, in sorting it with other cubes as opposed to octahedra. So the rule which she grasps by virtue of her primitive awareness of the appropriateness of her way of perceiving is, or at least corresponds to, the concept *cube* rather than the concept *octahedron*. But she mistakenly believes that she perceives it, and ought to perceive it, as an octahedron. So the rule which is made available to her through her primitive awareness of normativity is different from the rule which figures in her explicit characterization of how the object ought to be perceived.

My response to this second line of objection still leaves unaddressed a fundamental worry about the coherence of the account I am proposing. This worry—in effect, a sharpening of the objection to which I have been trying to respond—is that my account leaves no room for the idea that a subject’s primitive awareness of normativity could be mistaken. If the child in the concept-acquisition example is to take herself to be sorting or perceiving a given block as she ought, then, the objection runs, she must be able to make sense of the possibility that she could fail to perceive it as she ought. But this possibility requires that there be some standard, independent of her actual way of perceiving and sorting the block, which she can either meet or fail to

meet. Now in the case of the primitive awareness of normativity, there is, on my account, no such independent standard. The only standard which the child recognizes as applicable to her way of perceiving is constituted by the example of her way of perceiving itself. And although the child can indeed recognize that she might have failed to meet that standard at some earlier time, and hence that she might now be failing to meet a different standard which will later come to be exemplified by her future way of perceiving, this is not enough to secure the possibility that she herself could, now, be failing to meet the very standard which is exemplified by her present way of sorting and perceiving. Yet, according to the objection, this is precisely what is required if we are to be able to make sense of the child's taking it, in her perception of an object, that she ought to perceive the object *this way*. For otherwise the claim implicit in this supposed consciousness of normativity lacks content. If the child cannot make sense of the possibility that she might be failing to perceive as she ought, then, it might seem, there is nothing she is ruling out in taking it that she *is* perceiving as she ought, and hence nothing which she is claiming either.<sup>37</sup>

But this objection overlooks the chance that the possibility of a mistake might lie not in the child's contravening a rule or standard applicable to her perceiving or sorting the object, but rather in her taking her perceiving or sorting to exemplify a rule or standard *überhaupt*. In other words, she can make sense of herself as mistaken, not in, say, sorting the block in the particular way in which she does sort it (for example, in putting the block with the cubes rather than the pyramids), but rather in taking herself, in so doing, to be doing what she, and anyone else, *ought* to do with the block under those circumstances. The possibility of error thus lies in the possibility that her sense of appropriateness, in this particular instance, may be illusory: not because she is sorting wrongly or inappropriately, but rather because what she is doing does not count as genuine sorting in the first place. She might, that is, be putting the blocks in boxes randomly, but with the delusional consciousness on each occasion of putting a particular block in a particular box, that this is where the block *belongs*.

The objection, and the reply, can be made clearer if we expand the picture to include two children, and ask how each can make sense of the other child as potentially mistaken. Imagine that Max and Nora are engaged together in the block-sorting exercise, and that they have agreed up until now on where each block should go. So far all the blocks have been red, yellow or blue. But now the children come to a green cube, and their inclinations diverge: Max wants to put it with the cubes and Nora wants to put it with the pyramids. Moreover, each child thinks that her choice corresponds to where the block *ought to go* and is surprised to find that the other child does not agree: Max thinks it obviously belongs with the cubes and Nora thinks it obviously belongs with the pyramids. Since it is hard for us to put ourselves in Nora's position, let us put the question by asking what attitudes Max

might take to the disagreement. Clearly, Max will think that Nora is going wrong in some way, or that there is something inappropriate in how she is responding to the cube. But what kind of mistake can he conceive of her as making? If he has already grasped the concepts *cube* and *pyramid*, then he can conceive of Nora as making a factual mistake: for whatever reason, she is mistaking a cube for a pyramid. Or, if the goal of the exercise is the acquisition of the concept *cube*, and Max is aware of this, then he can conceive of Nora as having failed to catch on to the concept *cube*, and of her response as inappropriate in so far as it fails to meet the standards for success in the exercise. But neither of these possibilities are relevant for our purposes, since they both presuppose Max's prior grasp of the concept *cube*. Now a third possibility, more relevant for our purposes, is that Max could simply take Nora to be mistaken in so far as she is failing to sort the cube *this way*. That is, in so far as he takes his own response to the cube to be appropriate, in the primitive way under discussion, he must take her divergent response to be correspondingly *inappropriate*, and in a correspondingly primitive way. And even though there is a sense in which Max's appreciation of his own sorting response as exemplary might be taken to amount to his grasp of the concept *cube*, his rejection of Nora's response does not presuppose this grasp (he is not taking it that Nora fails to see the block *as a cube*), but is rather of a piece with it: in taking his own response to be appropriate he is, *eo ipso*, rejecting alternative responses, such as Nora's, as inappropriate. But at this point it can be objected that while Max might be able to take this attitude to Nora's divergent behaviour, he cannot coherently consider the possibility that it might legitimately apply to his own. He cannot suppose, that is, that he himself might now be failing to sort the cube *this way*. So it seems that we are not after all entitled to suppose that Max can take his own way of sorting to be appropriate, and hence Nora's to be mistaken, in the way just suggested.

There is, however, a further possibility. Max might see Nora as mistaken, not in what she does or is inclined to do with the cube, but in her insistence that what she is inclined to do is *appropriate*, or that the cube *goes with* the pyramid. If he takes this attitude, he will see nothing wrong in Nora's putting the green cube with the pyramid if she feels like it: all he will take exception to is her claim that this is where the green cube *ought* to go. From Max's point of view, Nora's inclination is arbitrary, and her mistake lies in her ascription to it of normative force. It is this possibility, I want to suggest, which gives the required content to Max's claim that, for his own part, he is sorting the block appropriately. He can make sense of the possibility of himself as mistaken, in this claim, by imagining that he himself is deluded in just the same way that he takes Nora to be: that is, that he is simply following random inclinations but taking them to be indications of how the blocks *ought* to be sorted.<sup>38</sup> Even though he denies that this possibility is actualized, he can regard it as coherent, so that there is content to his claim

that he is sorting the block as he ought. Now once this idea is secured, we can allow that Max might also take the attitude to Nora's sorting behaviour that I mentioned above as the third possibility. There are now, in effect, two attitudes available to him: he can take it either that she is placing the blocks at random, and that her insistence on the appropriateness of what she is doing is deluded; or he can take it that she is indeed engaged in a genuine activity of sorting, but that she is doing so in a way which contravenes the rule exemplified by his own sorting behaviour.<sup>39</sup> But on each alternative, his attitude involves the denial that Nora's response to the cube is exemplary of how the cube ought to be sorted or, correspondingly, perceived: either because her response does not manifest a way of perceiving or sorting the object at all, or because it falls short of the standard set by his own way of sorting and perceiving the thing.

Here, however, it will be objected that Nora appears to be entitled to take exactly the same attitude to Max's response to the cube as Max takes to hers. By what criterion can Max defend his claim that *his* way of responding to the cube is appropriate, or exemplary of how the cube ought to be sorted or perceived, whereas Nora's is not? If there is no criterion, it might seem that Max must acknowledge that Nora's way of sorting is no less legitimate than his own. In so far as he takes *his own* way of sorting and perceiving to exemplify a rule, he must, it would seem, do the same with hers. In that case, it seems that Max is constrained to see Nora neither as simply placing the green cube according to a random inclination, nor as sorting it in a way which fails to accord with how (by his lights) it ought to be sorted, but rather as sorting it in accordance with a rule which is exemplified by *her own* behaviour with the cube. He must, that is, conceive of his own sorting behaviour as exemplary of one rule (a rule which he might later come to formulate as the concept *cube*), and her sorting behaviour as exemplary of a different rule (a rule which, depending on how her behaviour continues, he might come to formulate as the concept *cube which is not green*), but where there is no way of privileging one rule or way of sorting, over the other. But that is, in effect, for him to give up the claim that his own way of sorting is appropriate, or exemplifies a rule, in the first place. If he allows any way of sorting the blocks to qualify as exemplary of how they ought to be sorted, simply in virtue of the subject's taking it that this is how they ought to be sorted, then the notion of an "ought" ceases to have any application. Yet this is precisely what he must allow if he is to concede that Nora's sorting behaviour is neither arbitrary nor wrong, but rather in accordance with an alternative, and equally legitimate, standard.

Now I take it that, in imagining the divergence in sorting behaviour between Max and Nora, we will all be inclined to agree with Max that Nora's supposed sorting behaviour is either arbitrary or wrong. This, at any rate, is a natural reaction when we imagine a case like Nora's: intuitively, it seems inappropriate for the green cube to go with the pyramids, and we are

likely to agree with Max that it does not “belong” there. It is only under the influence of philosophy that we might be tempted—wrongly, I think—to interpret Nora as sorting appropriately by the standards of some grue-like rule.<sup>40</sup> So Max’s question applies to us: on what basis can we say that Nora is mistaken in taking her way of sorting the block to be appropriate? It does not seem to be enough to appeal to conventions in force in the community, or to majority opinion, or even to human nature. With regard to the first of these three options, our intuition about where the cube belongs is neither itself due to convention, nor based on our views about which conventions are operative in our community: rather, intuitions of this kind are a precondition for the institution and transmission of such conventions. With regard to the second two, neither the fact that the overwhelming majority of us are inclined to agree with Max, nor the further fact that this is almost certainly due to our common biological constitution, are sufficient to justify the normative claim that Max’s way of sorting the cube is *appropriate*. Nor can we appeal to what are, in effect, criteria for the block’s being a cube rather than a pyramid, as we might do in, say, pointing out to Nora that all the faces of the block at issue are square, whereas the pyramids have mostly triangular faces. For while this is something that we are likely to do if we are in fact confronted with a case like Nora’s, it is beside the point in the present context. Max’s disagreement with Nora is not about a matter of objective fact, about whether or not the block is a cube, or whether or not it has square faces. Rather, the disagreement is about something more fundamental, namely the appropriateness of the sorting inclinations and ways of perceiving involved in acquiring the concepts *cube* and *square* in the first place. But this brings us back to the most recent stage of the objection. If there is no objective matter of fact for Max or Nora to be mistaken about, and hence no criterion for resolving their disagreement, then how can either we, or the children, make sense of the idea that either of the competing ways of perceiving is appropriate?

Here I propose to dig in my heels. What is wrong with supposing that each child can coherently take her own way of perceiving the cube to be appropriate, and the other child’s to be inappropriate, without there being any criterion by which their disagreement can be resolved, or any objective matter of fact about which they are disagreeing? What prohibits us from allowing that Max’s claim to be sorting the object appropriately is coherent, even though he has no argument to present to Nora if she calls it into question? Now of course if we assume at the outset that the only normativity applicable in this situation is that associated with veridicality, then this kind of claim does not make sense. On that assumption, perceiving the object appropriately just is a matter of correctly representing an objective state of affairs, and if there is no objective state of affairs about which the children are disagreeing, then neither is in a position to take her way of perceiving to be appropriate. Indeed, what I have been describing as a “disagreement” is

not a genuine disagreement at all, but simply a divergence in inclinations. But the assumption is not obligatory, and if the considerations presented in the previous section are plausible, then we have reason to reject it. For these considerations suggest that if a perception is to represent an objective state of affairs in the first place—whether or not it does so correctly—it must involve a claim to appropriateness which is not itself a claim to veridicality or objective truth. And once we have recognized the distinction between a claim of this kind, and the more familiar kind of claim associated with a statement of objective fact, then it is no longer obvious that the coherence of such claims depends on the possibility of a criterion for adjudicating conflicts between them. I can allow the possibility that someone's ways of perceiving or sorting diverge from mine, and that neither of us is in a position to offer an argument that rationally compels the other to change her way of perceiving or sorting, without for all that giving up my claim that my way of perceiving or sorting is appropriate. Immodest though this claim might seem, especially in the face of an actual disagreement,<sup>41</sup> it is not incoherent. And, according to the considerations presented in the previous section, my being able to make it is a condition of my being able to make the more familiar factual claims for which there are indeed objective grounds by appeal to which disagreement can be resolved.

#### IV.

I now want to return, albeit briefly, to the idea that there is a connection between aesthetic judgment and the conditions of empirical conceptualization. For there is clearly something in common between the disagreement we just imagined, and disagreement in aesthetic judgment. In both kinds of disagreement each of the subjects is perceiving the object in a certain way and taking it that it ought to be perceived that way: each subject is taking her own perceptual response to be appropriate, and, in so doing, implicitly criticizing the response of the other subject. But, again in both kinds of disagreement, there is no criterion for resolving the disagreement, and no objective fact that the two subjects are disagreeing about. Each subject is, in a sense, demanding universal agreement for what is in effect her own subjective response to the object. This is not to deny that there are differences between the two kinds of disagreement. One difference is that, while aesthetic disagreement is relatively common, the kind of disagreement invoked in the example is almost, if not completely, unheard of. There can indeed be superficial disagreements about how to sort things, for example if the situation is of a kind which prompts competing inclinations. If all the pyramids up to now have been green and all the cubes have been blue, one could easily imagine two children having different attitudes about where the green cube ought to go. But we all share the same fundamental sorting inclinations, and in situations where there is no competition between them,

for example if the blocks to be sorted come in a variety of colours, we will all sort them the same way. There is a parallel here with the aberrant cases cited by Wittgenstein in his discussion of rule-following. Nora, with her peculiar inclination to sort the green cube with the pyramids, is like the pupil who counts by twos until she gets to 1000, and then goes on to say “1004, 1008”. Such cases can be imagined, albeit with difficulty, but they simply do not arise in practice.<sup>42</sup> The situation is of course different in the aesthetic case. While there is less divergence than often assumed—we would all rather have a view of the sea than of a brick wall, for example—aesthetic disagreement, unlike the kind of disagreement in our example, is a familiar part of life.

A second and related difference bears on the respective ways of perceiving themselves. Suppose you and I are disagreeing about a particular performance of a Mahler symphony: you express your appreciation by describing the performance as bold and forthright, I express my lack of appreciation by describing it as coarse and brutal. Each of us hears the performance differently, and in so doing takes our own way of hearing it to be appropriate. But in contrast to the ways of perceiving in our example of the children, the way of hearing is not a matter of how the performance should be sorted. It is true that we use ostensibly classificatory adjectives like “bold” or “coarse”, but the point is to convey the particular quality of the experience we take to be appropriate, rather than to categorize the performance itself as having a certain general feature. This is related to the fact that our ways of perceiving the object in the aesthetic case are evaluative. You perceive the object in a way which involves your feeling pleasure in it, or liking it: my way of perceiving it on the other hand is tied up with my lack of pleasure and, indeed, positive dislike.

But there is no reason to suppose that these differences undermine the connection I have described. The point of connection is that, in both cases, the subject makes a claim to the appropriateness of her own way of perceiving which does not amount to a claim about how things are objectively, and which cannot be defended by appeal to a criterion. And what I now want to suggest is that this connection holds because, in both cases, what the subject is invoking is the perceptual normativity which, I have been arguing, is a condition of perception’s making concepts available. The subject’s claim, in the aesthetic case, has the same structure as the claim implicit in her perception of an object as having this or that empirical feature: in both cases she is claiming, without the assumption of an antecedently specifiable standard of correctness, that the object ought to be perceived *this way*. The fact that the relevant ways of perceiving are of a different kind in each of the two cases—that in the aesthetic case, unlike the cognitive case, they have an evaluative element and do not play a classificatory role—does not exclude the possibility that the claim has the same character. Now the difference does have one consequence which might seem to weaken the connection, namely that it is not true in the aesthetic

case, as it is in the cognitive case, that one's claim to the appropriateness of one's way of perceiving is a condition of perceiving the object as having any empirical features. In other words, we do not have to be able to claim the appropriateness of our peculiarly *aesthetic* ways of perceiving in order to be in a position to acquire empirical concepts. This consequence is indeed connected with the fact that aesthetic disagreement can be a part of life in the way that the corresponding cognitive disagreement, as illustrated by Max and Nora, cannot be. If disagreement about appropriate ways of sorting and perceiving were anywhere near as prevalent as aesthetic disagreement, then we could never arrive at a common set of concepts, and communication would be impossible. However, even though our aesthetic ways of perceiving might, so to speak, "float free" of what is required for concept-acquisition, this does not mean that they cannot coherently involve a claim to their own appropriateness in just the same way as the ways of perceiving through which concepts are made available. Once it is acknowledged that our cognitive ways of perceiving involve the awareness of their own normativity, and specifically that there is nothing incoherent about the idea of such awareness, then there is nothing to prevent us invoking the same awareness in the aesthetic case in order to account for the phenomena of aesthetic disagreement and criticism.

Indeed, rather than undermining the connection, the two differences I have mentioned serve to bring out more clearly the features of the perceptual normativity I have been describing. First, this perceptual normativity tends to be obscured, in the cognitive case, by the fact that our non-evaluative ways of perceiving are fundamentally the same from one human being to another. Because we do not in fact disagree in our intuitions about how things ought to be sorted—because, given the same kind of training we all end up "going on" in the same ways—it is not immediately obvious that we think of our sorting activity, and consequently our ways of perceiving, in normative terms at all. Except in situations where we are learning a concept, the question of whether we are sorting or perceiving as we ought is one which typically does not arise. In the aesthetic case, however, our confrontation with divergent ways of perceiving leads us to recognize this normative dimension explicitly. Precisely because we find our ways of perceiving differing from those of others, we find ourselves having to make explicit our commitment to their appropriateness in a way which is not normally required in the cognitive case.

Second, this kind of normativity is typically hidden, in the cognitive case, behind the more familiar normativity associated with truth. When we perceive something in a certain way in the non-aesthetic case, we are at the same time perceiving it as having a certain objective feature: as being a cube, for example. So if the question of the appropriateness or correctness of our perception arises, we are likely in the first instance to understand it as a question of veridicality. We are likely to think that the question bears on

whether or not the object really is a cube. If it is a cube, we think, then we are perceiving it as we ought. But this obscures the more primitive awareness of normativity which is required if we are to count as perceiving the object as a cube, or as anything else, in the first place. In the aesthetic case, by contrast, our ways of perceiving do not involve our perceiving the object as having an objective feature. So the question of veridicality—of whether the feature our experience ascribes to the object is one which it in fact possesses—does not arise. When, in an aesthetic judgment, we take our way of perceiving to be appropriate to the object, the only applicable sense of appropriateness is the primitive sense which has been the focus of our discussion. The consciousness that we are perceiving as we ought, in this primitive sense, thus stands out clearly in its own right, rather than being obscured by the consciousness that our perception is appropriate in the sense of being veridical.

I have argued in this paper that there is a connection between aesthetic judgment and empirical conceptualization, and that the connection turns on the idea of a kind of normativity—perceptual normativity—which is common to both aesthetic experience and the experience through which we come to acquire empirical concepts. Appealing to this kind of normativity, I have argued, allows us to reconcile the conflict of intuitions identified by both Hume and Kant. It enables us to do justice, that is, both to the apparently subjective character of our judgments of beauty, and to their implicit demand for universal agreement. But, as noted at the outset, while I take the view I have been developing to correspond to an insight of Kant's, I have not tried to argue here that it does in fact represent Kant's view. More specifically, I have not tried to argue that it is what Kant himself has in mind when he argues for the legitimacy of aesthetic judgment by appeal to the conditions of empirical concept-acquisition.

However, I still want to note in conclusion that if it *is* what Kant has in mind, then his argument is both more straightforward and more plausible than is usually assumed. The legitimacy of aesthetic judgment presents a problem only if we assume that a demand for universal agreement must rest on an objective claim. When we raise the question of how the empirical concepts that figure in such claims are themselves possible, we come to see that this assumption is false. The possibility of empirical conceptualization relies on our perceptual responses' involving a claim to their own appropriateness, and thus a demand for universal agreement, which does not in turn depend on a claim to objective truth. So there is no reason why we should not take at face value the normativity implicit in our aesthetic judgments. It is true that the perceptual response which constitutes or underlies an aesthetic judgment does not involve the recognition of its object as having any particular objective feature. But that does not preclude the possibility of my taking it, in so responding, that everyone else ought to respond the same way.<sup>43</sup>

## Notes

1. "Of the Standard of Taste" in *Essays Moral, Political and Literary*, edited by T. H. Green and T. H. Grose (London: Longmans, Green and Co., 1898).
2. For more on this point, see my "Kant and the Subjectivity of Taste" in Herman Parret (Ed.), *Kants Ästhetik/ Kant's Aesthetics/ L'esthétique de Kant* (Berlin: Walter de Gruyter, 1998).
3. David Wiggins, who defends a modified version of Hume's view, describes it as a form of subjectivism ("A Sensible Subjectivism", in *Needs, Values, Truth* [Oxford: Blackwell, 1987]. A similar view is held by John McDowell, for whom aesthetic properties and colours also count as subjective, although in a sense which does not exclude their being genuinely "there to be experienced" ("Values and Secondary Qualities", reprinted in *Mind, Value, and Reality* [Cambridge, Mass.: Harvard University Press, 1998] p.136) or "part of the fabric of the world" ("Aesthetic Value, Objectivity and the Fabric of the World" reprinted in *ibid.*, p.115). But it is important to note that, at least in the context of his aesthetic theory, primary and secondary qualities alike count for Kant as objective features of things, so that Hume's assimilation of judgments of beauty to judgments of colour amounts to adopting the view that they are objective. Kant himself, by contrast, takes judgments of beauty to be subjective in a stronger sense than that invoked by Wiggins and McDowell, namely in a sense which distinguishes them from judgments of colour. I discuss this issue further in "Kant and the Subjectivity of Taste".
4. *Critique of Judgment*, Section IV of the Introduction (*Akademie* edition, 5:179). See also Section V of the First Introduction (20:211–213); here Kant makes especially clear that reflective judgment is responsible for the acquisition of empirical concepts.
5. For discussion of some of the more familiar difficulties, see Henry Allison (2001) *Kant's Theory of Taste* (Cambridge: Cambridge University Press, 2001) pp.179–192.
6. I have defended the corresponding interpretation of Kant elsewhere: see in particular "Lawfulness without a law", *Philosophical Topics* 25 (1) (1997): pp.37–81, and "Thinking the Particular as Contained under the Universal" in *Aesthetics and Cognition in Kant's Critical Philosophy*, Rebecca Kukla (Ed.), (Cambridge: Cambridge University Press, 2006).
7. I describe the problem in more detail, and in historical context, in "Thinking the Particular as Contained Under the Universal" (cited in previous note).
8. See Lecture III of *Mind and World* (Cambridge, Mass.: Harvard University Press, 1994), part II of the Afterword to *Mind and World*, and the reply to Peacocke on pp.414–419 of "Reply to Commentators" *Philosophy and Phenomenological Research* 58 (1998), pp.403–431.
9. "Does perception have a nonconceptual content?" *Journal of Philosophy* 98 (2001), pp.239–264. The passage quoted is on p.252; subsequent page references to Peacocke in the text are to this article.
10. I focus here on Peacocke's treatment in "Does perception have a nonconceptual content," with some reference to the closely related discussion in "Nonconceptual content defended" *Philosophy and Phenomenological Research* 58 (1998): pp.381–388. The account Peacocke offers in chapter three of *A Study of Concepts* (Cambridge, Mass.: MIT Press, 1992), is in some ways similar, but it lays less emphasis on the notion of a "way of being perceived" and draws instead on the notions of "scenario content" and (especially) "protopositional content".
11. See the example at the top of p.254.
12. For example, Peacocke says that the difference in two perceivers' thoughts about a shape "need not prevent them from seeing it in exactly the same way" (p.245), that the fact that the same shape is perceived "need not ensure that... two subjects perceive it the same way"

- ("Nonconceptual content defended" p.382), and that we can be given empirical evidence that a creature has "seen [a] shape in one way rather than the other" (*ibid.*, p.384).
13. This assumption will be revisited at the end of the section.
  14. Peacocke's fullest discussion of this example is in *A Study of Concepts*, pp.75–77, although there he treats the example as indicating the need to supplement one type of nonconceptual representational content ("scenario content") with a further type of such content ("protopositional content").
  15. This example is discussed in more detail in *A Study of Concepts*, p.82, again as an example of the need to invoke protopositional content. The same example also figures in *Sense and Content* (Oxford: Oxford University Press, 1983), 25n.27, but there Peacocke treats the different ways of perceiving the interval as corresponding not to a difference in the representational content of the experience, but rather to its "sensational" properties.
  16. The example, and Peacocke's explanation of it, can be made more intuitively accessible by focussing on the different ways in which the dissonance between the C and the F-sharp can resolve. It can either resolve "outward", so that the lower note moves down to B and the upper note up to G (in which case the upper note is functioning as the seventh degree of a G major scale), or it can resolve "inward", so that the lower note moves up to D-flat and the upper note moves down to F (in which case the upper note is functioning as the fourth degree of a D-flat major scale). There is a natural sense in which the interval "sounds different" or "is heard differently" depending on which resolution is anticipated in light of the harmonic context. I am grateful to George Nicholson for help in understanding the example.
  17. Peacocke is not explicit on this last point, but it is implied by his reference, in the parallel example immediately following, to "the way the tone sounds to you" (p.240).
  18. Peacocke himself does not describe the example, in this passage, as one where the figure is perceived "as a regular diamond", but rather as one where the figure's "symmetry about the bisectors of its opposite angles is perceived" (p.254). But his discussion of the example elsewhere makes clear that the two descriptions are meant to apply to the same experience (pp.240–241; see "Nonconceptual Content Defended," p.381 and *A Study of Concepts*, p.76).
  19. The generality of the notion of a "way of perceiving" is suggested, in passing, by Peacocke's example of two perceivers who see a rectangle "in exactly the same way" even though one thinks of it as *that rectangle* and the other thinks of it as *that straight-sided figure* (p.245). Here the point is that a subject's way of perceiving something is compatible with different thoughts she might have about it; there is no issue here of the thing's being perceived in two different ways.
  20. I am not claiming that situations meeting these descriptions are invariably associated with the ways of perceiving which they help to individuate: the blackboard might itself be mounted in the "diamond" orientation with respect to the wall, or other figures drawn in the vicinity might interfere with the way that the square is perceived (see the illustrations, due to Stephen Palmer, in *A Study of Concepts*, p.76). But I do not think that this undermines the possibility of characterizing the distinction in the way suggested. All that is needed is that we are able to provide descriptions which are usually associated with one way of perceiving rather than the other.
  21. A negative answer is suggested by a remark Peacocke himself makes in connection with the square-diamond example: "one can envisage sorting experiments, or forced-choice tests sensitive to perceived similarity relations, which give empirical evidence that [a] creature has seen the shape one way rather than the other" ("Nonconceptual content defended", p.384). If sorting experiments can give evidence that a creature has perceived something in one way rather than another, then it would seem that we can individuate ways of perceiving in terms of different responsive dispositions.

22. This point is supported by Peacocke's own remark in *Sense and Content* that an experience "can hardly present the world as being [a given] way if the subject is incapable of appreciating what that way is" and hence that "only those with the concept of a sphere can have an experience as of a sphere in front of them" (p.7). While Peacocke himself might no longer endorse this remark, it is, on the face of it, plausible. If a way in which something is perceived is construed as a way it is perceived as being, then it is not at all obvious that something can be perceived in a certain way without the person's "appreciating what that way is" and hence having the corresponding concept.
23. A related point is made by McDowell when he says that the construction "it looks that way" belongs with "it looks red": "ways things can look... are ways things can be thought to be and ways things can be" ("Reply to Commentators" p.418). While I agree with McDowell that, in the reason-giving context, the "way" referred to is a way a thing can be, I think that there are also contexts in which a thing's "looking a certain way" or "looking that way" can be understood as correlative with the first of the two notions I have been distinguishing. Thus, just as we might say that a subject who does not have the concepts of square and of regular diamond still perceives a regular quadrilateral in one way rather than another, we might also say that the figure "looks a certain way to her" without any implication of its looking *to be* or *as if it is* any particular way.
24. The terms "consciousness" and "awareness" are potentially misleading here, because they have a certain factive connotation which is at odds with the proposal I am making. To say that one is conscious of x's being F usually implies not only that one takes x to be F, but that that, as a matter of objective fact, x really is F. But, as will become clear in the next section, I want to understand this consciousness of appropriateness in such a way that it can legitimately be regarded as mistaken. The connotation is avoided if one formulates the point simply in terms of "taking": each of a subject's ways of perceiving, we could say, involves her taking that very way of perceiving to be appropriate. It is also avoided if we use the term "feeling" instead of "consciousness" or "awareness". However the first formulation is unwieldy, and the second might also be misleading in so far as it suggests affinities with bodily sensation or with emotional affect which are not part of the view being proposed. So I shall continue to use the terms "consciousness" and "awareness", but with the qualifier that they should not be factively understood. I am grateful to Wayne Martin for raising this issue.
25. This suggestion has some affinity with a proposal about the perception of value which is made by both McDowell and Wiggins. According to McDowell, a value, for example a virtue, "is conceived to be not merely such as to elicit the appropriate 'attitude' (as a colour is merely such as to cause the appropriate experiences) but rather such as to *merit* it" ("Values and Secondary Qualities" p.143). In a similar move, Wiggins proposes a view on which "x is good/right/beautiful if and only if x is such as to make a certain sentiment of approbation *appropriate*" ("A Sensible Subjectivism" p.187). The present suggestion differs from that proposal in a number of respects, of which I mention two. First, it applies to perception quite generally, including colour perception: when I have an experience of something as red, I experience it not only as causing that very experience, but also as making that experience appropriate. Second, and relatedly, the notion of appropriateness I am invoking is "thinner" or more general than that which Wiggins and McDowell have in mind, in that it lacks any specifically evaluative (moral or aesthetic) connotation.
26. In "Empirical concepts and the content of experience" (*European Journal of Philosophy*, forthcoming) I argue that an experience of this kind is not only a case of experiencing an object as F, but also counts as having conceptual content, and specifically content in which the concept F itself figures. On the view presented there, experience "makes concepts available" by being itself conceptual, but conceptual in a way which does not presuppose the antecedent possession of the concepts which it involves. Granted that our

perceptual experience involves the awareness of its own appropriateness with respect to the object experienced, we come to possess the concept F—albeit in a relatively undemanding sense of concept-possession—simply by becoming perceptually sensitive to the presence of Fs. The question of how empirical concepts can be acquired is thus answered by showing, not that experience has nonconceptual content from which concepts can be derived, but rather that the content of an experience can be conceptual without the perceiver’s having to possess the corresponding concepts prior to having the experience. While I believe that this view is correct, the argument of the present paper does not depend on it, and I have tried to state the argument in a way which is neutral with respect to it, and more generally with respect to the debate about whether experience has nonconceptual content. My point in this paper is that perceptual normativity is required if we are to have the kind of perception in which objects are perceived as F, where that in turn is understood as the kind of perception which can stand in a rational relation to the application of the concept F. It can be left open, for the purposes of making that point, whether the perception of something as F can be equated, further, with the perceiver’s bringing the thing under the concept F, and correspondingly, whether the perception stands in a rational relation to applications of the concept F just by being itself an application of the concept F.

27. See for example “Lawfulness without a law”, pp.62–64.
28. In addition to the normativity associated with veridicality, there are other kinds of normativity from which the normativity at issue needs to be distinguished. For example, one could conceive of situations in which a certain way of perceiving was either prudentially or morally appropriate: one might suppose, say, that certain situations (danger to oneself, another person’s needs) ought to be perceived in such a way as to prompt a certain response (evasive action, an offer of help). Or, to take a quite different example, one might take one’s perception of an object to fail to be appropriate in so far as one perceived the object in a blurry, or otherwise distorted, way. That is, one might take it to fall short of the normative standards determining what counts as good vision. While the appropriateness in this last example might be assimilated to that of veridicality (to adapt an example of Anscombe’s, the print in front of one represented not as it really is, but rather as blurred), this is a controversial point which need not be decided here. The relevant point here is that this kind of appropriateness is different from the one I have in mind in speaking of the subject as taking herself to perceive as she ought.
29. For the term “hyper-intellectualization” see “Perceptual Entitlement” (*Philosophy and Phenomenological Research*, (2003) Vol 67(3), pp.503–548.). An objection along the lines described here is raised by Burge against John Searle’s view that, in having a visual experience, one represents that very experience as caused by the object one is experiencing (see Burge, “Vision and Intentional Content” in R. van Kulick and E. Lepore, (Eds.), *John Searle and his Critics* [Oxford: Blackwell, 1991]). My view is like Searle’s in ascribing a self-referential character to a subject’s perceptual states, and this makes it vulnerable, on the face of it, to the same line of criticism. I am grateful to John MacFarlane for drawing my attention to this similarity.
30. It might be objected that this line of response is undermined by the criticism of Peacocke which I offered in section I. I argued there that Peacocke is not entitled to help himself to the idea that a subject who lacks the concept *square*, or the concept *green*, is in a position to see something *as square*, or *as green*. But now I seem to be helping myself to the apparently parallel idea that a subject who lacks the concept of normativity or appropriateness can nonetheless be aware of her perception *as appropriate* to its object. There is, however, a disanalogy between the two cases in that the concept of normativity, unlike the concepts *green* or *square*, does not correspond to an objective feature of things. This means that there is nothing, in the case of normativity, which corresponds to

what I called “mere perceptual sensitivity” to the presence of a feature. While we can have an experience which is sensitive to something’s being green without that property figuring in the intentional content of that experience, the same is not true in the case of something’s being, or making something, appropriate. This is relevant because, if it is granted that we can have a sense of the appropriateness of our perception to its object, this can *only* be a sense of it *as* appropriate: that is, it cannot be an experience that is merely externally correlated with the presence of appropriateness. So we do not face the worry which I identified for Peacocke’s supposition that a subject can have the awareness of something as green without having the concept green: namely that this supposed awareness amounts to no more than perceptual sensitivity to the presence of greenness. The phenomenological distinction between the kind of awareness which registers a normative dimension to a thing or activity, and the kind of awareness which does not, is sufficient to license the claim that in one case we are aware of the thing *as* being (or not being) as it ought to be, whereas in the other we are not. This still leaves the question of how the awareness of a normative fit between perception and object is possible without the antecedent possession of the concepts *perception* and *object*. But it is not clear that one needs to be aware of one’s perception *as* a perception, or of the object *as* an object, to be aware of a normative fit between one’s perception and the object. So even assuming that the concepts *perception* and *object* correspond, like *green* and unlike *normativity*, to objective features of things, there still need be no problem in supposing that we could have the kind of awareness of normativity under discussion without antecedently possessing those concepts.

31. I mean to leave open whether or not the child might count as possessing the concept of normativity, albeit in a minimal sense, precisely *in virtue* of having this kind of awareness. (See note 26.) My point here is only to make clear that the child need not *already* have a grasp of the concept in order to have the awareness.
32. This point is related to Richard Moran’s suggestion that a person’s consciousness of an activity makes a difference to the kind of activity it is: “sleepwalking, walking normally and unreflectively, and walking with conscious deliberateness are all distinct kinds of activity... in this last case, the person’s consciousness of his activity... infuses and informs it, making a describable difference in the kind of activity it is” (*Authority and Estrangement* (Princeton: Princeton University Press, 2001), p.31. The contrast I make with animals is for purposes of exposition. While, as already noted, I doubt that animal behaviour involves awareness of a normative dimension, I am not committed to ruling out that possibility altogether.
33. The parallel on which I am relying here needs more clarification. I have been assuming in this paper that “ways of perceiving” at least in the cognitive case, can be individuated in terms of a subject’s differential responsive dispositions or (equivalently) her sorting behaviour. On the view I have been presenting, a subject’s sorting behaviour is simply the public manifestation of her ways of perceiving. But there are cases in which ways of perceiving and ways of sorting seem to come apart. For example, as Sarah Moss has suggested to me, a person who is systematically subjected to nonstandard lighting condition would seem, at least on the face of it, to see things differently from the way that they are seen by a person under normal conditions. Yet she might nonetheless become competent at sorting things according to colour, so that her ways of sorting are no different from those of a person under normal conditions. A second kind of example, pointed out to me by Sean Kelsey, is that of mistakes in sorting which are not due to a person’s ways of perceiving: the person’s hand might slip, say, or she might get confused about which pile was which. And a third example is presented in the final section of this paper, in which I invoke aesthetic “ways of perceiving” which are not tied to sorting behaviour. These cases present potential difficulties for my view which I will not try to address here.

34. It might be suggested that the child is able to acquire the concept because she sees the block in her hand as similar to the blocks in the left-hand box. But the notion of similarity is subject to notorious difficulties. Moreover, it is not clear whether it is any less problematic to suppose that she sees one block *as similar* to the others, than it is to suppose that she sees it *as a cube*.
35. I discuss this notion, using a slightly different terminology, in section III of “Lawfulness without a law”.
36. The choice here depends on how stringent one’s criteria are for concept-possession, and in particular whether one takes seeing something as F to amount to the application of the concept F to it. See note 26.
37. This objection has been put to me by a number of people in connection with this, and previous, papers; I am grateful to Quassim Cassam and to Jim Conant for their especially clear formulations of it. The response I give here is an expansion of a response sketched in “Thinking the Particular Under the Universal”.
38. Compare the case Wittgenstein describes in *Philosophical Investigations* §237, where a man follows a line with one point of a pair of compasses, adjusting the other point to demarcate various distances from the line, with every appearance of attentive rule-following behaviour, but where the sequences of distances demarcated shows no discernible regularity. It is natural to think of the man as moving the compass point under the influence of arbitrary compulsions, while suffering from the delusion that each time he opens or closes the compasses he is responding appropriately to the corresponding point of the line. I am suggesting that Max can imagine himself as being in this kind of situation with respect to the blocks. It might be objected here that this suggestion falls foul of the “private language” considerations raised by Wittgenstein: how can Max so much as make sense of the distinction between his responding in an arbitrary way to the blocks, and his engaging in genuinely rule-governed behaviour with respect to them? But it is important to note that Max’s situation is not like that of the private linguist, in that both the objects to which he is responding and the responses themselves are publicly observable. Max can draw on the thought that another person might take his responses to be arbitrary, just as he himself takes Nora’s responses to be arbitrary, and this allows him to make sense of the distinction.
39. Since I have been developing this example in connection with sorting only, and without reference to ways of perceiving, one might wonder how the first of these alternatives applies in the case of perceiving. If Max takes Nora to be placing the blocks at random, and so not genuinely sorting them at all, it would seem to follow that, to the extent that he is capable of forming an attitude towards how she is perceiving the blocks, he does not take her to be genuinely perceiving them either. And that seems implausible. The answer, I think, is that while he must take her to be perceiving the blocks in some sense, since otherwise she could not reach for them, point to them, and so on, he does not take her to be perceiving them *in any particular way*. Or at any rate, he does not take her behaviour with the blocks to reveal any particular way in which she is perceiving them.
40. There are indeed circumstances where this interpretation might be legitimate. For example we might suppose that Nora and Max are playing a game which involves their making up rules for sorting the blocks, and then taking it in turns to guess which rule the other is following. But I am supposing, in presenting the example, that no such special circumstances obtain.
41. Although, as I suggest below, such disagreements do not, in fact, arise.
42. Barry Stroud argues persuasively, in “Wittgenstein and Logical Necessity” (reprinted in *Meaning, Understanding and Practice* [Oxford: Oxford University Press, 2000]), that, once we try to flesh out the details, such cases cannot even be imagined.
43. Earlier versions of this paper were presented at the 2004 Warren Quinn Memorial Conference at UCLA, at the University of Potsdam, and at the Humboldt University in

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